



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd Floor – CONFERENCE ROOM

THURSDAY, MAY 17, 2012

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 17, 2012.
2. Receive presentation on second quarter financial results for Fiscal Year 2012.
3. Discuss amending Chapter 27 “Storm Water Management” of the Code of Ordinance by creating Article II, “Post Construction” as required by Texas Commission on Environmental Quality.

5:00 P.M.

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX**

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC APPEARANCE

3. Receive comments from [Lott Hughes](#) regarding the installation of speed tables on Starlight and Orion Drive in the Windmills Farms Subdivision.

III. PUBLIC COMMENTS

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

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. Recognize Keep Temple Beautiful for their support in [Project ReDirectory](#).
5. Recognize the students and staff of [Cater Elementary for their work in Project ReDirectory 2012](#).
6. Receive presentation for [Virtual City](#) from Temple ISD GATE Program.

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.

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

Minutes

- (A) [May 3, 2012, Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (B) [2012-6608-R](#): Consider adopting a resolution authorizing a one year renewal lease agreement with the Texas Forest Service for lease of space in the Public Services Building.
- (C) [2012-6609-R](#): Consider adopting a resolution authorizing the purchase of exercise equipment for the Summit Family Fitness Center utilizing a BuyBoard Contract with Marathon Fitness of Sugar Land in the amount of \$30,347.54.
- (D) [2012-6610-R](#): Consider adopting a resolution authorizing a contract with Energy Solutions of Texas of Belton for the installation of lighting upgrades at seven City facilities in the amount of \$111,998.
- (E) [2012-6611-R](#): Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc of Belton to replace three High Service Pumps at the Water Treatment Plant in an amount not to exceed \$714,400.
- (F) [2012-6612-R](#): Consider adopting a resolution authorizing an extension of a contract through September 30, 2013, with Siemens Industries, Inc. (formerly Siemens Water Technologies Corporation) of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 57¢ per wet pound and in an estimated annual amount of \$200,000.
- (G) [2012-6613-R](#): Consider adopting a resolution authorizing an Interlocal Service Agreement renewal with the Texas Department of Information Resources to provide communication services for criminal justice technology systems for the Temple Police Department.
- (H) [2012-6614-R](#): Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County establishing the rights, duties, administration and division of funds received under the 2012 Edward Byrne Memorial Justice Assistance Grant program Award.
- (I) [2012-6615-R](#): Consider adopting a resolution ratifying the submission of an application to the Texas Commission on Environmental Quality's Clean Transportation Triangle grant program for construction of a CNG fueling station.

- (J) [2012-6616-R](#): Consider adopting a resolution amending an employment agreement with David Blackburn.

Ordinances – Second & Final Reading

- (K) [2012-4533](#): SECOND READING - A-FY-12-06: Consider adopting an ordinance abandoning 0.067 acres of a 15-foot wide public utility easement along the rear property lines of Lots 2 and 1, Block 1, Westfield Development Phase VII, more commonly known as 207 and 219 Westfield Boulevard.

Misc.

- (L) [2012-6617-R](#): Consider adopting a resolution confirming the appointment of Kayla Landeros as a Deputy City Attorney and setting compensation for the position.
- (M) [2012-6618-R](#): Consider adopting a resolution allocating funding for the Bell County Expo Center's Public Service Agency Fund request for Fiscal Year 2012 in the amount of \$14,583.
- (N) [2012-6619-R](#): Consider adopting a resolution denying Atmos Mid-Tex's proposed rate increase pending further settlement discussions and to prevent Atmos' proposed rate increase from automatically taking effect on June 11, 2012.
- (O) [2012-6620-R](#): Consider adopting a resolution approving second quarter financial results for Fiscal Year 2012.
- (P) [2012-6621-R](#): Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

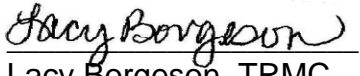
VI. REGULAR AGENDA

ORDINANCES –SECOND & FINAL READING

8. [2012-4532](#): SECOND READING - Z-FY-12-04: Consider adopting an ordinance amending Article 6 of the City of Temple Unified Development Code establishing a 1st and 3rd Street Overlay, add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay.

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 9:15 PM, on May 14, 2012.


Lacy Borgeson, TRMC
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

05/17/12
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from Lott Hughes regarding the installation of speed tables on Starlight and Orion Drive in the Windmills Farms Subdivision.

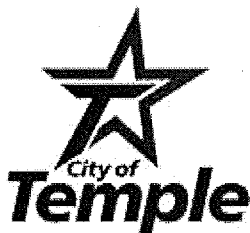
STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Lott Hughes filed a Request for Placement on the City Council Agenda, please see attached form.

FISCAL IMPACT: None

ATTACHMENTS:

[Requests for Placement on Agenda](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

___Priority

NAME OF PRESENTER: Lott Hughes

ADDRESS: 920 Sugar Brook Dr, Temple TX 76502

TELEPHONE NO. 254-231-9865

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) May 17, 2012

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) Speed tables on Starlight

and Orion DR. in Windmils Farm subdivision. I would like to pleade
my case to slow or terminate the install of the speed tables and
send out for another vote since the subdivision is now 98% full.

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

[Signature]
SIGNATURE OF PRESENTER

5/6/12
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

05/17/12
Item #4
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Recognize Keep Temple Beautiful for their support in Project ReDirectory.

STAFF RECOMMENDATION: Present proclamation as presented in item descriptions.

ITEM SUMMARY: This recognition was requested by Tanya Gray, Executive Director, Keep Temple Beautiful.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

05/17/12
Item #5
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Recognize the students and staff of Cater Elementary for their work in Project ReDirectory 2012.

STAFF RECOMMENDATION: Present proclamation as presented in item descriptions.

ITEM SUMMARY: This recognition was requested by Tanya Gray, Executive Director, Keep Temple Beautiful.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

05/17/12
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive presentation for Virtual City from Temple ISD GATE Program.

STAFF RECOMMENDATION: Received presentation as presented in item description.

ITEM SUMMARY: Students in the Gifted and Talented Program designed a virtual city and have requested to present it the City Council.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

05/17/12
Item #7(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 3, 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:

May 3, 2012 Special Called and Regular Meeting

TEMPLE CITY COUNCIL

MAY 3, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 3, 2012 at 1:30 pm, at the Municipal Building, 2 North Main Street, in the 2nd Floor - Council Chambers.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 3, 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

1. **Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 3, 2012.**
2. **Receive presentations from the following public service agencies regarding their activities and funding requests for FY 2012-2013:**

**Bell County Expo Center
Bell County Public Health District
Cultural Activities Center
Hill Country Transit District
Hillcrest Cemetery
Keep Temple Beautiful
Railroad & Heritage Museum
Ralph Wilson Your Clubs of Temple, Inc.
Ronald McDonald House of Temple
Temple Business Incubator
Temple Civic Theatre
Temple College Foundation
Temple HELP Center**

Mr. Blackburn reviewed the public service agency funding process and sources as well as the level of requests for FY 2012 and FY 2013. The City received \$762,112 in requests from 16 PSAs in FY 2012 and funded 13 at \$589,252. For FY 2013, the City has received 18 requests from PSAs in the amount \$813,621.

Representatives from these agencies made presentations to the City Council. Each discussed the programs and services currently being

provided, as well as there funding requests for 2013 and the proposed use of those funds.

Bell County Expo Center

Bell County Public Health District

Cultural Activities Center

Hill Country Tranist District

Hillcrest Cemetery

Keep Temple Beautiful

At this time approximately, 3:05 p.m. Mayor Jones adjourned the meeting for a short recess.

Mayor Jones reconvened the meeting of the City Council at approximately 3:15 p.m.

Railroad & Heritage Museum

Ralph Wilson Youth Clubs of Temple, Inc.

Ronald McDonald House of Temple

Temple Business Incubator

Temple Civic Theatre

Temple College Foundation

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 3, 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

Captain Frankco Higdon voiced the Invocation.

2. Pledge of Allegiance

Willie Capps with the Temple Elks Lodge led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Ms. Hazel Mathis - 1001 South 18th Street addressed the Council in regards to the noise from the trains. She stated it continues to get worse. Ms. Mathis also spoke about receiving a letter from the City regarding her lawn not being cut. Ms. Mathis wants the City to clean up the area of 18th Street.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Motorcycle Safety Month May, 2012

Mayor Jones presented the proclamation to Billy Miller.

(B) Youth Week, Temple Elks Lodge May 1-7, 2012

Mayor Jones presented the proclamation to Willie Capps.

(C) National Salvation Army Week May 14- 20, 2012

Mayor Jones presented the proclamation to Captain Frankco Higdon.

IV. CONSENT AGENDA

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

(A) April 19, 2012, Special Called and Regular Meeting

(B) 2012-6600-R: Consider adopting a resolution authorizing a construction contract with Temple Lawn & Landscape, LLC of Temple for the installation of an irrigation system along Blackland Road in the amount of \$33,400.

(C) 2012-6601-R: Consider adopting a resolution authorizing a term contract with Bank of America Merrill Lynch for bank depository services.

(D) 2012-6602:-R: Consider adopting a resolution authorizing the

City Manager to enter into an agreement with the Texas Lobby Group for legislative lobbying services through September 30, 2013.

(E) 2012-4530: SECOND READING - Z-FY-12-33: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for Spare Time Entertainment, on Lot 5, Block 1, Friendship Plaza, located at 5434 205 Loop.

(F) 2012-4531: SECOND READING: Consider adopting an ordinance amending Chapter 24, "Noise," of the Code of Ordinances of the City of Temple, Texas by repealing Section 24-5, "Building Operations."

(G) 2012-6603-R: Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2012 Junior Fire Cadet Program in the amount of \$24,612.

(H) 2012-6604-R: Consider adopting a resolution authorizing renaming the Doctors Park to Dr. Jose Rodarte and Dr. Jesse Ibarra, Jr. Doctor's Park.

(I) 2012-6605-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

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

V. REGULAR AGENDA

ORDINANCES

- 5. 2012-4532: FIRST READING - PUBLIC HEARING - Z-FY-12-04: Consider adopting an ordinance amending Article 6 of the City of Temple Unified Development Code establishing a 1st and 3rd Street Overlay, add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay.**

Kim Foutz, Assistant City Manager presented this item to the Council. Ms. Foutz briefly described what an overlay district is. This ordinance will focus on the enhanced public streets and sidewalks. Ms. Foutz added that this ordinance was initiated by both KTB and citizens and City Council through the

Comprehensive Plan. The area will retain its underlying existing zoning. The Comprehensive Plans supports this effort to enhance our entryways. The SIZ Corridor is the entryway to several major facilities to include Downtown, TMED and the Mayborn Center. There are three distinct zones; 1st Street at Avenue M to Avenue C, 3rd Street at Houston to Munroe, and 3rd Street at Nugent to Mayborn Center.

Ms. Foutz reviewed the residential and non-residential standards, categories and applicability triggers. For residential this will only apply to new construction and for non-residential it is a cumulative investment within a 15 year period and based on Bell County Assessed Value of improvements. Ms. Foutz reviewed the three distinct public frontage standards of each area. Monroe to Mayborn there is a requirement for an 8' sidewalk (plain) and 4'+ landscape strip with trees. Houston to Munroe the requirement is a 5' sidewalk and an 8' landscape strip and for Avenue M to Bridge (Avenue D) the requirement is for an 8' sidewalk with concrete band and pavers with a 4' planting bed with street trees, shrubs and river rock.

Ms. Foutz reviewed some of the concerns voiced by businesses and residents in the area. One concern was if the SIZ grant program would still available for those that wish to apply. Yes, the SIZ Grant is funded and available. Parking was an issue for some; and the city will try to make sure that adequate parking is available to businesses. Ms. Foutz stated there was a request to delay for 2-4 years to see if SIZ program will work in place of the overlay district ordinance.

Approximately 700 notices were mailed out to the surrounding area. Planning and Zoning heard this case on April 16, 2012, and recommended approval 9/0 with the recommended map exclusions staff proposed.

Councilmember Dunn inquired on the sidewalk Munroe to Mayborn and noted that he didn't think there would be enough room for the required landscaping along that stretch. How would that be approached?

Ms. Foutz stated that if it's not possible, then there will be an exception process.

Councilmember Dunn asked how the property owners will know which pavers to use?

Ms. Foutz replied, there are standards with those material noted. We could also consider allowing for grants to pay for the

standard in that section, due to the extra expense.

Councilmember Dunn noted that he had been approached by some in the community with concerns for the signage and the ability to see around them when approaching an intersection.

Ms. Foutz stated there are standards, which includes a visibility triangle for placement of signs.

Mayor Pro Tem Schneider asked about matching pavers as they age over time and need to be replaced.

Ms. Foutz stated that fading will be experienced and staff is currently working on this issue.

Mayor Pro Tem Schneider inquired interior renovations only to a commercial building that exceeds 25% of the value.

Ms. Foutz replied, this is different than I-35 Overlay. Any interior renovations regardless of the increase in value, none of the standards apply.

Councilmember Dunn, inquired on the variance process?

Ms. Foutz replied this is similar to the I-35 process.

Councilmember Cloud stated he was concerned with why we were only placing pavers on one side of the roadway.

Councilmember Dunn asked if there would be opportunities to seek other grants that would allow the City to put the pavers in and not burden the property owners.

Ms. Foutz stated she was not aware of any at this time.

Mr. Blackburn stated that other than restricted funds from CDBG and Safe Routes to School, there aren't too many programs for sidewalks. Through our SIZ program sidewalks are eligible.

Mayor Pro Tem Schneider asked if the plans for west side of the roadway had already been drawn and could they be changed.

Ms. Foutz replied yes and would have to ask project manager for ability to change.

Ms. Reynolds stated there is a deduct for stamped stained concrete but it's not recommended by the engineer.

Councilmember Dunn inquired on accessibility for wheel chairs on the pavers.

Ms. Foutz stated there should not any issues.

Councilmember Morales wanted to make sure that parking issues were addressed.

Ms. Foutz stated there is more room to the northern section and the southern section is encroaching on state right of ways and we will work with each situation as we are informed. Ms. Foutz added that none of the standards apply unless there is a significant renovation that triggers the standards.

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item.

Mr. Scott Andrews, 319 South 1st Street stated this is going to achieve the opposite of the intention. This will not allow renovations to be made to the properties by the owners. This is the wrong area of Temple to implement this ordinance. We all want to work with the City on this, but this is the wrong way. Mr. Andrews stated that pavers will not be any better than the current sidewalk which are almost impassable. We need to put in more concrete not pavers, this is just not practical for wheeled vehicles. Let's be consistent with the material used in the area. Mr. Andrew stated he is opposed to the overlay; but if it is approved let's make the standard and materials practical for property owners.

Councilmember Dunn asked Mr. Andrews if his business was within the overlay district.

Mr. Andrews stated no, the area of his business was removed.

Kristi Andrews, 319 South 1st Street asked for clarification on interior renovations. That any work done on the interior would not trigger the standards?

Ms. Foutz stated that is correct.

Mrs. Andres stated that was not clarified at PZ Meeting. Mrs. Andrews also had concerns with minimal landscaping areas since many buildings set on lot lines. Ms. Andrews suggests that the regulations will be triggered only with new construction. The SIZ program is good but we need to use the SIZ program to match funds to make required improvements.

Mayor Pro Tem Schneider why change material to pavers in this area?

Ms. Foutz stated that is to create a different feel or characters for each distinct area.

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

Mayor Jones stated this is a long term project and hopes for more discussion within the area. We can only encourage improvement. When the opportunity arises for the City to change the appearance and make improvements in this area, we will.

Councilmember Dunn stated we talk South 1st a lot and North 3rd is a big part of this as well. We need improved sidewalks and streets. This overlay district gets us closer to that vision. Councilmember Dunn stated this is a good time for us to do accomplish that.

Councilmember Morales added we have to start somewhere and this is good time to begin.

Councilmember Dunn asked that the second reading of this item be on regular agenda for discussion.

Motion by Councilmember Danny Dunn adopt ordinance, with second and final reading set for May 17, 2012. seconded by Mayor Pro Tem Russell Schneider.

6. 2012-4533: FIRST READING - PUBLIC HEARING - A-FY-12-06: Consider adopting an ordinance abandoning 0.067 acres of a 15-foot wide public utility easement along the rear property lines of Lots 2 and 1, Block 1, Westfield Development Phase VII, more commonly known as 207 and 219 Westfield Boulevard.

Kim Foutz, Assistant City Manager presented this case to the Council. Ms. Foutz stated this is for an easement abandonment of .06 acres. This easement is off of Honeysuckle Drive, near the Westfield Subdivision. Currently this easement is used for private purposes. If the easement is abandoned, there will be a private easement placed on top in order for the adjacent property owner at 219 Westfield Blvd. to secure his utilities. Ms. Foutz stated that notices were sent out to all utility providers and no objections were received. Staff recommends approval of the request.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Judy Morales adopt ordinance, with second and final reading set for May 17, 2012. seconded by Councilmember Perry Cloud.

RESOLUTIONS

7. **2012-6606-R: Z-FY-12-41: Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for sign requirements for Starbucks Coffee, located at 111 North General Bruce Drive.**

Kim Foutz, Assistant City Manager presented this case to the Council. Ms. Foutz stated this is staff initiated request for Starbucks' 75' tall pole sign and 40' tall sign. Due to a remodel the sign standard was triggered; this was not addressed in the appeal that was approved in March 1, 2012. The I-35 overlay permits for one pylon sign up to 40' tall for travel related uses; and the sign support(s) must be enclosed in masonry. Ms. Foutz stated that to comply with the full ordinance, the applicant must remove the 75' tall pole sign and add 6' wide masonry enclosure base around the existing 40' tall pole sign. Planning and Zoning heard this request on April 16, 2012 and recommends approval 9/0; staff concurs as well.

Mayor Pro Tem Schneider referenced an earlier case where the city required the applicant to change his sign. Mayor Pro Tem Schneider stated the Council approved the ordinance that set these standards, therefore, we need to enforce it for all.

Councilmember Dunn agreed with Mayor Pro Tem Schneider.

Mayor Jones stated this is not being brought forward due to oversight of staff. This was not part of the applicant's request in March.

Ms. Foutz clarified for Council that the sign referenced by Mayor Pro Tem was for a new sign, not an existing one.

Mayor Pro Tem Schneider stated we need clarify this is in the ordinance if we are going to only enforce on new signs.

Councilmember Cloud asked for clarification on both exceptions.

Motion by Councilmember Judy Morales adopt resolution, granting the appeal for the 75' tall sign and enforcing the masonry requirements around the 40' tall sign. seconded by Councilmember Danny Dunn.

Mayor Pro Tem Schneider and Councilmember Dunn vote nay, all others voted aye.

8. **2012-6607-R: Z-FY-12-44: Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for an existing Commercial property with multiple tenants located at 2001 West Adams Avenue.**

Kim Foutz, Assistant City Manager, presented this case to the Council. Ms. Foutz stated this property is commonly know as the old Albertsons and is located at 2305 and I-35 frontage road. Ms. Foutz stated the applicant is proposing a church and bakery at this location. Ms. Foutz provided photos of the existing building. There a common shared driveway that is unattached from the property and not owned by the property owner. Ms. Foutz added this is the Civic Entry Sub-district of the I-35 overlay. This City's entry district has the most requirements as they are the gateway to our community. Ms. Foutz added that 31% of the standards were triggered and reviewed those with Council. The applicant is asking for exceptions to the site were for lighting, parking and landscaping standards. Ms. Foutz briefly discussed the special site conditions, which were the loss of 45' depth on West Adams, loss of West Adams entrance, loss of I-35 frontage road entrance as well as current negotiating for right-of-way on I-35 frontage. Ms. Staff recommends approval for all alternative proposed standards. Planning and Zoning heard this case on April 16, 2012, and voted 9/0 for approval.

Mayor Jones asked the applicant about evergreen exception.

Gene Williams, applicant stated red oak is more natural and is what he is custom to.

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

BOARD APPOINTMENTS

9. **2012-6595-R: Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.**

Mayor Jones stated no recommendation at this time. Will table item until person is identified.

Motion by Councilmember Danny Dunn table item seconded by Mayor Pro Tem Russell Schneider.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson, TRMC
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

5/17/12
Item 7(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one year renewal lease agreement with the Texas Forest Service for lease of space in the Public Services Building.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Forest Service has requested to lease approximately 157 sq. ft. of office space in the Public Services Building at 102 East Central Avenue. Under the lease, the Texas Forest Service will be responsible for all utilities, janitorial services, and other daily maintenance. This is an “as-is” lease since the City will not be making any adjustments or upgrades to the space. The rent will be \$0.65 per square foot.

FISCAL IMPACT: The tenant will pay \$102.10 plus \$20 for utilities per month, for a total monthly rental fee of \$122.10.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE RENEWAL WITH THE TEXAS FOREST SERVICE FOR LEASE OF SPACE IN THE PUBLIC SERVICES BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Forest Service desires to renew their present lease of approximately 157 sq. ft. of office space in the Public Services Building at 102 East Central Avenue;

Whereas, the Texas Forest Service will be responsible for all utilities, janitorial services, and other daily maintenance;

Whereas, the tenant will pay \$102.10 (\$.65 per sq. ft.) plus \$20 for utilities per month, for a total monthly rental fee of \$122.10; 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 lease agreement between the City of Temple and the Texas Forest Service, after approval as to form by the City Attorney, for the renewal of lease of space in the City's Public Service Building located at 102 East Central.

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

PASSED AND APPROVED this the 17th day of May, 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

05/17/12
Item #7(C)
Consent Agenda
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DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of exercise equipment for the Summit Family Fitness Center utilizing a BuyBoard Contract with Marathon Fitness of Sugar Land in the amount of \$30,347.54.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the annual equipment replacement program at the Summit Family Fitness Center, we are requesting Council approval to purchase for the following exercise equipment:

Six (6) Precor C954i Treadmills with Embedded Wireless Audio Receiver, including freight and installation, from Marathon Fitness of Sugar Land, Texas (BuyBoard Contract 336-10) in the amount of \$30,347.74:

6 Precor C954i Treadmills:	\$29,172.54
Shipping	<u>\$ 1,175.00</u>
Total	<u><u>\$30,347.54</u></u>

We have purchased Precor Treadmills before and have been very pleased with them.

We will utilize the BuyBoard contract to purchase these items.

FISCAL IMPACT: Funds in the amount of \$30,347.54 are available in account 110-3250-551-6222, project 100860, for the purchase of the equipment for the Summit Family Fitness Center.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EXERCISE EQUIPMENT FOR THE SUMMIT FAMILY FITNESS CENTER FROM MARATHON FITNESS OF SUGARLAND, TEXAS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$30,347.54; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this purchase is part of the annual equipment replacement program at the Summit Fitness Center;

Whereas, the Staff recommends purchasing six (6) Precor C964i Treadmills with Embedded Wireless Radio Receivers from Marathon Fitness of Sugarland, Texas, utilizing the BuyBoard Local Government Online Purchasing Cooperative contract in the amount of \$30,347.54;

Whereas, funds are budgeted for this purchase in Account No. 110-3250-551-6222, Project No. 100860; and

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

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

Part 1: The City Council authorizes the purchase of six (6) Precor C964i Treadmills with Embedded Wireless Radio Receivers from Marathon Fitness of Sugarland, Texas, utilizing the BuyBoard Local Government Online Purchasing Cooperative contract in the amount of \$30,347.54, as part of the annual equipment replacement program.

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

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

PASSED AND APPROVED this the 17th day of May, 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

05/17/12
Item #7(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks & Leisure Services
Brynn Reynolds, Director of Administrative Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Energy Solutions of Texas of Belton for the installation of lighting upgrades at seven City facilities in the amount of \$111,998.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City sought and received funding from Oncor for a matching grant program that provides funding to municipalities to conduct lighting upgrade projects, including labor and materials. Council authorized the grant application on February 16, 2012.

As shown on the attached bid tabulation, on April 24, 2012, the City received five (5) bids for the project consisting of lighting upgrades for the following seven (7) City facilities: Sammons Senior Center, Mayborn Convention Center (main hall), Fleet, Purchasing (high bay fixtures), Wilson Recreation Center (gym), PALS Administration, and Summit Recreation Center (racquetball courts). Bids ranged from a low bid of \$111,998 to \$139,010. The estimated cost prior to bidding was \$126,144.

Staff is recommending award of the bid to the low bidder, Energy Solutions of Texas (ESOT) in the amount of \$111,998. ESOT has not done work for the City previously. Accordingly, references were checked and all feedback received indicates that ESOT will be a responsible and responsive vendor. It is anticipated that the project will be complete by July 31, 2012.

With this investment, the simple payback period of the entire project is estimated to be less than two years, with a first year savings of approximately \$35,000. Assuming an average life-cycle of eight-years, over the course of the upgrades the total avoided costs due to more efficient lighting use is approximately \$220,000.

FISCAL IMPACT: Funding for this project was appropriated on February 16, 2012, in the amount of \$81,282 in account 110-2400-519-6310, Project #100847, for the general government facilities and \$44,864 in account 240-4400-551-6310, Project #100847, for the Mayborn Convention Facility piece of the project. Funding in the amount of \$73,886 is needed for the six (6) general government facilities, and \$38,112 is need to fund the Mayborn Convention Center project, leaving \$7,396 and \$6,752, respectively, remaining in these two accounts for this project.

Upon completion of the project, Oncor will reimburse the City for 50% of the cost. The revenue for the reimbursement has been appropriated in account 110-0000-461-0865 in the amount of \$40,641 and in account 240-000-461-0861 in the amount of \$22,432.

ATTACHMENTS:

[Bid Tabulation](#)
[Resolution](#)

Tabulation of Bids Received
on April 24, 2012 at 10:00 a.m.
Lighting Upgrades at Seven City Facilities
Bid # 11-01-12

	Bidders				
	Energy Solutions of Texas Belton, TX	Facility Solutions Group (FSG) Austin, TX	Energy Saving Strategies Georgetown, TX	Sabre Electric Company, Inc. Temple, TX	Advanced Electrical Solutions Inc. Houston
Description					
Sammons Senior Center	\$11,024.00	\$13,045.00	\$14,779.21	\$16,165.00	\$13,470.00
Mayborn Convention Center	\$38,112.00	\$45,705.00	\$39,942.00	\$34,166.00	\$35,510.00
Fleet	\$31,320.00	\$24,265.49	\$29,946.50	\$33,587.00	\$33,414.00
Purchasing	\$14,637.00	\$14,472.00	\$15,441.53	\$21,779.00	\$18,748.00
Wilson Recreation	\$8,960.00	\$8,477.00	\$8,971.00	\$9,823.00	\$8,325.00
PALS Administration	\$3,492.00	\$3,892.00	\$4,762.42	\$6,068.00	\$4,496.00
Summit Recreation	\$4,453.00	\$17,433.85	\$13,242.60	\$17,422.00	\$11,507.00
Total Bid Price	\$111,998.00	\$127,290.34	\$127,085.26	\$139,010.00	\$125,470.00
Exceptions	Yes-all acceptable	Yes	None	None	Yes
Acknowledged Addendum	Yes	Yes	Yes	Yes	Yes
Bid Bond	5%	5%	5%	5%	5%

Bond Requirement Affidavit	Yes	Yes	No	Yes	Yes
Credit Check Authorization Form	Yes	Yes	Yes	Yes	Yes

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

Highlighted Bid is Recommended for Council Approval

Belinda Mattke ***24-Apr-12***

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH ENERGY SOLUTIONS OF TEXAS, OF BELTON, TEXAS, FOR THE INSTALLATION OF LIGHTING UPGRADES AT SEVEN CITY FACILITIES, IN THE AMOUNT OF \$111,998.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City sought and received funding from Oncor for a matching grant program that provides funding to municipalities to conduct lighting upgrade projects, including labor and materials;

Whereas, on April 24, 2012, the City received five (5) bids for the installation of lighting upgrades at seven (7) City facilities; Sammons Senior Center, Mayborn Convention Center (main hall), Fleet, Purchasing (high bay fixtures), Wilson Recreation Center (gym), PALS Administration, and Summit recreation Center (racquetball courts);

Whereas, Staff recommends accepting the bid from Energy Solutions of Texas, of Belton, Texas in the amount of \$111,998.00 for the installation of lighting upgrades;

Whereas, funds have been appropriated in Account No. 110-2400-519-6310, Project No. 100847 and Account No. 240-440-551-6310, Project No. 100847 – upon completion of this project, Oncor will reimburse the City for 50% of the costs associated with these upgrades; 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 contract with Energy Solutions of Texas, of Belton, Texas for the installation of lighting upgrades at seven (7) City facilities; Sammons Senior Center, Mayborn Convention Center (main hall), Fleet, Purchasing (high bay fixtures), Wilson Recreation Center (gym), PALS Administration, and Summit recreation Center (racquetball courts), in the amount of \$111,998.00.

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

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

PASSED AND APPROVED this the 17th day of May, 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

05/17/12
Item #7(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc of Belton to replace three High Service Pumps at the Water Treatment Plant in an amount not to exceed \$714,400.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: The High Service Pump Station is a key element to the daily operation of the water distribution system currently serving Temple customers. The high service pump station, located at the Conventional Water Treatment Plant, is comprised of twelve high capacity service pumps. High capacity service pumps eventually require replacement. Replacement of three pumps is necessary at this time.

Construction activities authorized under this contract will consist of mobilization, required demolition, removal and disposal of existing High Service Pumps, furnishing and installation of new pumps, motors, base plates, piping, valves and associated electrical work. Base plus add alternates A & B bids ranged from a low total bid of \$714,400 to a high total bid of \$786,000 (see attached Bid Tabulation). The Engineer's Opinion of Probable Construction Cost was \$850,150. Area-wide increases in bid prices have been observed recently, so this difference is not unexpected. Kasberg, Patrick and Associates (KPA) recommend awarding the contract to the low bidder, Bell Contractors, Inc. (Engineer's Recommendation attached). Construction time allotted for this project is 300 days. There is about 9 months of lead time required to manufacture the replacement pumps.

FISCAL IMPACT: Funding in the amount of \$120,000 was budgeted in the FY 2012 Operating budget in account #520-5122-535-6310, project #10079 for the replacement of one of the high services pumps. It was determined by Public Works that three of the high service pumps needed to be replaced at this time. After funding engineering and advertising cost in the amount of \$17,853, a balance of \$102,147 is available to partially fund this construction contract.

A budget adjustment is presented for Council's approval appropriating \$612,253 to account 520-5122-535-6310, project #100796 to fund the remaining amount needed for the construction contract.

The additional amount needed is coming from project savings from completed projects in the amount of \$119,710 and from Water & Sewer Unreserved Retained Earnings in the amount of 492,543.

ATTACHMENTS:

[Project Map](#)

[Engineer's Recommendation with Bid Tab](#)

[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.

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

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

May 9, 2012

Mr. Michael Newman, P.E., C.F.M.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple, Texas
Replacement of High Service Pumps P10, P14 and P15 at Temple Water Treatment Plant

Dear Mr. Newman:

On May 8, 2012, the City of Temple received competitive bids from four contractors for the replacement of High Service Pumps P10, P14 and P15 at the Temple Water Treatment Plant. The referenced pumps are each 600 horsepower and supply potable water to the City's distribution system. The Bid documents consisted of a Base Bid (Pump P14), an Add Alternate "A" Bid (Pump P15) and an Add Alternate "B" Bid (Pump P10). A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows Bell Contractors, Inc. of Belton, Texas as the low bidder for all combinations of Bid Scenarios. Their Base Bid was \$240,200 while their Total Bid (Base Bid + Add Alternate "A" + Add Alternate "B") was \$714,400. The Base Bids ranged from this low bid of \$240,200 to \$272,800, while the Total Bids ranged from \$714,400 to \$786,000. Our Final Opinions of Probable Construction Cost for the Base and Total Bids on this project were \$284,050 and \$850,150, respectively.

Bell Contractors has completed numerous utility projects for the City of Temple. Additionally, they have completed multiple projects related to the Water Treatment Plant and/or pump stations within the City and the area. We are familiar with Bell Contractors' work and have reviewed their current workload. Therefore, we recommend that a contract be awarded to Bell Contractors, Inc. for the Total Bid amount of \$714,400.00.

Sincerely,

Thomas D. Valle, P.E.

TDV/

xc: Mrs. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
2012-102-40

BID TABULATION
CITY TEMPLE, TEXAS
Replace High Service Pumps P10, P14 and P15 at Temple Water Treatment Plant
May 8, 2012; 2:00 PM

BIDDER INFORMATION											
				Bell Contractors, Inc 3082 W. Hwy. 190 Belton, TX 76513		Keystone Construction, Inc P O Box 90398 Austin, TX 78709		Matous Construction, LTD. 8602 North Highway 317 Belton, TX 76513		Cunningham Constructors & Assoc, Inc P O Box 69 Walburg, TX 78673	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID											
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 10,200.00	\$ 10,200.00	\$ 9,000.00	\$ 9,000.00	\$ 13,000.00	13,000.00	\$ 10,000.00	\$ 10,000.00
2	100%	LS	Required demolition, removal & disposal of existing High Service Pump P14	13,000.00	13,000.00	5,000.00	5,000.00	15,000.00	15,000.00	15,000.00	15,000.00
3	100%	LS	Furnish & install new Pump P14 including pump, motor, base plate, piping, valves, appurtenances, pump pad modifications & associated electrical & painting as shown on the plans & detailed in the Technical Specifications	216,000.00	216,000.00	227,000.00	227,000.00	231,000.00	231,000.00	246,800.00	246,800.00
4	100%	LS	Provide Project Record Drawings (As Built)	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
TOTAL BASE BID AMOUNT (Items 1 - 4)				\$ 240,200.00		\$ 242,000.00		\$ 260,000.00		\$ 272,800.00	

Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
ADD ALTERNATE A											
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 8,100.00	\$ 8,100.00	\$ 7,000.00	\$ 7,000.00	\$ 12,000.00	12,000.00	\$ 10,000.00	\$ 10,000.00
2	100%	LS	Required demolition, removal & disposal of existing High Service Pump P15	13,000.00	13,000.00	5,000.00	5,000.00	15,000.00	15,000.00	15,000.00	15,000.00
3	100%	LS	Furnish & install new Pump P15 including pump, motor, base plate, piping, valves, appurtenances, pump pad modifications & associated electrical & painting as shown on the plans & detailed in the Technical Specifications	216,000.00	216,000.00	227,000.00	227,000.00	232,000.00	232,000.00	231,600.00	231,600.00
TOTAL ADD ALTERNATE A AMOUNT (Items 1 - 3)				\$ 237,100.00		\$ 239,000.00		\$ 259,000.00		\$ 256,600.00	

Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
ADD ALTERNATE B											
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount, Complete For	\$ 8,100.00	\$ 8,100.00	\$ 7,000.00	\$ 7,000.00	\$ 12,000.00	12,000.00	\$ 10,000.00	\$ 10,000.00
2	100%	LS	Required demolition, removal & disposal of existing High Service Pump P10, Complete For	13,000.00	13,000.00	5,000.00	5,000.00	15,000.00	15,000.00	15,000.00	15,000.00
3	100%	LS	Furnish & install new Pump P10 including pump, motor, base plate, piping, valves, appurtenances, pump pad modifications & associated electrical & painting as shown on the plans & detailed in the Technical Specifications, Complete For	216,000.00	216,000.00	227,000.00	227,000.00	232,000.00	232,000.00	231,600.00	231,600.00
TOTAL ADD ALTERNATE B AMOUNT (Items 1 - 3)				\$ 237,100.00		\$ 239,000.00		\$ 259,000.00		\$ 256,600.00	

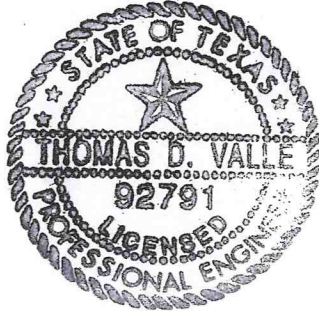
BIDDER INFORMATION											
				Bell Contractors, Inc 3082 W. Hwy. 190 Belton, TX 76513		Keystone Construction, Inc P O Box 90398 Austin, TX 78709		Matous Construction, LTD. 8602 North Highway 317 Belton, TX 76513		Cunningham Constructors & Assoc, Inc P O Box 69 Walburg, TX 78673	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BID SUMMARY											
Total Base Bid Amount				\$ 240,200.00		\$ 242,000.00		\$ 260,000.00		\$ 272,800.00	
Total Base Bid Amount + Add Alternate "A" Amount				\$ 477,300.00		\$ 481,000.00		\$ 519,000.00		\$ 529,400.00	
Total Base Bid Amount + Add Alternate "B" Amount				\$ 477,300.00		\$ 481,000.00		\$ 519,000.00		\$ 529,400.00	
Total Base Bid + Add Alternate "A" + Add Alternate "B"				\$ 714,400.00		\$ 720,000.00		\$ 778,000.00		\$ 786,000.00	

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 2?	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES

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

Thomas D Valle
Thomas D. Valle, P.E.
Kasberg, Patrick & Associates, LP

May 9, 2012
Date



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
520-5122-535-63-10	100796	Buildings & Grounds-Rpl HSPS	\$ 612,253	
520-5122-535-63-10	100407	Buildings & Grounds-Project Savings		36,000
520-5122-535-63-10	100795	Buildings & Grounds-Monochlorimine		23,710
520-5122-535-63-10	100797	Buildings & Grounds-Rpl Pumps/drives		60,000
520-0000-373-04-11		Water & Sewer Unreserved Ret Earnings		492,543
		Do Not Post		
TOTAL.....			\$ 612,253	\$ 612,253

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

Appropriate project savings and Water and Sewer Unreserved Retained Earnings to partially fund the construction contract with Bell Contractors, Inc to replace three High Service Pumps at the Water Treatment Plant. The original budget of \$120,000 was to replace one High Service Pump. Public Works determined that three of the pumps needed to be replaced creating the need to appropriate additional funding for the proejct. The total construction contract is \$714,400.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/17/2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., OF BELTON, TEXAS, TO REPLACE THREE HIGH SERVICE PUMPS AT THE WATER TREATMENT PLANT, IN AN AMOUNT NOT TO EXCEED \$714,000.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the High Service Pump Station is a key element to the daily operation of the water distribution system currently serving Temple customers and is comprised of twelve high capacity service pumps which eventually require replacement – replacement of three pumps is necessary at this time;

Whereas, construction activities authorized under this contract will consist of mobilization, required demolition, removal and disposal of existing High Service Pumps, furnishing and installation of new pumps, motors, base plates, piping, valves and associated electric work;

Whereas, Staff recommends entering into a construction contract with Bell Contractors, Inc. of Belton, Texas in the amount of \$714,000;

Whereas, funding for this project is available in Account No. 520-5122-535-6310, Project No. 10079 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:

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, in the amount of \$714,400.00, between the City of Temple, Texas, and Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for the replacement of three High Service Pumps at the Water Treatment Plant.

Part 2: The City Council approves an amendment to the FY2011-2012 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the **17th** day of **May**, 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

05/17/12
Item #7(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an extension of a contract through September 30, 2013, with Siemens Industries, Inc. (formerly Siemens Water Technologies Corporation) of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 57¢ per wet pound and in an estimated annual amount of \$200,000.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: Chlorine Dioxide/Sodium Chlorite is used as a pre-oxidant for the taste and odor, iron, manganese and trihalomethanes in the potable drinking water treatment process. Due to the nature of this chemical, it must be carefully stored and requires the use of a chemical feed system, and accordingly, the City has historically contracted out to a supplier the requirements of maintaining a chemical feed systems for the Chlorine Dioxide/Sodium Chlorite at the conventional and membrane plants.

In August 2007, proposals were solicited to provide the sodium chlorite and feed system necessary to monitor and introduce the necessary sodium chlorite into the water system. Only one (1) proposal was received from Siemens Water Technologies Corporation ("Siemens") at a cost to provide the necessary feed system and sodium chlorite at a cost of 57¢ per wet pound. On September 6, 2007, the City Council authorized a 3-year contract with Siemens, and thereafter, have authorized two (2) one-year extensions to the contract.

The authorized extensions in the original contract will expire on September 30, 2012. However, based on staff's research of the limited available suppliers of this chemical, and the monetary investment required should the City purchase the chemical feed system equipment, staff is recommending and Siemens has accepted an offer to extend the contract for one (1) more year at a rate of 57¢ per wet pound.

Staff is currently exploring options for a long-term plan for years after FY 2013.

FISCAL IMPACT: Funding for sodium chlorite is included in the adopted FY 2012 in the amount of \$198,902 in the Water Treatment Plant account #2118. A similar amount is being requested in the FY 2013 budget.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT EXTENSION WITH SIEMENS INDUSTRIES, INC. OF SARASOTA, FLORIDA, IN THE ESTIMATED ANNUAL AMOUNT OF \$200,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in August, 2007 the City entered into a 3-year contract with Siemens Industries, Inc. (formerly Siemens Water Technologies Corporation) for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 57¢ per wet pound, and thereafter, authorized two (2) one-year contract extensions to the contract;

Whereas, the authorized extensions to the original contract will expire on September 30, 2012 – and based on Staff's research of the limited available suppliers of this chemical, Staff recommends extending the contract for one additional year at a rate of 57¢ per wet pound, in the estimated annual amount of \$200,000;

Whereas, funds are available for this expense in the FY 2012 budget, Water Treatment Plant Account No. 2118, and a similar amount is requested in the FY 2013 budget; 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 contract extension through September 30, 2013 with Siemens Industries, Inc., of Sarasota, Florida, after approval as to form by the City Attorney, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 57¢ per wet pound, in the estimated annual amount of \$200,000.

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

PASSED AND APPROVED this the 17th day of May, 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

05/17/12
Item #7(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Interlocal Service Agreement renewal with the Texas Department of Information Resources to provide communication services for criminal justice technology systems for the Temple Police Department.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed agreement would continue technology services that connects the Police Department with the Automated Fingerprint Identification System.

FISCAL IMPACT: Budget \$3,000 annually in account 110-2041-521-2610, GIU's Telephone account.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO AN EXISTING INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, IN THE ESTIMATED ANNUAL AMOUNT OF \$3,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Information Resources provides communication services for criminal justice technology systems for the Temple Police Department;

Whereas, Staff recommends entering into a one-year renewal to the existing interlocal agreement with the Texas Department of Information Resources to continue technology services that connects the Temple Police Department with the Automated Fingerprint Identification System;

Whereas, funds for the annual renewal of this interlocal agreement is available in Account No. 110-2041-521-2610; 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 Manager, or his designee, is authorized to execute a one-year renewal to the existing Interlocal Agreement between the City of Temple, Texas, and the Texas Department of Information Resources, after approval as to form by the City Attorney, for technology services connecting the Temple Police Department with the Automated Fingerprint Identification System, in the estimated annual amount of \$3,000.

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

PASSED AND APPROVED this the 17th day of **May**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson

Jonathan Graham

City Secretary

City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/17/12
Item #7(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County establishing the rights, duties, administration and division of funds received under the 2012 Edward Byrne Memorial Justice Assistance Grant program Award.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Department of Justice has made a grant award of \$83,017. The City of Killeen will administer the grant and will accept an administration fee of 10% of the grant award with the remaining \$74,715 to be allocated to Bell County, Killeen, and Temple as follows: Bell County will receive \$22,415 or 30%, the City of Killeen will receive \$33,621 or 45% and the City of Temple will receive \$18,679 or 25%.

These funds are to be used to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any or more of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs. The Temple Police Department plans to use the funds to purchase Night Optics brand Thermal Eye, Thermal Imaging Camera and external ballistic panel carriers.

Pursuant to the terms of the grant, the parties agree to expend the \$83,017 from the 2012 Edward Byrne Memorial Justice Assistance Grant Program by a date not later than forty eight (48) months after the project start date of October 1, 2012.

FISCAL IMPACT: The Temple Police Dept will receive \$18,679. There are no City matching funds required for this grant.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KILLEEN AND BELL COUNTY TO ESTABLISH THE RIGHTS, DUTIES, ADMINISTRATION AND DIVISION OF FUNDS RECEIVED UNDER THE 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Department of Justice has made a grant award of \$83,017 and these funds are to be used to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any or more of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs;

Whereas, the City of Killeen will administer the grant and will accept an administration fee of 10% of the grant award with the remaining amount to be allocated to Bell County, Killeen and Temple as follows: Bell County - \$22,415 (or 30%), the City of Killeen - \$33,621 (or 45%), and the City of Temple - \$18,679 (or 25%);

Whereas, the Temple Police Department plans to use their allocated amount to purchase Night Optics brand Thermal Eye, Thermal Imaging Camera and external ballistic panel carriers; 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 Memorandum of Understanding between the City of Killeen and Bell County, after approval as to form by the City Attorney, to establish the rights, duties, administration and division of funds received under the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award.

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

PASSED AND APPROVED this the 17th day of May, 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

05/17/12
Item #7(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Reynolds, Director of Administrative Services

ITEM DESCRIPTION: Consider adopting a resolution ratifying the submission of an application to the Texas Commission on Environmental Quality's Clean Transportation Triangle grant program for construction of a CNG fueling station.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Commission on Environmental Quality's Clean Transportation Triangle ('CTT') grant program provides financial assistance to CNG and LNG fueling station projects to support the development of a network of natural gas vehicle fueling stations along the interstate highways connecting Houston, San Antonio, Dallas, and Fort Worth.

The goals of the CTT Program are to 1) ensure that natural gas vehicles purchased, leased, or otherwise commercially financed or repowered under the separate Texas Natural Gas Vehicle Grants Program have access to fuel, and 2) build the foundation for a self-sustaining market for natural gas vehicles in Texas.

To be eligible for funding a project must build or install and then operate a new natural gas vehicle fueling station, or provide new fueling services at an existing station, along the interstate highways connecting Houston, San Antonio, Dallas, and Fort Worth. Stations funded by CTT grants must be publicly accessible.

Grants amounts may not exceed: 1) \$100,000 for a CNG project; 2) \$250,000 for a LNG project; or 3) \$400,000 for a both CNG and LNG project. The City of Temple is applying for a CNG project and thus would be eligible for a grant amount of \$100,000.

FISCAL IMPACT: The estimated cost of a CNG fueling station is \$1,000,000 to \$1,500,000. The CTT Grant will fund \$100,000 toward the construction of a CNG fueling station.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE SUBMISSION OF AN APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY'S CLEAN TRANSPORTATION TRIANGLE GRANT PROGRAM FOR THE CONSTRUCTION OF A CNG FUELING STATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Commission on Environmental Quality's Clean Transportation Triangle Grant program provides financial assistance to CNG and LNG fueling station projects to support the development of a network of natural gas vehicle fueling stations along the interstate highways connecting Houston, San Antonio, Dallas and Fort Worth;

Whereas, to be eligible for funding, a project must build or install and then operate a new natural gas vehicle fueling station, or provide new fueling services at an existing station, along the interstate highways and must be publicly accessible;

Whereas, grant amounts may not exceed: \$100,000 for a CNG project; \$250,000 for an LNG project; or \$400,000 for both CNG and LNG project – the City of Temple is applying for a CNG project;

Whereas, the Clean Transportation Triangle Grant will fund \$100,000 toward the construction of a CNG fueling station, of which the estimated cost is \$1,000,000 to \$1,500,000; 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 ratify the submission of an application to the Texas Commission on Environmental Quality's Clean Transportation Triangle grant program for the construction of a CNG fueling station.

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

PASSED AND APPROVED this the 17th day of May, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

ATTEST:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Item #7(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the execution of amendment to an employment agreement with David Blackburn.

STAFF RECOMMENDATION: Not applicable.

ITEM SUMMARY: The proposed resolution authorizes the execution of an amendment to the existing employment agreement with David Blackburn, City Manager. The proposed amendment adds a “retention incentive” provision to the agreement which is payable upon each successive completion of a twelve month term of office by the city manager. If approved, the retention incentive payments will be made on the 8th, 9th and 10th anniversary dates (April 25th) of the city manager’s employment, in the following amounts: \$25,000 net of taxes and withholding (8th anniversary date), \$50,000 net of taxes and withholding (9th anniversary date) and \$75,000 net of taxes and withholding (10th anniversary date).

Payment of the retention incentive is subject to continued service at the will and pleasure of the City Council and does not modify any other terms and conditions of the city manager’s employment, which shall remain in full effect.

FISCAL IMPACT: Funding will be appropriated in the annual operating budgets of fiscal years 2013, 2014, and 2015.

ATTACHMENTS:

Agreement – to be provided
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN EMPLOYMENT AGREEMENT WITH DAVID BLACKBURN, CITY MANAGER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 4, 2005, the City Council confirmed the appointment of David Blackburn as the City Manager for the City of Temple;

Whereas, the terms of Mr. Blackburn's employment have been negotiated and needs to be approved by the City Council; and

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

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

Part 1: The City Council authorizes an amendment to an employment agreement with David Blackburn, City Manager for the City of Temple, Texas, after approval as to form by the City Attorney, to include the following terms of employment:

- The proposed amendment adds a 'retention incentive' provision to the agreement which is payable upon each successive completion of a twelve month term of office by the City Manager;
- If approved, the retention incentive payments will be made on the 8th, 9th, and 10th anniversary dates (April 25th) of the City Manager's employment, in the following amounts: \$25,000 net of taxes and withholding (8th anniversary date), \$50,000 net of taxes and withholding (9th anniversary date), and \$75,000 net of taxes and withholding (10th anniversary date); and
- Payment of the retention incentive is subject to continued service at the will and pleasure of the City Council and does not modify any other terms and conditions of the City Manager's employment, which shall remain in full effect.

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

PASSED AND APPROVED this the 17th day of May, 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

05/17/12
Item #7(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager/Acting Planning Director

ITEM DESCRIPTION: SECOND READING - A-FY-12-06: Consider adopting an ordinance abandoning 0.067 acres of a 15-foot wide public utility easement along the rear property lines of Lots 2 and 1, Block 1, Westfield Development Phase VII, more commonly known as 207 and 219 Westfield Boulevard.

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

ITEM SUMMARY: The property owner at 207 Westfield Boulevard requests an abandonment of the existing 15-foot wide public utility easement, which contains a private 4-inch sewer line, a private 2-inch water line, and a private 2-inch irrigation line. These private utilities do not meet minimum UDC standards and are buried under a concrete parking lot for the dental office at 207 Westfield Boulevard. Rather than upgrade the under-sized utilities to UDC standards or pursue a street use license for private utilities within this public utility easement, the applicant wants to replace this public utility easement with a private 15-foot wide utility easement to serve the dental office and the adjacent property at 219 Westfield Boulevard.

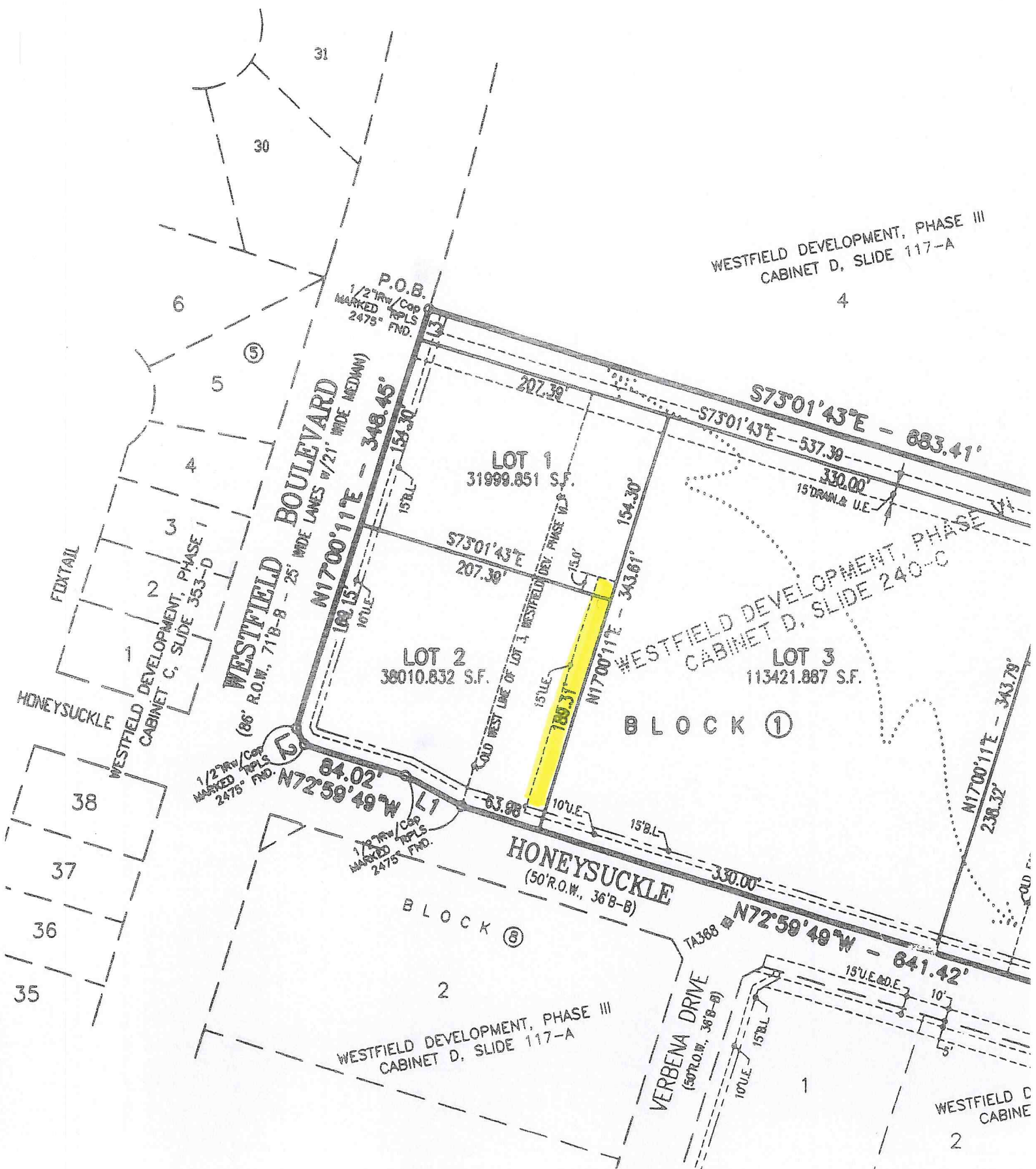
If abandoned, the adjacent property owner/builder at 219 Westfield Boulevard would be able to use the existing private utilities within a private 15-foot wide utility easement proposed by the applicant at 207 Westfield Boulevard.

Planning staff contacted all utility providers, including the Public Works Department, regarding the proposed easement abandonment. There are no objections to the easement abandonment request.

FISCAL IMPACT: Staff recommends this easement be transferred at no cost to the underlying fee owners, as state law allows.

ATTACHMENTS:

[Vicinity Exhibit](#)
[Survey](#)
[Turley Associates Letter](#)
[Ordinance](#)





LOT 2
BLOCK 1

WESTFIELD DEVELOPMENT, PHASE VII
CABINET D, SLIDE 298-B

LOT 1
BLOCK 1

S72° 15.00' 59" E 49"

WESTFIELD DEVELOPMENT, PHASE VII
CABINET D, SLIDE 298-B

LOT 3
BLOCK 1

N17° 00' 11"E
0 . 0 6 7
S17° 00' 11"W

194.31'
A C R E S
194.31'

N17° 00' 11"E
10.00'

N72° 59' 15.00" W 49"

P.D.B.

- 1/2 IRON ROD WITH CAP
STAMPED "RPLS 2475" FOUND
- POINT

HONEYSUCKLE
(50'R.O.W., 36'B-B)

STATE OF TEXAS §

COUNTY OF BELL §

KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 15th day of March, 2012.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402



BEING a 0.067 acre tract of land situated in the BALDWIN ROBERTSON LEAGUE SURVEY, ABSTRACT No. 17, City of Temple, Bell County, Texas and being a part or portion of that certain 6.315 acre tract of land described as Westfield Development, Phase VII, being an amending plat of Westfield Development Phase VI, and Lot 4, Block 1, Westfield Development Phase IV and being of record in Cabinet D, Slide 298-B, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point being in the east boundary line of Lot 2, Block 1 said Westfield Development, Phase VII and being in the west boundary lined of Lot 3, said Block 1 which bears N. 17° 00' 11" E., 10.00 feet from a ½" iron rod with cap stamped "RPLS 2475" found at the southeast corner of the said Lot 2, Block 1 and the southwest corner of the said Lot 3, Block 1 and being in the northerly right-of-way line of Honeysuckle Street as described in said Cabinet D, Slide 298-B for corner;

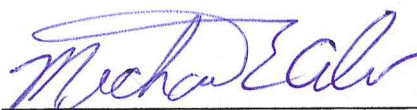
THENCE N. 72° 59' 49" W., 15.00 feet departing the said east and west boundary lines and the said Lot 3, Block 1 and over and across the said Lot 2, Block 1 to a point for corner;

THENCE N. 17° 00' 11" E., over and across the said Lot 2, Block 1 at 179.31 feet pass a point bering in the north boundary line of the said Lot 2, Block 1 and being in the south boundary lined of Lot 1, said Block 1 and continuing over and across said Lot 1, said Block 1 at 194.31 feet in all to a point for corner;

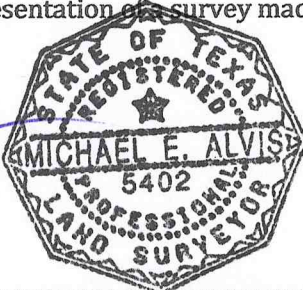
THENCE S. 72° 59' 49" E., 15.00 feet continuing over and across the said Lot 1, Block 1 to a point being in the east boundary line of the said Lot 1, Block 1 and being in the west boundary line of the said Lot 3, Block 1 for corner;

THENCE S. 17° 00' 11" W., with the said east boundary line and the said west boundary line at 15.00 feet pass a ½" iron rod with cap stamped "RPLS 2475" found being the southeast corner of the said Lot 1, Block 1 and being the northeast corner of the said Lot 2, Block 1 and continuing with the east boundary line of the said Lot 2, Block 1 and the west boundary line of the said Lot 3, Block 1 at 194.31 feet in all to the Point of BEGINNING and containing 0.067 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
March 15, 2012



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 4004
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 24"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999884
PUBLISHED CITY COORDINATES ARE X = 3,206,128.30 Y = 10,383,154.518
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. 84° 01' 15" E., 1198.15 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE



TURLEY ASSOCIATES, INC.

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

MEMORANDUM

DATE: March 13, 2012
TO: Construction Safety, City of Temple
CC: Engineering, Planning and Legal Departments
FROM: Jennifer Ryken, P.E.
Turley Associates, Inc.
RE: Kiella Homebuilders, 219 Westfield Blvd., 12-93635

This memo is in response to comments received from your office dated March 8, 2012.

The "Utility" sheet is correct with a proposed 1" water service thru the 15' U.E. to provide water to the proposed building.

When Westfield Phase VII was platted the utility easement was included on the plat for a 6" sewer line to be constructed. This line was not constructed at that time. It appears that during the site construction of Lot 2, Block 1 (dental site) the contractor did install a 4" sewer service within the current 15' utility easement, across Lot 2, and stubbed it out to service Lot 1 in the future. At that time the contractor also installed a 2" water service and a 2" irrigation service within the easement to service Lot 1 in the future. All these services are currently located within the 15' utility easement and underneath the existing concrete parking lot of Dr. Sieh's building. The developer/builder for Lot 1, Block 1 would like to utilize the existing services that are currently in place within this easement for the proposed building to be constructed. We would like to propose a solution to the issues that were brought up with this building permit concerning having private services within a public easement.

We propose to have the public utility easement abandoned and a private easement granted by the current property owner of Lot 2, Block 1. With time being an issue regarding the need to begin construction we propose that the private easement be executed and filed now and the abandonment of the public easement be put on the next available City Council agenda. If the Legal Department, Engineering Department and Planning Department are supportive of this solution we feel the Council will approve the abandonment.

The property owner of Lot 2, Block 1 has agreed to grant a private easement to the property owner of Lot 1, Block 1 for the services that currently lay within the platted utility easement and across her property. This is the most satisfactory solution to her because it avoids the necessity to remove existing services under her concrete parking and to dedicate an additional 5' utility easement to the City.

We feel keeping the current services as they are and abandoning the public utility easement also benefits the City. In order to meet UDC standards within the 15 ft UE we would need the property owner to sign an additional 5 ft UE to the City of Temple, remove the existing services and install public sewer and waterlines. These lines service only one building and will not be extended in the future. All adjacent property is developed. If constructed as public lines they would have to be City maintained and meters would be located behind the buildings instead of within the right of way.

The developer is extremely anxious to get a building permit and begin construction on this project. If this solution is acceptable to everyone please email me so that I can get the private easement signed and filed immediately. On behalf of the developer/builder we are requesting that the building permit be issued at the time the private easement is filed. If you have any questions or concerns please call me so that we can discuss these items and expedite the process for the builder. I greatly appreciate your timely response.

Construction Safety
254-298-5640



2 N. Main St.
Room 102
Temple, TX 76501

March 8, 2012

Kiella Homebuilders
219 Westfield Blvd.
12-93635

Electrical: Approved

Engineering: Return for Revision

Sheet 2 of 5 "As-Built" shows an existing 1.5" WS tie-in to the existing 8" Flush Assembly off Westfield BLVD. However, the "Utility" sheet shows a proposed 1" WS thru the 15 ft U.E. Please clarify which option is proposed to provide water service to the lot.

The "Utility" sheet shows proposed 1" water lines thru the 15 ft U.E. Per the Uniform Development Code (UDC) the minimum diameter in the U.E. is 6". The proposed lines do not meet min. standards for a public water main. Revise to show property served by a connection to a public water main meeting min. standards. Or, alternatively, submit a "Street Use License" application to install the undersized lines as private utility services in a public utility easement. To avoid applying for a "Street Use License", the existing public easement may be vacated.

The "Utility" sheet shows that a 4" Sewer is proposed within the existing 15 ft U.E. Per the Uniform Development Code (UDC) the minimum diameter in the U.E. is 8". The proposed line does not meet min. standards for a public sewer main. Revise to show property served by a connection to a public sewer main meeting min. standards. Or, alternatively, submit a "Street Use License" application to install the undersized line as a private utility service in a public utility easement. To avoid applying for a "Street Use License", the existing public easement may be vacated.

To accommodate both water and sewer mains within an easement (if both lines meet min. standards for public mains), a 20 ft wide easement would be required.

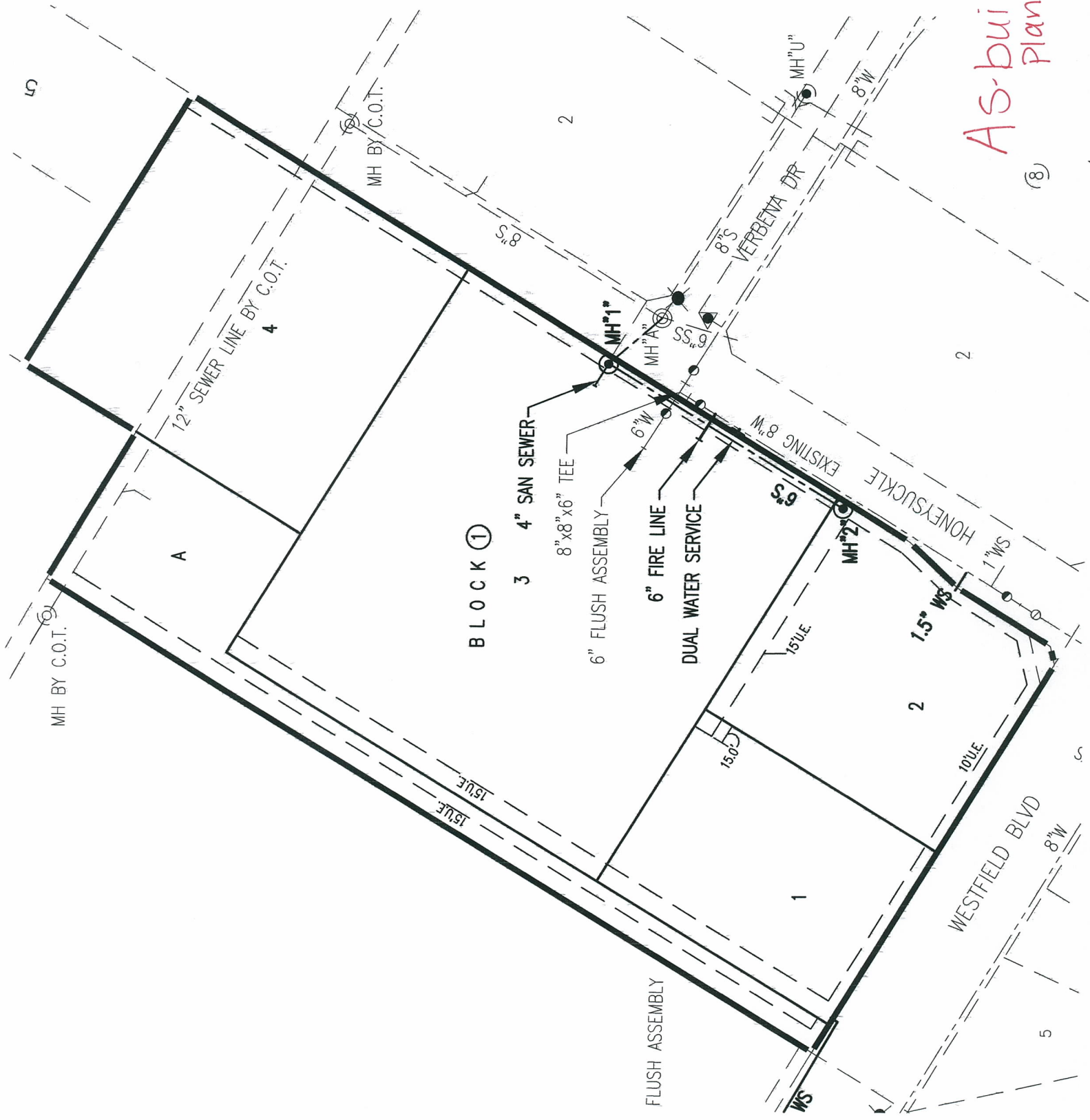
Fire Marshal: Return for Revision

Planning: Approved

Please send revisions to 2 N. Main St. Room 102, Temple, TX 76501 or e-mail them to us at permitapplications@ci.temple.tx.us.

If you have any questions please call us at 254-298-5640.

Thank you,
Robin
Permit Clerk



As-built.
Plans.



KIELLA

COMMERCIAL

This drawing is not to be reproduced or used for contracting any building without the written authorization of Kiella Commercial DFB

7462 W. Adams Ave.
Temple, Texas 76502
(254) 778-0085

Revision:

Project:
Woodward
Creative Group

Address:
Westfield Ph VII
209 Westfield Blvd.
Lot 1 Block 1
Temple, Texas
76502

Square Footage:

BUILDING SPACE: 4800 SQFT
FRONT PORCH: 116 SQFT
TOTAL SLAB: 4916 SQFT

Finish:

WOOD

Date:

03.13.2012

Drawn By:

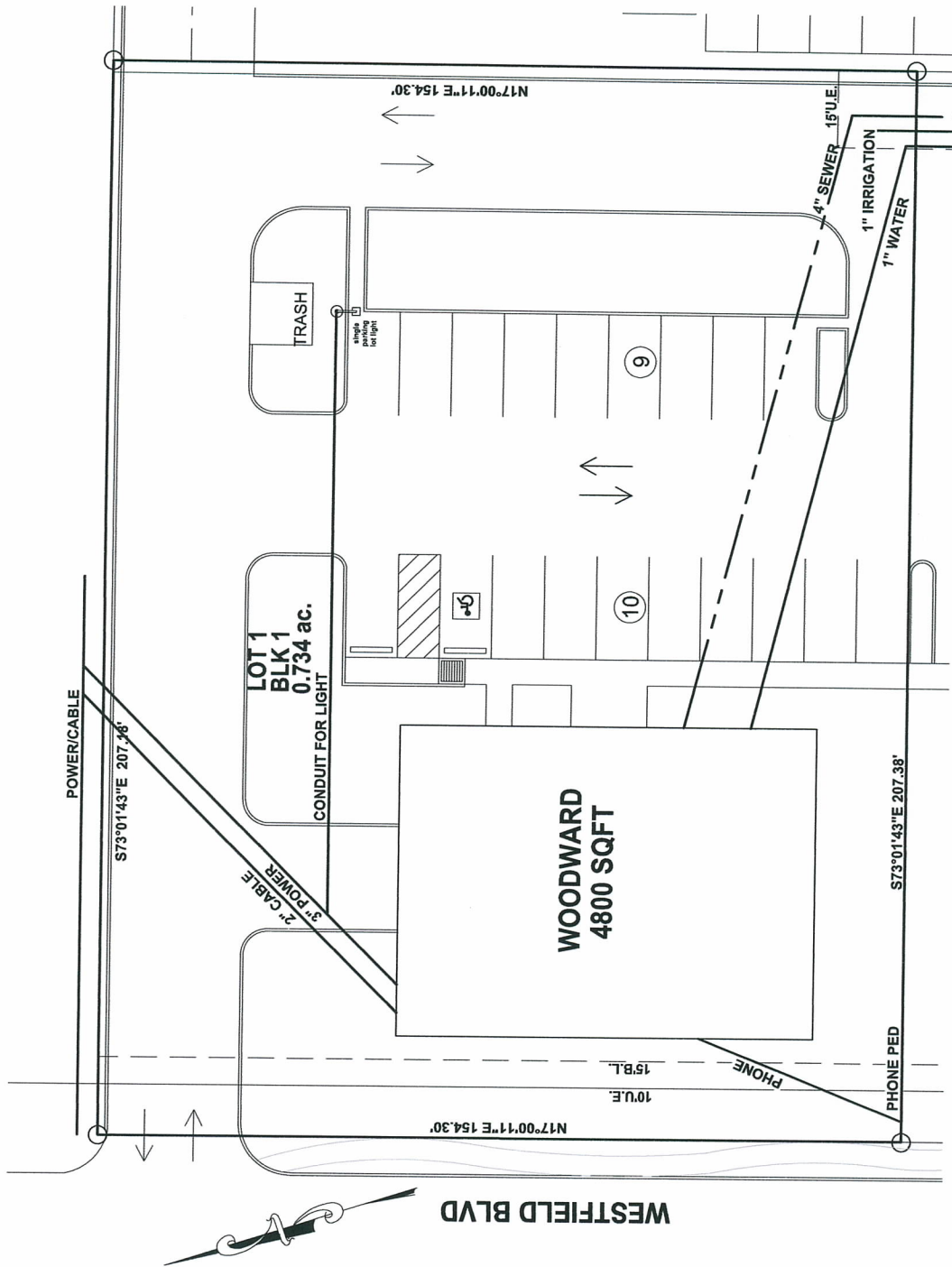
MCW

Sheet Title:

Utility Plan

Sheet #:

UTIL



UTILITY PLAN

Scale: 1" = 10'-0"



Google earth

feet 300
meters 100



ORDINANCE NO. _____

[A-FY-12-06]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING APPROXIMATELY 0.067 ACRES OF A 15-FOOT WIDE PUBLIC UTILITY EASEMENT, LOCATED IN WESTFIELD DEVELOPMENT, PHASE VII, MORE COMMONLY KNOWN AS 207 AND 219 WESTFIELD BOULEVARD, AND RESERVING A TEMPORARY 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 property owner at 207 Westfield Boulevard has requested an abandonment of the existing 15-foot wide public utility easement, which contains a private 4-inch sewer line, a private 2-inch water line, and a private 2-inch irrigation line;

Whereas, if abandoned, the adjacent property owner/builder at 219 Westfield Boulevard would be able to use the existing private utilities within a private 15-foot wide utility easement proposed by the applicant at 207 Westfield Boulevard;

Whereas, Staff has contacted all utility providers regarding the proposed easement abandonment and there are no objections to the abandonment request; 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 authorizes the abandonment of approximately 0.067 acres of a 15-foot wide public utility easement along the rear property lines of Lots 2 and 1, Block 1, Westfield Development, Phase VII, more commonly known at 207 and 219 Westfield Boulevard, more fully described in Exhibit A, attached hereto for all purposes.

Part 2: The City Council reserves a temporary public easement for drainage and utilities in the entire abandoned right-of-way until such time as the property owner records an approved plat of the abandoned right-of-way and the City accepts the public improvements required for the development.

Part 3: Upon request the City of Temple will provide a copy of this resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **3rd** day of **May**, 2012.

PASSED AND APPROVED on Second Reading the **17th** day of **May**, 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

05/17/12
Item #7(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution confirming the appointment of Kayla Landeros as a Deputy City Attorney and setting compensation for the position.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: According to the City of Temple Charter, the City Attorney shall have the power to appoint such assistants as may be deemed necessary by him, subject to the approval of the City Council, at such compensation as is fixed by the City Council. The proposed resolution confirms the appointment of Kayla Landeros and sets her compensation at \$70,641/year.

Ms. Landeros is a 2005 graduate of Texas A&M with a bachelor of arts in English and Speech Communications. She graduated with a 4.0 GPA and was Phi Beta Kappa. She graduated from Baylor Law School in May 2008 with a 3.69 GPA. At Baylor she served on the Baylor Law Review, was on the Dean's List and was a member of the Order of Barristers.

Ms. Landeros worked for a prominent litigation firm in Houston from May 2008 through July 2011 (after clerking there the summer of 2007). She has worked for another Houston litigation firm from July 2011 to present. She comes highly recommended from those firms. We are fortunate that she has an interest in public service and local government.

FISCAL IMPACT: A budget adjustment in the amount of \$6,490 is presented for Council's approval appropriating funds from General Fund Assigned Fund Balance – Unallocated to the appropriate accounts in the Legal Departmental budget.

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	DECREASE
110-1600-512-11-11		Supervisory	\$ 4,728	
110-1600-512-12-20		Retirement/Pension	800	
110-1600-512-12-21		Social Security	62	
110-1600-512-12-22		Health Insurance	989	
110-1600-512-12-23		Worker Compensation	8	
110-1600-512-12-24		Unemployment Insurance	270	
110-1600-512-12-25		Dental Insurance	32	
110-1600-512-12-26		Life Insurance	5	
110-1600-512-12-27		AD&D Insurance	1	
110-1600-512-12-28		Long Term Disability	9	
110-1600-512-12-32		\$100 In Lieu of Insurance		\$ 414
110-0000-352-13-45		Designated Cap Proj-Unallocated		6,490
		Do Not Post		
TOTAL.....			\$ 6,904	\$ 6,904

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

This budget adjustment appropriates funds from General Fund-Designated Capital Projects- Unallocated to fund the additional cost of the new Deputy City Attorney.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/17/2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CONFIRMING THE APPOINTMENT OF KAYLA LANDEROS AS A DUPUTY CITY ATTORNEY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, according to the City of Temple Charter, the City Attorney shall have the power to appoint such assistants as may be deemed necessary by him, subject to the approval of the City Council;

Whereas, after receiving applications and interviewing a number of qualified applicants for the job of deputy city attorney, the City Attorney has extended a job offer to Kayla Landeros, subject to confirmation by the City Council;

Whereas, Ms. Landeros is an experienced attorney who is licensed to practice law in the State of Texas, is a graduate of Texas A&M and Baylor Law School, and the City Attorney recommends her for confirmation as a deputy city attorney; 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 confirms the appointment of Kayla Landeros as a Deputy City Attorney for the City of Temple, Texas, and sets her annual salary at \$70,641.

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

PASSED AND APPROVED this the 17th day of May, 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

05/17/12
Item #7(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Reynolds, Director of Administrative Services

ITEM DESCRIPTION: Consider adopting a resolution allocating funding for the Bell County Expo Center's Public Service Agency Fund request for Fiscal Year 2012 in the amount of \$14,583.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Bell County Expo Center submitted a request for funding during the FY 11-12 Public Service Agency funding request process for a Convention Sales Position.

This position was proposed to develop and implement a plan to market to groups and associations that would be potential users of the Bell County Expo Center for meetings and conventions. The sales effort would be focused on events that would increase tourism dollars spent in Bell County.

The position was proposed to be funded on an allocated basis by entities receiving Hotel-Motel tax and benefiting from the tourism dollars generated by the Expo Center. It was recommended that the funding of this request be considered after a sufficient commitment from other potential participating entities had been secured. Funding commitments have now been secured from Belton, Killeen, Harker Heights, Salado, and Bell County.

The requested allocation from the City of Temple for FY 11-12 was \$25,000. The position was filled in March of 2012 so a prorated funding level of \$14,583 is recommended.

FISCAL IMPACT: The Bell County Expo Center Convention Sales position public service agency request is eligible for the Hotel-Motel Tax. Funding in the amount of \$14,583 available in the Hotel-Motel Tax fund balance account number 240-0000-358-1110. A budget adjustment is requested to allocated funds to account number 240-4600-551-2621 to fund this request.

ATTACHMENTS:

[PSA Application](#)
[Budget Adjustment](#)
[Resolution](#)



City of Temple

Public Service Agency

Funding Request Packet

Fiscal Year 11-12

Requesting Agency Information

Requesting Agency: **Bell County Expo Center, Inc.**

Mailing Address: **P.O. Box 206, Belton Texas 76513**

Agency Contact Person: **Tim Stephens**

Contact Telephone: **254-933-5353** Contact Email: **tims@bellcountyexpo.com**

Organization's Fiscal Year Begins: **October 1**

Organization's Mission: (Please limit response to 300 characters.)

The mission of the Bell County Expo Center is to attract and effectively produce events that add to and enhance the quality of life and economy in Bell County.

Program Request Information

Program Title: **Convention Sales Position**

Description of Services Provided by Program: (Please limit response to 600 characters.)

This position would develop and implement a plan to market to groups and associations that would be potential users of the Bell County Expo Center for meetings and conventions. It would also work with existing conventions in order to insure satisfaction and retention. The position would work specifically for the Bell County Expo Center, but would work with area tourism agencies and convention and visitors bureaus as part of a team effort. The sales effort would be focused on events that would increase tourism dollars spent in Bell County.

Program Request Information (continued)

Geographic Area Served by Program: **Bell County**

Number of Clients Served by Program:

Actual FY 09-10	Estimate FY 10-11	Target FY 11-12
n/a	n/a	310,000

Percent of Clients who are City of Temple Residents: **22 %**

Purpose of Program: (Please limit response to 600 characters.)

The purpose is to provide a full-time convention sales position focused on the Bell County Expo Center and its current and potential users. Currently the Expo has no full-time sales or marketing position. This program would be full time and perform an organized sales effort focused on attracting new events to the Expo Center that would increase the convention spending in our area. The Expo is one of the major tourism generators for Temple and request a small portion of the hotel tax in Temple be reinvested back into Expo marketing efforts.

Description of Consequences if Service Not Provided: (Please limit response to 600 characters.)

Continue on with current program where Expo Executive Director coordinates sales efforts. There would not be a concentrated effort as proposed in this new program. The main consequence would be fewer new conventions coming into our market resulting in less convention spending. Our location presents huge potential for new business and a concentrated sales effort is needed. These positions are common in many buildings our size, many of which have had significant facility expansions in recent years, raising the level of competition.

Description of Impact if Program Funded at a Reduced Level: (Please limit response to 600 characters.)

If position is funded at reduced level, it would result in a part-time position with a reduced level of marketing for our facility. As stated above, the competition has stiffened with new facilities in Brazos County and improved facilities as close as Waco. The Expo is in desperate need of expansion, but increased marketing would help until expansion is feasible. Upon expansion, this position would be even more important to fill the new spaces.

Program Request Information (continued)

Additional Information Regarding Your Program (attach additional pages/documents if necessary):

Attached are two pages supporting the need for marketing efforts at the Expo. One supporting document indicates our current level of activity at the end of fiscal year 09/10. This shows the volume of events held at the Expo indicating the excellence of our location and potential for new business. The second is two pages out of a recent feasibility study conducted in 2008 supporting the need for expansion. These pages indicate the convention dollars generated based on the Expo's existing business, with as much as 47% being spent in Temple.

Objectives of Program and Measures of Performance (attach additional pages if necessary):

Example:	Provide financial management training to clients in order to reduce reliance on financial assistance.
----------	---

Measure of Performance:	FY 09-10 Actual	FY 10-11 Estimate	FY 11-12 Target
% of total clients receiving training	New program	50%	100%
% of clients seeking assistance more than 1 x per year	Not tracked	70%	60%

Objective 1:	Increase in new conventions at the Bell County Expo.
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Measure of Performance:	FY 09-10 Actual	FY 10-11 Estimate	FY 11-12 Target
Targeting, soliciting and booking of new Conventions	n/a	n/a	5-10 New Conventions

Objective 2:	Increase collaboration between Expo marketing and area tourism professionals.
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Measure of Performance:	FY 09-10 Actual	FY 10-11 Estimate	FY 11-12 Target
Develop and collaborate sales efforts between Expo and tourism depts.	n/a	n/a	Identify potential conventions and organize sales

Note: If historical performance information is not available please indicate reason (i.e. new program, data not tracked, etc).

Budget and Funding Information

Program Budget and Funding Request: (Attach additional pages if necessary.)

Category (i.e. Salaries & Benefits, Supplies, Utilities, etc.)	Total 11-12 Program Budget	Amount Requested from City of Temple
Salaries	\$ 50,000	\$
Marketing Materials	\$ 5,000	
Travel	\$ 5,000	
Grand Total	\$ 60,000	\$

Number of Personnel Associated with this Program:

Full-Time	Part-Time
1	

Total Program Revenue and Sources of Funding: (Please include all revenue/sources of funding that supports the program. Attach additional pages if necessary.)

Source	Actual FY 09-10 Revenue/Funding	Estimate FY 10-11 Revenue/Funding	Target FY 11-12 Revenue/Funding
City of Temple	\$ n/a	\$ n/a	\$ 25,000 Funding
Belton Hotel Tax \$\$	\$ n/a	\$ n/a	\$ 20,000 Funding
County Funds	\$ n/a	\$ n/a	\$ 10,000 Funding
Killeen Hotel Tax \$\$	\$ n/a	\$ n/a	\$ 5,000 Funding
Grand Total	\$ n/a	\$ n/a	\$ 60,000

Submission Information and Instructions

This completed packet should be submitted along with a copy of the requesting agency's current budget and the most recent audit report if not previously submitted to the City as required by a current agreement. If an audit report is not available, please submit the most current financial report available.

All agencies requesting funding of \$25,000 or greater will be required to make a brief presentation to the City Council at a work session tentatively scheduled on May 5, 2011 or May 19, 2011. Agencies requesting funding of less than \$25,000 have the option of making a presentation to the City Council.

If your agency is requesting less than \$25,000, please indicate below if you would like to be scheduled for a presentation time.

☒ Yes, my agency would like to make a presentation to the City Council.

☐ No, my agency does not desire to make a presentation to the City Council.

The deadline for submission is April 8, 2011. All requests must be received in our office by the deadline for consideration. No late submissions will be accepted.

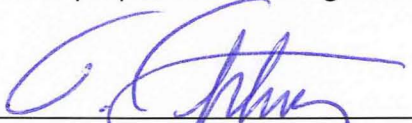
Please forward the completed packet to:

City of Temple City Manager's Office
Attn: Brynn Reynolds
P O Box 987
Temple, TX 76503-0987
breynolds@ci.temple.tx.us

Should you have any questions, please contact Brynn Reynolds at 254.298.5600 or via e-mail at breynolds@ci.temple.tx.us.

CERTIFICATION

I certify that the information contained in this proposal is true and correct to the best of my knowledge and that I am authorized to make this application on behalf of the organization herein described for the purpose of receiving funding from the City of Temple, Texas.

Signature 

Printed Name Tim Stephens

Title Executive Director

Date 4-8-11

BELL COUNTY EXPO, INC.

MONTHLY OPERATIONAL REPORT

MONTH: Sep-10

DESCRIPTION	CURRENT MONTH	PRIOR YR. SAME MO.	PREVIOUS MONTH	CURRENT YTD	PRIOR YTD
Events (excluding rehearsals and move-ins)	14	18	15	242	239
Multi-Day Events	4	5	6	89	78
Calendar Day Usage	20	23	25	264	262
Percentage Weekend (Fri., Sat. & Sun.)	92%	100%	100%	96%	93%
Percentage Weekday Usage (Mon., Tue., Wed., Thur.)	50%	61%	67%	55%	56%
Event Days	26	37	30	461	445
Patron Attendance - TOTAL	38,342	38,254	57,920	419,836	409,399
Convention Spending	\$72,250	\$138,125	\$2,344,809	\$8,324,471	\$7,790,929

Comments: September began with the CTSF which had good attendance. The ACHA National finals were held in September over a 4 day period. Other events included the Kids Expo, College Night, The Bell County Democratic Party and the S&W Health Plan Senior Expo.

Economic Impacts

The evaluation of the quantifiable and non-quantifiable economic impacts generated by the annual operations of event facilities is often one of the primary determinants regarding the decision by public sector entities to invest (upfront and annually) in such projects. An analysis of the historical events hosted at the Bell County Expo Center suggests that it has provided substantial direct and indirect economic impacts in Bell County since its inception.

The following exhibit presents a summary of the estimated economic impacts associated with the existing and potential expanded Bell County Expo Center. As the direct spending flows throughout the local and state economies additional rounds of spending, employment and earnings are generated. The total impact generated is estimated by applying specific industry multipliers to the initial expenditure to account for the total economic impact of the re-spending activity. The application of the multipliers involves calculating the product of the estimated amount of direct spending and the multiplier. The total estimated direct expenditures generate effects on the economy that extend beyond the initial expenditures (referred to as indirect and induced spending). These are impacts generated by non-local Center attendees within Bell County (presented in 2008 dollars, representing a stabilized year of operation for an expanded Center).

Estimated Annual Economic Impacts of the Bell County Expo Center (Existing and Expanded)

	SCENARIO 1: Existing Center	SCENARIO 2: Expanded Center
Direct Spending By Industry		
Hotel	\$3,773,868	\$5,628,894
Restaurant	\$6,351,926	\$9,113,801
Retail	\$1,821,102	\$2,566,096
Other Industries	\$998,315	\$1,398,935
Total	<u>\$12,945,211</u>	<u>\$18,707,726</u>
Indirect/Induced Spending	\$7,767,126	\$11,224,636
Total Output	<u>\$20,712,337</u>	<u>\$29,932,362</u>
Personal Income (Earnings)	\$9,061,647	\$13,095,409

As shown, it is estimated that the existing Bell County Expo Center currently generates approximately \$12.9 million annually in visitor spending within Bell County. This direct spending, in turn, is estimated to generate approximately \$20.7 million in total output (direct, indirect and induced spending) annually within Bell County. Under an expanded Center (pursuant to the market supportable facility program outlined herein), it is estimated that direct spending and total output would rise to approximately \$18.7 million and \$29.9 million, respectively, upon stabilization of operations (assumed to occur by year four). This represents an approximate 45 percent increase in new economic impact over existing Center levels.

The research and analysis conducted for this study (including nearly 700 intercept surveys of Center attendees) suggests that, while the Bell County Expo Center is located within the city of Belton, the economic benefits are relatively dispersed among other communities within the county. This spending primarily includes spending on lodging, meals, bars, entertainment and retail items. Specifically, of the \$12.9 million in estimated annual direct spending that is generated within Bell County by non-locals attending events at the Bell County Expo Center, \$4.7 million (or 37 percent) is estimated to occur within



Belton. The spending estimated to occur within Temple is slightly greater at \$6.0 million (or 47 percent) and is better dispersed through all industry spending segments such as lodging, meals, entertainment, bars/nightlife, retail and leisure (rather than the emphasis on lodging and restaurant meals, as in Belton). While located at a further distance from Belton, Killeen/Harker Heights and Salado still benefit from an estimated \$1.3 million and \$847,900 (or ten and seven percent) of Center-generated direct spending annually, respectively.

Under a potential expanded Center, \$5.8 million represents the incremental direct spending associated with an expansion. The expansion is expected to enable the Center to attract certain larger events and also host a greater number of events concurrently. Given that the La Quinta Inn represents the closest hotel property to the Bell County Expo, and only one of four hotels in Belton, it is believed that this single property will not be able to accommodate a fair portion of the estimated incremental hotel room night demand. As such, a disproportion of the incremental hotel room night demand would be expected to compress to other areas, such as Temple, Killeen/Harker Heights and Salado. As a growing number of Center patrons are being housed in areas other than Belton, a greater amount of their spending on items such as meals and retail will likely occur in these other areas as well. Therefore, areas other than Belton, such as Temple, Killeen/Harker Heights and Salado, are expected to benefit to a greater degree (in terms of percentage gain) from the incremental economic impact generated within Bell County by an expansion of the Center.

The effects of attracting event attendees/participants/exhibitors to Bell County impacts numerous industries and enhances economic activity throughout the communities within the county. Primary visitor industries, including hotels, restaurants, retail, local transportation, and related industries benefit directly from the Center. Indirect effects benefit various support industries, including the wholesale, distribution, manufacturing, and other industries. In addition to the more quantifiable benefits of the Center, certain potential benefits cannot be quantifiably estimated. These intangible benefits include: (1) increased exposure for Bell County (through non-local attendees/participants/exhibitors who might not have had any other reason to visit the area); (2) spin-off development and synergy with other nearby businesses/attractions; and (3) other intangibles such as quality of life for residents through providing entertainment and recreation opportunities, community reputation and image, local gathering point for civic events, commencements and the like.



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.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
240-4600-551-26-21		Contracted Services / Bell County Expo	\$ 14,583			
240-0000-358-11-10		Undesignated Fund Balance			\$ 14,583	
		<i>do not post</i>				
TOTAL.....			\$ 14,583		\$ 14,583	

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

The Bell County Expo Center Convention Sales position public service agency request is eligible for the Hotel-Motel Tax. Funding in the amount of \$14,583 available in the Hotel-Motel Tax fund balance account number 240-0000-358-1110. A budget amendment is requested to allocated funds to account number 240-4600-551-2621 to fund this request.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

5/17/2012

WITH AGENDA ITEM?

☒ Yes☐ No


Department Head/Division Director

5/8/2012

Date _____

X	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ALLOCATING FUNDING FOR THE BELL COUNTY EXPO CENTER'S PUBLIC SERVICE AGENCY REQUEST FOR FISCAL YEAR 2012, IN THE AMOUNT OF \$14,583; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Bell County Expo Center submitted a request for funding during the FY2011-12 Public Service Agency funding request process for a Convention Sales Position;

Whereas, this position was proposed to be funded on an allocated basis by entities receiving Hotel-Motel tax and benefiting from the tourism dollars generated by the Expo Center – funding commitments have now been secured from Belton, Killeen, Harker Heights, Salado and Bell County;

Whereas, funding for this request is available in Account No. 240-4600-551-2621, but a budget amendment to the FY 2011-12 budget needs to be approved to transfer funds to the appropriate expenditure 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 approves the Bell County Expo Center's Public Service Agency Funding request for Fiscal Year 2012 in the amount of \$14,583.

Part 2: The City Council approves an amendment to the FY11-2012 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the 17th day of May, 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

05/17/12
Item #7(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution denying Atmos Mid-Tex's proposed rate increase pending further settlement discussions and to prevent Atmos' proposed rate increase from automatically taking effect on June 11, 2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On or about January 31, 2012, Atmos Mid-Tex filed with the City a Statement of Intent to increase rates within the City. Atmos is seeking to increase system-wide base rates. The Atmos Cities Steering Committee passed suspension resolutions earlier this year, extending the effective date of Atmos Mid-Tex's proposed rate increase to June 4, 2012, in order to permit the cities time to review Atmos Mid-Tex's Statement of Intent. On April 25, 2012, the Atmos Mid-Tex extended the effective date of its proposed rate change, which similarly extended cities' jurisdictional deadlines to June 11, 2012.

Atmos Cities Steering Committee and Atmos Mid-Tex have engaged in some settlement discussions but have not yet reached agreement. Atmos Cities Steering Committee is hoping to achieve settlement with Atmos Mid-Tex in order to perpetuate the Rate Review Mechanism process. The Atmos Cities Steering Committee Settlement Committee therefore recommends denial of Atmos Mid-Tex's proposed rate increase rather than a rate decrease to facilitate further settlement discussions. The resolution prevents Atmos Mid-Tex's proposed rates from automatically going into effect on June 11, 2012.

Atmos Mid-Tex has expressed a desire for settlement while an appeal from the cities' denial of the rate increase is pending. Should a settlement be reached, the City may be required to pass an ordinance setting new rates pursuant to the settlement.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF TEMPLE, TEXAS, DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S ("ATMOS MID-TEX") REQUESTED RATE CHANGE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL

Whereas, the City of Temple, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, §104.001 et seq. of GURA, has exclusive original jurisdiction over Atmos Mid-Tex's rates, operations, and services within the City; and

Whereas, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of over 150 similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in the Atmos Mid-Tex Division; and

Whereas, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC and the Company worked collectively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC as a substitute to the current GRIP process instituted by the Legislature; and

Whereas, ACSC and the Company agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing; and

Whereas, in 2011, ACSC and the Company engaged in good faith negotiations regarding the continuation of the RRM process, but were unable to come to ultimate agreement; and

Whereas, on or about January 31, 2012, the Company filed a Statement of Intent with the cities retaining original jurisdiction within its Mid-Tex service division to increase rates by approximately \$49 million; and

Whereas, Atmos Mid-Tex proposed March 6, 2012, as the effective date for its requested increase in rates; and

Whereas, the City suspended the effective date of Atmos Mid-Tex's proposed rate increase for the maximum period allowed by law and thus extended the City's jurisdiction until June 4, 2012; and

Whereas, on April 25, 2012, the Company extended the effective date for its proposed rates by one week, which similarly extended the City's jurisdiction until June 11, 2012; and

Whereas, the ACSC Executive Committee hired and directed legal counsel and consultants to prepare a common response to the Company's requested rate increase and to negotiate with the Company and direct any necessary litigation; and

Whereas, ACSC's consultants conducted a review of the Company's requested rate increase and found justification that the Company's rates should be decreased; and

Whereas, ACSC and the Company have engaged in settlement discussions but will be unable according to Company representations to reach settlement in sufficient time for cities to act before June 11, 2012; and

Whereas, failure by ACSC members to take action before June 11, 2012 would allow the Company the right to impose its full request on residents of said ACSC members; and

Whereas, the ACSC Settlement Committee recommends denial of the Company's proposed rate increase in order to continue settlement discussions pending the Company's appeal of cities' denials to the Railroad Commission of Texas; and

Whereas, the GURA § 103.022 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

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

Part 1: That the rates proposed by Atmos Mid-Tex to be recovered through its gas rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Part 2: That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

Part 3: That the City's reasonable rate case expenses shall be reimbursed by the Company.

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

Part 5: A copy of this Resolution shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates & Regulatory Affairs, at Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 17th day of May, 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

05/17/12
Item #7(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: This item will present in detail the second quarter ending March 31, 2012, for the General, Water & Sewer, Hotel/Motel Tax, Drainage, and Self-Funded Health Insurance Funds.

Included with these second quarter results will be various schedules detailing grants, sales tax, capital projects and investments.

The second quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2012.

FISCAL IMPACT: N/A

ATTACHMENTS:

Quarterly Financial Statements – available for review in the City Secretary's Office
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE SECOND QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2011-2012; AND PROVIDING AN OPEN MEETINGS CLAUSE.

—

Whereas, the second quarter 2011-2012 fiscal year financial results need to be approved by the City Council;

Whereas, included in the second quarter results are various schedules detailing grants, sales tax, capital projects, investments and will also include a forecast of year-end financial results for the General Fund as of September 30, 2012; and

Whereas, the City Council deems it in the public interest to authorize this action.

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

Part 1: The City Council approves the second quarter 2011-2012 fiscal year financial results, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 17th day of **May**, 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

05/17/12
Item #7(P)
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 \$86,898.

ATTACHMENTS:

[Budget Amendments](#)
[Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
May 17, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2011-521-2516		Judgments & Damages (Police Dept.)	\$ 4,489	
110-2011-521-2516		Judgments & Damages (Police Dept.)	\$ 338	
110-0000-461-0554		Insurance Claims		\$ 4,827
<p>This budget adjustment recognizes insurance proceeds received by AAA Texas County Mutual Insurance Company for reimbursement of damages to a Police vehicle.</p>				
110-3224-551-1118		Extra Help/Seasonal (Recreation - Sammons Indoor Pool)	\$ 29,656	
110-3224-551-1221		Social Security	\$ 2,269	
110-3224-551-1223		Worker Compensation	\$ 465	
110-3224-551-1224		Unemployment Insurance	\$ 2,610	
110-3231-551-1118		Extra Help/Seasonal (Recreation - Afterschool Latchkey)		\$ 15,000
110-3224-551-2118		Chemicals/Compressed Gas		\$ 6,000
110-0000-445-2101		Pool Rental		\$ 4,000
110-0000-445-2102		Classes/Fees		\$ 10,000
<p>Additional funds are needed to cover additional staff costs at Sammons Park Indoor Pool. Funds in Latch Key are being reallocated to the appropriate extra help/seasonal account. Chemicals and compressed gas has historically come in under budget. Indoor pool rental revenue has already surpassed this years budgeted amount. Indoor classes and fees should exceed budget by \$10,000.</p>				
110-3400-531-2516		Judgments & Damages (Streets)	\$ 1,122	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,122
<p>Settlement of claim filed against the City seeking reimbursement for alleged damage to a 1999 Mazda Protégé ES when a Street Department vehicle failed to yield the right-of-way exiting a private drive.</p>				
110-xxxx-5xx-1xxx		General Fund - Lump Sum Payment	\$ 35,015	
110-1500-515-6536		Contingency - Compensation		\$ 35,015
520-xxxx-535-1xxx		Water & Wastewater Fund - Lump Sum Payment	\$ 8,231	
520-5000-535-6536		Contingency - Compensation		\$ 8,231
292-2900-534-1xxx		Drainage Fund - Lump Sum Payment	\$ 814	
292-2900-534-6536		Contingency - Compensation		\$ 814
240-4400-551-1xxx		Hotel/Motel Tax Fund - Lump Sum Payment	\$ 1,889	
240-4400-551-6532		Contingency		\$ 444
240-4400-551-6536		Contingency - Compensation		\$ 1,445
<p>This budget adjustment appropriates funds for the 3% Lump Sum Payment for all eligible employees that have successfully completed their introductory periods after October 1, 2011 and prior to September 30, 2012. Funds are available in the compensation contingency accounts for each fund.</p>				
TOTAL AMENDMENTS			\$ 86,898	\$ 86,898
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
May 17, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Judgments & Damages Contingency	\$	80,000
		Added to Contingency Judgments & Damages from Council Contingency	\$	-
		Taken From Judgments & Damages	\$	(31,339)
		Net Balance of Judgments & Damages Contingency Account	\$	48,661
		Beginning Compensation Contingency	\$	863,600
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(863,600)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Council Contingency	\$	48,661
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(31,738)
		Net Balance of Contingency Account	\$	18,262
		Beginning Compensation Contingency	\$	97,000
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(92,916)
		Net Balance of Compensation Contingency Account	\$	4,084
		Net Balance Water & Sewer Fund Contingency	\$	22,346
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	79,303
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	(444)
		Net Balance of Contingency Account	\$	78,859
		Beginning Compensation Contingency	\$	11,300
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(11,300)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	78,859
		DRAINAGE FUND		
		Beginning Compensation Contingency	\$	13,200
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(13,200)
		Net Balance of Compensation Contingency Account	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	24,387
		Carry forward from Prior Year	\$	12,105
		Added to Contingency Sweep Account	\$	22,327
		Taken From Contingency	\$	(29,131)
		Net Balance of Contingency Account	\$	29,688

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 1st 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.

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

PASSED AND APPROVED this the 17th day of **May**, 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

05/17/12
Item #8
Regular Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: SECOND READING – Z-FY-12-04: Consider adopting an ordinance amending Article 6 of the City of Temple Unified Development Code establishing a 1st and 3rd Street Overlay, add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay.

P&Z COMMISSION RECOMMENDATION: At its April 16, 2012, meeting, the Planning and Zoning Commission voted 9/0 to recommend approval of the proposed ordinance and map with the recommended map exclusions staff proposed.

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

In response to Council discussion on May 3, 2012, Staff also recommends Council consider the following language be added to the ordinance regarding sidewalks:

6.7.15 Exception Requests

- A. *Upon application, the Planning Director may consider an administrative exception for sidewalk width and location. In determining whether to approve, approve with conditions or deny an administrative exception, the Planning Director must consider:*
 - 1. *whether the reduction in width or location is consistent with the purpose of the overlay district.*
 - 2. *building location*
 - 3. *extent to which parking is affected and cannot be remedied by restriping, relocation, and/or other means*
- B. *Application Submittal*

An exception application must be submitted to the Planning Director. The application must include a dimensioned site plan of the property depicting the proposed location and width of the sidewalk, and existing parking, buildings, driveways, curb cuts, and landscaping.

- C. (language already in first reading) Any party aggrieved by a decision of the Planning Director on a development review application in the 1st and 3rd Street Overlay District may appeal to the Planning and Zoning Commission and City Council for final action.

3.1.3 Appeals

E. 1st and 3rd Street Overlay

Any party aggrieved by a decision of the Planning Director on an administrative exception in the 1st and 3rd Street Overlay District may appeal to the Planning and Zoning Commission and City Council.

ITEM SUMMARY: Please refer to the draft minutes of case Z-FY-12-04, from the Planning and Zoning meeting, April 16, 2012. The City of Temple is proposing an overlay district for the South 1st Street and North 3rd Street Corridor to promote enhanced development and redevelopment. This corridor is a Strategic Investment Zone. The adopted three prong approach to redevelopment in SIZ zones is to: perform code enforcement, establish incentives, and enhance development code provisions. The City has already conducted code enforcement in this corridor for approximately three years. An incentive ordinance is in place that allows for grants for facades, landscaping, sidewalks, signs, and demolition. This ordinance is the final step to the SIZ approach.

The proposed overlay incorporates enhanced public realm requirements such as wider sidewalks and street trees as well as includes minimal enhanced standards for on-site development including landscaping and smaller signs. The proposal does not change or amend any zoning or uses that are currently permitted in the area.

The overlay area is generally being defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the south intersection of Avenue E and from the north intersection of Avenue E and South 3rd Street to the north intersection of South 3rd Street and Avenue D, generally following the curve where South 1st and South 3rd join, and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

PROCESS: The Planning staff walked the City Council through a Strength, Weakness, Opportunity, Threat (SWOT) exercise on January 19, 2012 to brainstorm about issues and potential for this area. On February 9, 2012, Staff presented a Visual Preference Survey to City Council to better understand their desires and direction for the proposed overlay. Based upon the results of City Council direction, staff drafted the proposed ordinance and presented information to the property owners at a public meeting on March 27, 2012 for input and questions.

DISTRICT FORMAT: Applicability: Applicability of the various sections of the ordinance is defined based on the development and/or redevelopment on each property as well as specific applicability to districts stated in each section.

General Standards: General Standards refer the reader to Article 4 Zoning Districts which applies in its entirety with the addition of the impervious lot coverage percentages; Article 5 Use Standards applies in its entirety; and Article 7 General Development Standards, Section 7.1 Performance Standards applies in its entirety.

Access and Circulation Standards: This section includes specific prohibition of cul-de-sacs and flag lots. It also defines driveway specifications.

Public Frontage Standards: This section deals with the areas in public ROW, or the areas between back of curb and property line. Three public frontage types are defined and assigned to applicable locations in the overlay. Public frontage includes planting bed, street trees, and sidewalks.

Private Property Landscape Standards: This section addresses minimum landscape area and the amount of trees and shrubs required on private property. Landscaping is based on the type of use.

General Planting Criteria: This section provides the list for specific trees, shrubs and groundcover required, as well as installation, maintenance and irrigation requirements.

Sign Standards: This section refers the reader to Article 7 General Development Standards, Section 7.5 Signs, applies in its entirety with the additions that all signs must be internally illuminated and pole signs and roof signs are prohibited in the 1st and 3rd Street Overlay.

Off-Street Parking and Loading: This section refers the reader to Article 7 General Development Standards, Section 7.4 Off-street Parking and Loading, applies in its entirety with the addition that all surface parking areas must be constructed with raised curb and gutter.

Screening and Buffering: The section refers the reader to Article 7 General Development Standards, Section 7.6 Screening, and adds specific standards for the screening of mechanical equipment, waste containers, loading docks and includes fence standards. This section also prohibits outdoor storage and specifies requirements for outdoor display of goods.

Utility Standards: This section states that new service line utilities must be underground for non-residential and multi-family development if triggered by new construction.

Exception Requests: This section establishes the appeal process to the Planning and Zoning Commission and City Council for applicants wishing to appeal the requirements of the 1st and 3rd Street Overlay District.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on March 22, 2012 in accordance with state law and local ordinance. Staff mailed out 380 property owner notices and 306 property owner notices to properties within 200'.

As of April 16, 2012, staff has received the following responses:

Type	In Favor	In Denial
Property Owners	6	20 properties (16 owners)
200' Neighbors	16	15

FISCAL IMPACT:

NA

ATTACHMENTS:

[Proposed Ordinance](#)

[Notices Received](#)

[Planning and Zoning Commission Minutes April 2, 2012](#)

[Planning and Zoning Commission Minutes April 16, 2012](#)

[Ordinance - to be provided](#)

Sec. 6.7. 1st and 3rd Overlay District

6.7.1 Boundary

The 1st and 3rd Overlay District is defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the south intersection of Avenue E and from the north intersection of Avenue E and South 3rd Street to the north intersection of S 3rd Street and Avenue D, generally following the curve where S 1st and S 3rd join and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

Any property that is consolidated into property that meets the above criteria or is shown on the following map must also conform to the Overlay Standards.

The 1st and 3rd Overlay District is more specifically shown in the map below, which is adopted by reference and declared a part of this UDC.

North Section:



South Section:



6.7.2 Applicability

- A. The provisions of 1st and 3rd Overlay District apply to development types in the table below.
- B. Improvements to existing buildings are cumulative within a 15-year period when determining which of the following provisions apply.
- C. All other provisions of the UDC apply unless otherwise stated.

Nonresidential and Multiple-Family Development Type	General Standards	Circulation Standards	Private Property Landscaping Standards and General Planting Criteria	Screening Standards	Public Frontage Standards	Sign Standards	Utility Standards
New construction (Non-residential and Multiple-Family)	✓	✓	✓	✓	✓	✓	✓
Change in use from single-family residential to multiple-family and nonresidential use (See City Code 12-16 Business Registration)	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓		✓	✓			
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓						
Interior or exterior maintenance of existing structure with like or similar materials; no increase in gross floor area or remodeling							
New Sign						✓	

Single Family Development Type	General Standards	Public Frontage Standards and general Planting Criteria
New construction (Single family attached and detached)	✓	✓

6.7.3 1st and 3rd Overlay District Site Plan Review Process

All redevelopment and new development in the 1st and 3rd Overlay District must follow the TMED site plan review process as described in Article 3.

6.7.4 General Standards

- A. **Article 4, Zoning Districts, applies in its entirety with the addition of the following:**
 - 1. Maximum impervious lot coverage for residential uses is 50%.
 - 2. Maximum impervious lot coverage for non-residential uses is 70%.
- B. **Article 5, Use Standards, applies in its entirety.**
- C. **Article 7, General Development Standards, Section 7.1 Performance Standards applies in its entirety.**

6.7.5 Access and Circulation Standards

- A. **Applicability**

The 1st and 3rd Overlay District circulation standards in this Section apply to all zoning districts and uses unless otherwise stated.
- B. **Article 7, General Development Standards, Section 7.2 Access and Circulation does not apply.**
- C. **Thoroughfare Standards**
 - 1. Cul-de-sacs are prohibited in the 1st and 3rd Overlay District.
 - 2. Flag lots are prohibited in the 1st and 3rd Overlay District.
- D. **Access and Connectivity**
 - 1. **General**
 - a. All driveway connections must be constructed and stubbed or connected to any existing stub.

- b. Driveway spacing must be based on the appropriate alignment with any existing or proposed median breaks as approved by the City Engineer and TxDOT.
- c. Each business is permitted one 24' wide curb cut per street frontage.
- d. If a site has greater than 300' of frontage on South 1st or greater than 400' of frontage on North 3rd, it may have two 24' wide curb cuts for that street frontage.

6.7.6 Public Frontage Standards

A. Applicability

The 1st and 3rd Overlay District public frontage standards in this Section apply to all zoning districts and uses.

B. Public Frontage

- 1. Public frontage is generally the space between the existing or proposed back-of-curb and the property line.
- 2. Total public frontage depth is measured from back-of-curb. If existing right-of-way does not accommodate all requirements, private property must be used to account for the additional required depth.
- 3. Raised curb and gutter installation is required.
- 4. The table below establishes public frontage type and assigns standards to each public frontage type.

Public Frontage Type	Location	On-Street Parking Permitted	Typical Public Frontage Depth (ft.)	Sidewalk Width (ft.)	Planting Strip and Buffer Zone (ft.) Behind Sidewalk
A	South 1st Street from Avenue M to Avenue E and South 3rd Street from Avenue E to Avenue D	No	12'	8' Sidewalk Back of Curb	4'
B	North 3rd Street Houston to South Intersection with Munroe Avenue	No	15'	5' Sidewalk 8' From back of Curb	2' or greater
C	North 3rd Street North Intersection with Munroe to West Bellaire North	No	14'	8' Sidewalk Back of Curb	4' or greater

C. Public Frontage Landscape Standards

1. Street Trees

- a. One tree per 25' linear street frontage is required. Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a nonresidential use.
- b. Trees must be a single species selected from the table in Section 6.7.9.
- c. Trees must be planted within the required planting strip and buffer zone adjacent to the back of sidewalk based on public frontage type.
- d. Large canopy trees must be planted if overhead utilities are not present. Medium canopy trees must be planted if overhead utilities are present.
- e. Public Frontage Type A – Trees must be planted a minimum 10' from back-of-curb in the required planting strip.
- f. Public Frontage Type B – Trees must be planted a minimum thirteen feet from back-of-curb in the required planting strip. If TxDOT right-of-way is greater than 13', the required street trees must be located 1' away from TxDOT right-of-way. The planting strip and buffer zone must be increased 1' for every 1' of additional TxDOT controlled right-of-way.
- g. Public Frontage Type C – Trees must be planted a minimum twelve feet from back-of-curb in the required planting strip. If

TxDOT right-of-way is greater than 12', the required street trees must be located 1' away from TxDOT right-of-way. The Planting strip and buffer zone must be increased 1' for every 1' of additional TxDOT controlled right-of-way.

2. Planting Area

- a. Public Frontage Planting Strip Type A – must be planted with approved shrubs in accordance with Section 6.7.9 at a rate of one one-gallon container per 3 linear feet of street yard planting area and filled with river rock.
- b. Public Frontage Planting Strip Type B – must be planted in sod or evergreen groundcover in accordance with Section 6.7.9.
- c. Public Frontage Planting Strip Type C – must be planted in sod or evergreen groundcover in accordance with Section 6.7.9.

D. Parking Lot Screen

This subsection applies only to non-residential and multiple-family development and uses in the 1st and 3rd Overlay District. Additional parking lot screening is not required for Type A public frontage sections.

1. All parking must be screened from public rights-of-way a minimum 36" in height, through one of the following methods:
 - a. Planting screen of evergreen shrubs;
 - b. Masonry wall;
 - c. Combination of evergreen shrubs and wall.
2. Planted screening must be capable of providing a solid, opaque 36" screen within two years, and must be planted in the public frontage planting strip and buffer zone.
3. Parking lot screening shrubs and landscape area count towards the general site landscaping requirements established in Section 6.7.8 but not towards public frontage planting area.

E. Public Frontage Sidewalk Standards

1. Public Frontage Type A sidewalks must include an 18" concrete band on both sides of a 5' paver sidewalk.
2. Sidewalks must extend the entire length of the development's frontage on a public street and must be constructed in accordance with the Design and Development Standards Manual and related provisions in this UDC.

3. Sidewalks must be constructed before the Director of Construction Safety issues a Certificate of Occupancy.
4. Sidewalks must be constructed at the back of curb.
5. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
6. Sidewalks of different widths must be transitioned within a length of sidewalk by two expansion joints not less than six feet apart as required by state and federal accessibility standards.
7. Sidewalks must connect to parking within the lot and to primary entrances of each nonresidential building.
8. Pedestrian walkways must connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.
9. Residential sidewalks must be installed from the primary entrance of the residence to the perimeter street sidewalk system.

6.7.7 Public Frontage Lighting

A. Applicability

1. This subsection applies only to City initiated projects in the 1st and 3rd Overlay District.
2. Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development. Refer to the TMED Design Criteria Manual for the specific pedestrian-scale lighting models and styles that are permitted in the 1st and 3rd Overlay District.

6.7.8 Private Property Landscape Standards

A. Applicability

The private property landscape standards in this Section apply to all non-residential and multiple-family zoning districts and uses in the 1st and 3rd Overlay District.

B. Article 7, General Development Standards, Section 7.3 Landscaping does not apply.

C. General Site Landscape

1. A minimum percentage of the total area of the private property on which development, construction or reconstruction is proposed

must be dedicated to landscape area including trees, shrubs, groundcover, sod or other living plant material.

2. The table below establishes minimum site landscape requirements for the 1st and 3rd Overlay District.

Development Type	Minimum Landscape Area (%)	Trees and Shrubs per Lot
Multiple-family	40%	2 trees and 8 shrubs per 1,000 sq ft landscape area
Non-residential	30%	1 tree and 4 shrubs per 600 sq ft landscape area

D. Foundation Planting

1. Foundation plantings are required within a planting area a minimum of four feet in depth along 50% of the length of any façade visible to the public.
2. Foundation planting shrubs and landscape area count towards the general site landscaping requirements established in Section 6.7.8.

E. Tree Mix

1. Private property trees must be selected from the table in Section 6.7.9.
2. A minimum of 50 percent of required trees must be selected from the medium or large size tree list.
3. A minimum of 40 percent of required trees must be evergreen species.

6.7.9 General Planting Criteria

A. Applicability

The 1st and 3rd Overlay District general planting criteria in this Section apply to all zoning districts and uses.

B. Approved Tree List

The table below lists the tree species that are eligible to fulfill the tree planting requirements in 1st and 3rd Overlay District. The Planning Director and City Arborist may determine as acceptable other species for plantings other than street trees.

Large Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
American Sycamore	<i>Platanus occidentalis</i>	Deciduous	
Cypress, Bald	<i>Taxodium distichum</i>	Deciduous	Yes
Cypress, Arizona	<i>Cupressus arizonica</i>	Evergreen	Yes
Elm, Cedar	<i>Ulmus crassifolia</i>	Deciduous	Yes
Oak, Chinkapin	<i>Quercus muhlenbergii</i>	Deciduous	
Oak, Live	<i>Quercus virginiana</i>	Evergreen	Yes
Pecan	<i>Carya illinoensis</i>	Deciduous	
Southern Magnolia	<i>Magnolia grandiflora</i>	Evergreen	
Medium Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
Chinese Pistache	<i>Pistacia chinensis</i>	Deciduous	Yes
Elm, Lacebark	<i>Ulmus parvifolia</i>	Deciduous	
Oak, Lacey	<i>Quercus laceyi</i>	Deciduous	Yes
Oak, Mexican White	<i>Quercus polymorpha</i>	Deciduous	
Oak, Texas Red	<i>Quercus texana</i>	Deciduous	Yes
Small Trees			
Common Name	Scientific Name	Type	Street Tree
Buckeye, Mexican	<i>Ungnadia speciosa</i>	Deciduous	
Crape Myrtle	<i>Lagerstroemia indica</i>	Deciduous	
Holly, Yaupon	<i>Ilex vomitoria</i>	Evergreen	
Laurel, Texas Mountain	<i>Sophora secundiflora</i>	Evergreen	
Persimmon, Texas	<i>Diospyros texana</i>	Deciduous	
Pistache, Texas	<i>Pistacia texana</i>	Deciduous	
Plum, Mexican	<i>Prunus mexicana</i>	Deciduous	
Possumhaw Holly	<i>Ilex decidua</i>	Deciduous	
Redbud, Eastern	<i>Cercis canadensis</i>	Deciduous	
Southern Wax Myrtle	<i>Myrica cerifera</i>	Evergreen	
Vitex (Chaste Tree)	<i>Vitex agnus castus</i>	Deciduous	
Willow, Desert	<i>Chilopsis linearis</i>	Deciduous	

C. Approved Groundcover List

The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in the 1st and 3rd Overlay District.

Groundcover		
Common Name	Scientific Name	Type
Asian Jasmine	<i>Trachelospermum asiaticum</i>	Evergreen
English Ivy	<i>Hedera helix</i>	Evergreen
Liriope	<i>Liriope muscari</i>	Evergreen
Monkey Grass (Mondo Grass)	<i>Ophiopogon japonicus</i>	Evergreen

D. Approved Shrubs

Shrubs must be appropriate perennial and evergreen species for the Central Texas region.

E. Approved Lawn Grass

Grass areas must be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia or Buffalo.

F. Landscape Installation

1. Trees

- a. All required large trees must be a minimum of three inches in diameter (single trunk) at breast height or 65-gallon container size at planting.
- b. All required medium trees must be a minimum of two and one-half inches in diameter (single trunk) at breast height at planting.
- c. All required small trees must be a minimum of two inches in diameter (single trunk) at breast height at planting at planting.

2. Shrubs

All required shrubs must be a minimum three-gallon container size at planting.

3. Groundcover

All required groundcover must be a minimum one-gallon container size at planting.

4. Lawn Grass

Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

5. Landscape Maintenance

- a. All new plant material must be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1 through 6).
- b. All required public frontage and private frontage landscaping must be maintained in good condition after installation.
- c. The owner must replace, within 30 days, any plant material that is diseased, deteriorated or dead. The Planning Director may issue up to a 90-day extension of time for replacement during drought or summer months.

6. Irrigation

Permanent irrigation is required for all landscape. City Code Chapter 7, Buildings, Article 7, Landscape Irrigation Standards, applies in its entirety.

6.7.10 Off-Street Parking and Loading

- A. Article 7, General Development Standards, Section 7.4 Off-street Parking and Loading applies in its entirety with the following additions.**

1. General

Surface parking shall be constructed on-site in accordance with the following standards:

- a. Surface parking areas must be constructed with raised curb and gutter.

6.7.11 Signs

- A. Article 7, General Development Standards, Section 7.5 Signs applies in its entirety with the following additions and exceptions.**

1. Lighting

All signs must be internally illuminated.

2. Prohibited Signs

Pole signs and roof signs are prohibited in the 1st and 3rd Street Overlay.

6.7.12 Screening and Buffering

- A. Article 7, General Development Standards, Section 7.6 Screening and Buffering applies in its entirety with the following additions and exceptions.**

B. Screening of Mechanical Equipment

This subsection applies to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from view or isolated so as not to be visible from any residential districts or uses, streets, rights-of-way or public park areas within 150 feet of the property line of the subject lot or tract, measured from a point five feet above grade in accordance with this Section.

2. Roof-mounted mechanical equipment must be shielded from view on all sides using parapet walls.
3. Wall or ground-mounted equipment screening must be constructed of:
 - a. Vegetative screens; or
 - b. Brick, stone, architecturally finished concrete, or other similar masonry materials; and
 - c. All fence or wall posts must be concrete-based masonry or concrete pillars.
4. Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the building.
5. Mechanical equipment screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Section 6.7.8.

C. Screening of Waste Containers

This subsection applies to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. Waste containers must be located at the rear of the building and screened on all sides, including gates, from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the structure.
2. Waste containers must be located a minimum of 50 feet away from any residential use or district's property lines.
3. Waste containers must be located a minimum of 50 feet away from a multi-family entryway.
4. Screening must be at least as tall as the waste container(s) and comprised of materials and color schemes that are visually and aesthetically compatible with the overall project that incorporate the following:
 - a. Brick;
 - b. Stone;
 - c. Stucco;
 - d. Architecturally finished concrete; or
 - e. Other similar masonry materials.

5. Waste containers with fence posts must be rust-protected metal, concrete based, masonry or concrete pillars; and waste containers must have six-inch concrete filled steel pipes (bollards) that are located to protect the enclosure from truck operations and not obstruct operations associated with the waste container.
6. Waste container enclosures must have steel gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tie-backs must be used to secure the steel gates in the open position.
7. Waste container screening must be maintained by the owner at all times.
8. The ingress, egress, and approach to all waste container pads must conform to fire lane requirements.
9. Waste container pad and aprons requirements must be constructed in accordance with the Design and Development Standards Manual.
10. Waste container screening shrubs and landscape area count towards the general site landscaping requirements established in Section 6.7.8.

D. Screening of Loading Docks

This subsection applies to all nonresidential development and uses in the 1st and 3rd Overlay District.

1. Loading and service areas must be located at the rear of the building and screened from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the principal building.
2. Loading areas must not be located closer than 50 feet to any single-family lot, unless wholly within an enclosed building.
3. Off-street loading areas must be screened from view from any street or adjacent property of differing land use.
4. All loading areas must be enclosed on three sides by a wall or other screening device a minimum of eight feet in height.
5. Loading areas that are visible from any public right-of-way must also include a combination of evergreen trees and shrubs that will result in solid opaque vegetative screening a minimum of eight feet

in height within two years of planting. The planting area must be a prepared bed that is at least four feet in width.

6. Loading dock screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Section 6.7.8.

E. Fence and Wall Standards for All Uses

This subsection applies to all development and uses in the 1st and 3rd Overlay District.

1. Fences and walls on the primary and secondary frontage may have a maximum height of four feet.
2. Fences and walls to the rear of the site may have a maximum height of six feet, unless they are required for loading dock screening.
3. Fencing and walls must not be placed within the required line of sight as determined by the sight triangle established in Section 4.4.8.
4. Chain link, barbed wire, razor wire and metal or corrugated panels are prohibited for all uses.

F. Nonresidential and Multiple-Family Uses - Fences

This subsection is applicable to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. Fences and walls must be constructed of wood panels on steel posts, decorative blocks, brick, stone, vinyl, woodcrete and wrought iron.
2. Breaks in the fence or wall must be made to provide for required pedestrian connections to the perimeter of the site and to adjacent developments.

G. Single-Family Uses - Fences

This subsection is applicable to all single family-detached or attached dwelling, row house and townhouse uses in the 1st and 3rd Overlay District. Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, wood, woodcrete and wrought iron.

H. Outdoor Storage

Outdoor storage is not permitted in the 1st and 3rd Overlay District. Prohibited outdoor storage includes open storage of inventory and equipment, portable containers, portable buildings or any other

structure not fixed onto a permanent slab and that adheres to the architectural standards defined in Section 7.7.

I. Outdoor Retail Display

Commodities must not be displayed outdoors for sale in the 1st and 3rd Overlay District, except that temporary outdoor display for a sidewalk sale is permitted that does not extend more than five feet from a front façade and reserves at least five feet of sidewalk or walkway for pedestrian use. Commodities must be brought indoors at the end of each business day.

6.7.13 Building Exterior Materials

A. Article 7, General Development Standards, Section 7.7 Building Exterior Materials Applies in its entirety.

6.7.14 Utility Standards

A. Applicability

The 1st and 3rd Overlay District utility standards in this Section apply to all nonresidential and multiple-family development zoning districts and uses.

B. Underground Utilities Required

All electric, telephone and cable television wires and cables from the property line to all structures being served on the site must be located underground.

6.7.15 Exception Requests

Any party aggrieved by a decision of the Planning Director on a development review application in the 1st and 3rd Street Overlay District district may appeal to the Planning and Zoning Commission and City Council for final action.



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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 recommend the ^{re-}move of the big ugly handrail on the corner of Wroughton and North Third Street. In all the years it has been there, I have never seen a wheel chair use the ramp or the handrail. It increases lettering with kids and some adults just sitting on the rail and talking loudly.

Fred J. Henry
Signature

FRED J. HENRY
Print Name

Your Address: 804 North 3rd St.
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 29 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Arnita Jackson
Signature

Arnita Jackson
Print Name

Your Address:

2201 N. 3rd Street
Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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Date Mailed: March 16, 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

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I recommend ☒ approval () denial of this request.

Comments:

Rebecca M. Ellis
Signature

Rebecca M. Ellis
Print Name

Your Address:

1613 North 5th
Temple Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 16, 2012

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MAR 27 2012

City of Temple
Planning & Development



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Harry B. Macey, III
Signature

Harry B. Macey, III
Print Name

Your Address: 1401 North 3rd Street (as well as 1501, 1515
and 1519 North 3rd)

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 16, 2012

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MAR 21 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

I would like to see zoning change only if it
will attract retail businesses to the north
side, example being a grocery store willing
to compete with Walmart & HEB.

S.H. Hudgins

Signature

Shelton Gene Hudgins

Print Name

Your Address:

306 W. Upshaw Ave

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

Date Mailed: March 16, 2012

MAR 26 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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 IN FAVOR OF BEAUTIFYING ALL OF THE CITY OF TEMPLE, BUT
ESPECIALLY IN OUR AREA, WHICH HAS BEEN IN DECLINE FOR A NUMBER OF
YEARS. LET US KNOW HOW WE CAN HELP.

L. Jeff Harris, pastor
Signature

L. JEFF HARRIS, PASTOR
Print Name

Your Address:

GRACE COMMUNITY PRIMITIVE BAPTIST CHURCH
3111 N. 3RD ST., TEMPLE, TX 79501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

Date Mailed: March 16, 2012

MAR 26 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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.

Vehemently opposed

Comments:

South 1st Street businesses would all need significant exceptions. We will be PROHIBITED cost-wise from making improvements. We will let S. 1st sit & rot. No improvements. ALSO- S. 1st should be a separate consideration from N. 3rd street!

Marilyn Simon

Randall Simon Vice President
Signature

MRSRS, LTD. CO.

RANDALL SIMMON
Print Name

(254) 766-3128

Your Address: *816 S. 1st, Temple 76501*

Mailing address 5218 Sunflower Lane, Temple, Tx. 76502

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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MAR 27 2012

Date Mailed: March 16, 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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 concerned about the long-term
effects your plan will have on Ballade North.

Raymond R. Sharp
Signature

RAYMOND R. THARP
Print Name

Your Address:

304 W. Killen Lane

Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

APR 02 2012

Date Mailed:

March 16, 2012

City of Temple
Planning & Development



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

4
properties

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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. (as written)

Comments:

We like the idea of having some standards, but in this Southern Overlay of 1st/3rd Street, there is very old construction. By limiting restoration or extensions of existing buildings, family businesses will be hurt and will become rundown because of being unable to pay for the added expensive requirements in addition to any renovations. If the overlay was similar to the residential one, with only new construction affected, we feel the overlay could be beneficial. Otherwise it is too restrictive for the type of family businesses in the area. Please consider the overlay restrictions to be similar to the residential ones. Thank you.

Kenneth McGuire
Signature

Kenneth McGuire
Print Name

Your Address:

603 S. 1st
519 S. 1st
609 S. 1st
611 S. 1st

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

Date Mailed: March 19, 2012

APR 02 2012

City of Temple
Planning & Development

Autumn Speer

From: Brenda McGuire [kmcguire@vvm.com]
Sent: Tuesday, April 10, 2012 10:04 AM
To: FTalley735@aol.com; Hbbrown76502@sbcglobal.net; David@belltec.net; mpilkington@pilkington-homes.com; mvpbep@sbcglobal.net; Greg@2thetopllc.com; willsears@hotmail.com; jmmstaats@aol.com; james@asm-tx.com; derekmartin@templeproventures.com
Cc: Autumn Speer; McGuire Tire
Subject: 1st/3rd Street Overlay District

Dear Planning & Zoning Commission members,

We were unable to attend the meeting held on Monday, April 2nd, about the 1st/3rd Street Overlay. We hand delivered our "Neighbor Response to Zoning Change" form to the appropriate office on that date, which was listed as the deadline. However, when I checked online, our form wasn't posted in the packet you received. You may have received our form, but to be sure you know our ideas, we wanted to email you with our comments.

On the form we checked to recommend DENIAL OF THIS REQUEST as it is written. Our comments were:

"We like the idea of having some standards, but in this Southern Overlay of 1st/3rd Street, there is very old construction. By limiting restoration or extensions of existing buildings, family businesses will be hurt and will become rundown because of being unable to pay for the added expensive requirements in addition to any renovations. If the overlay was similar to the residential one, with only new construction affected, we feel the overlay could be beneficial. Otherwise it is too restrictive for the type of family businesses in the area. Please consider the overlay restrictions to be similar to the residential ones. Thank you."

We own these properties within this overlay district:

603 South 1st
519 South 1st
609 South 1st
611 South 1st

We DO want our business area to be attractive to customers and visitors, but the highly restrictive requirements suggested in the proposed overlay district would prohibit many possible improvements that owners could afford. Some of the requirements would actually be impossible to accomplish because of the layout of existing buildings. Please keep these things in mind while meeting again on Monday, April 16th.

(This was sent to the Planning & Zoning Commission members listed on the city website. I realize that Barbara Brown is not on the meeting minutes as being a current member and that Chris Magana is now listed, but there is not contact information for Chris on the website. Please share this email with Chris.)

Thank you,
Kenneth and Brenda McGuire
McGuire Tire LLC
Temple, Texas



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Bill Metcalf
Signature

Bill Metcalf
Print Name

Your Address:

1004 S 1st

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 29 2012

Date Mailed: March 16, 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

*Not such a good idea for Commercial —
Small Business owners are already struggling
in this economy. This will deter them from
making improvements that they can afford.*

*They would have to disclose this to potential buyers or
well - so they are stuck in place - can't expand —
can't sell*

Karen E. Hargrove
Signature

KAREN E HARGROVE
Print Name

** Residential doesn't seem to be too bad —*

Your Address: *6018 Wildcat Drive*
Temple, Tx 76504

Property is 1016 N. 3RD St

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

APR 02 2012

Date Mailed: March 16, 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

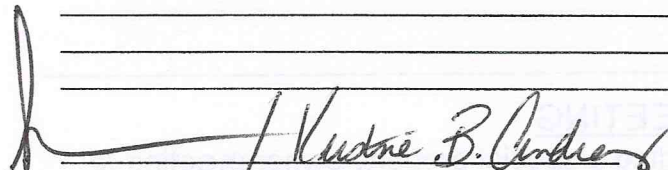
The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

We are owners of: Andrews Industries, LLC; Armadillo Box, LLC;
Comprehensive Engineering Solutions, Inc.; and Impact ~~Engineering~~
Systems Engineering, LLC. Please see the attached letter.


Signature

Scot Andrews, PE / Kristine B. Andrews, PE
Print Name

Your Address: 319 South 1st St.
Temple, Texas 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

APR 02 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



Comprehensive Engineering Solutions, Inc.

319 South First St., Suite A Temple, Texas 76504

Voice: (254) 742-2050 FAX: (254) 742-2055

April 2, 2012

Ms. Autumn Speer
City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Re: 1st and 3rd Street Overlay District

Dear Ms. Speer:

This proposed ordinance will be detrimental to businesses, property owners, and to Temple. As engineers, investors, and property owners, we believe it will discourage new construction and major remodel projects. Thus, the intended result of enhanced aesthetics down this popular corridor will not be achieved. In fact, it will be discouraged. We understand and appreciate the spirit of this legislation. However, we ask the commission to respectfully consider alternatives that are not detrimental to businesses and property owners.

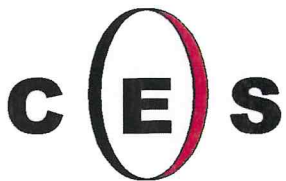
Specifically, the way this ordinance is written will make it difficult if not impossible for existing businesses with limited parking to improve their facilities. It will add costs that could potentially double and thus kill small improvement projects. This will result in even more abandoned or neglected properties down the South 1st Street and North 3rd Street corridor. We also suggest there is little room for new construction down the North 3rd Street area. Thus the extreme sidewalk width will result in at best a few 8' wide islands of sidewalk in a 10 – 20 year period. It will more than likely force a homeowner to abandon a North 3rd Street lot and build elsewhere.

In many cases, affected businesses cannot comply with the stringent requirements simply because there is no physical way to comply. Thus, city officials will be required to review each variance request. We strongly object to this 'review with variance' approach as a cover up for bad legislation as it creates an environment of uncertainty and favoritism. Overall, as new construction and improvements to existing facilities are discouraged, existing property along this corridor will degrade over time.

Finally, specific to our property on 319 South 1st Street, we question why our property was gerrymandered into this ordinance. We front onto the non-corridor part of South 1st Street that is a quiet, two-lane road. We do NOT front onto the four-lane corridor we believe this ordinance was intended to beautify.

We ask:

- 1) Any ordinance focused on the South 1st and North 3rd Street corridor not include our property or any other property that is not along that traffic route;



Comprehensive Engineering Solutions, Inc.

319 South First St., Suite A Temple, Texas 76504

Voice: (254) 742-2050 FAX: (254) 742-2055

- 2) That Planning and Zoning and Temple City Council vote against this ordinance;
and
- 3) That any future ordinances be developed with a mindset to encourage and
support businesses and property owners.

Thank you,

A handwritten signature in blue ink, appearing to read 'Kristine B. Andrews', is written over the printed name.

Kristine B. Andrews, P.E.

A long, horizontal, handwritten signature in blue ink, appearing to read 'Scot Andrews', is written over the printed name.

Scot Andrews, P.E.



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

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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:

Kenny M. Marlin
(Signature)

KENNY M. MARLIN
Print Name

Your Address: 1115 South 1st STREET
Temple, TEXAS

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 27 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Called 1/48
03/16/12
Left Message

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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 lot of reasons

Jerry L. Benjamin
Signature

Jerry L. Benjamin
Print Name

Your Address:

510 S Third ST
Temple 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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MAR 27 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

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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:

DONT KNOW ENOUGH ABOUT WHY WE
NEED THIS CHANGE.

Harold D. Eaks
Signature

HAROLD D. EAKS
Print Name

Your Address: 312 W. KILLEN LANE
TEMPLE, TX, 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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Date Mailed: March 16, 2012

MAR 20 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

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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:


Signature

Anyse Sue Mayborn, President

Print Name
Frank Mayborn Enterprises, Inc.

Your Address: 10 South Third Street

Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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Date Mailed: March 16, 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

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I recommend () approval ☒ denial of this request.

Comments:

My house is considered to be in the Historical District as a single family dwelling. I do not believe or feel this area should be rezoned for anything but single family structures. I am at 1101 N. 3rd St.

Scott Branscum
Signature

Scott Branscum
Print Name

Your Address: 1101 N 3rd ST.
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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City of Temple
Planning & Development

Date Mailed: March 16, 2012



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

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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:

Dan Kaciv
Signature

Dan Kaciv
Print Name

Your Address:

1304 North First
Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than **April 2, 2012**.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 16, 2012



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

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I recommend () approval (✓) denial of this request.

Comments:

The money to implement a program like this should be spent to upgrade existing sewer and water lines that need to be replaced!

Garry B. Graham
Signature

Garry B. Graham
Print Name

Your Address: 1312 N. 3rd
Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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APR 10 2012

Date Mailed: March 16, 2012

City of Temple
Planning & Development



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

2 owner
1 200'

Property owner: 510 S 1st St. (Woods Flowers) owner
513 S 1st St. (Jirasek Realty) owner

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

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I recommend () approval ☒ denial of this request.

Comments: POOR PLAN - TOO MUCH TO MENTION
DIDNT WORK FOR J35 EITHER -

Raymond David Jirasek
Signature

Raymond David Jirasek
Print Name

Your Address: 513 S 1st St
Temple TX 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

APR 02 2012

Date Mailed: March 19, 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

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I recommend () approval (✓) denial of this request.

Comments:

I do not approve due to startup of my new business. Any extra cost would be bad for my business. Zoning change is going to hurt the bottom line. The city needs to let businesses grow before repairing the city.

Malcolm Harmon
Signature

Malcolm Harmon
Print Name

Your Address: 503 S 1st
Temple, TX 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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APR 10 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

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I recommend () approval (✓) denial of this request.

Comments:

Kira Dunn
Signature

Kira Dunn
Print Name

Your Address:

put stop BARBER
502 South 1st St Temple TEXAS 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 16, 2012

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APR 10 2012

City of Temple
Planning & Development



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

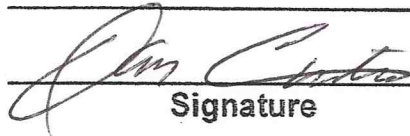
Project Manager Autumn Speer

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I recommend () approval (✓) denial of this request.

Comments:


Signature

Dan Curtis
Print Name

Your Address:

1620 N 3rd St.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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APR 12 2012
City of Temple
Planning & Development

Date Mailed: March 16, 2012



OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

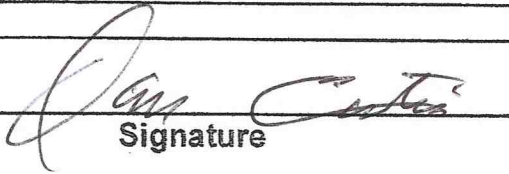
Project Manager Autumn Speer

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I recommend () approval (✓) denial of this request.

Comments:


Signature

DAN CURTIS
Print Name

Your Address:

"French Quarter" Business
2001 N 3rd St, Temple

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 16, 2012

REC'D

APR 12 2012

City of Temple
Planning & Development



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

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I recommend () approval ☒ denial of this request.

Comments:

Robert Allen
Signature

Robert SAWICKY
Print Name

Your Address: 1610 N 5th
Temple, TX

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012

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APR 02 2012

City of Temple
Planning & Development



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

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I recommend () approval ☒ denial of this request.

Comments:

Bill Metcalf
Signature

Bill Metcalf
Print Name

Your Address:

1004 S 1st
Temple TX 76502

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 29 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

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I recommend () approval ☒ denial of this request.

Comments:

Margaret Ely
Signature

MARGARET ELY
Print Name

Your Address:

210 W. Upshaw
TEMPLE, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

APR 02 2012

Date Mailed: March 19, 2012

City of Temple
Planning & Development



200' NEIGHBOR
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1st and 3rd Street Overlay District
Z-FY-12-04

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Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

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I recommend () approval (✓) denial of this request.

Comments:

The city has already restricted property owners enough with current zoning and ordinances. The TMED is example of how this type of proposal can become unreasonable and a burden to property owners.

Dianne McClure
Signature

Dianne McClure
Print Name

Your Address: P.O. Box 2721
Temple, Texas 76503

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED
MAR 29 2012
City of Temple
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR
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1st and 3rd Street Overlay District
Z-FY-12-04

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I recommend () approval (✓) denial of this request.

Comments:

Bernice Talasek
Signature

Bernice Talasek
Print Name

Your Address:

502 W Zenith
Temple TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012

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MAR 23 2012

City of Temple
Planning & Development



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

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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:

Mary Wiscarver
Signature

Mary Wiscarver
Print Name

Your Address:

1819 N. 7th St.
Temple, TX 76501-1674

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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MAR 22 2012

Date Mailed: March 19, 2012

City of Temple
Planning & Development



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

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I recommend () approval (✓) denial of this request.

Comments:

Jerry H. Lyon
Signature

Jerry H. Lyon
Print Name

Your Address: 211 W. Killen
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 27 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

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I recommend () approval (x) denial of this request.

Comments:

G. Patel

Signature

Gordhan C. Patel

Print Name

Your Address:

3309 N. General Bruce Dr

Temple TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012

RECEIVED

MAR 26 2012

City of Temple
Planning & Development



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

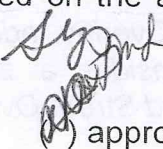
Zoning Application Number: Z-FY-12-04

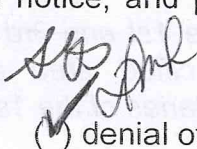
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I recommend

 approval

 denial of this request.

Comments:


Signature

DEIDRE & STEVEN DRAKE
Print Name

Your Address:

804 N 1st St.
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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200' NEIGHBOR
RESPONSE TO ZONING CHANGE
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Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

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I recommend () approval (x) denial of this request.

Comments:

Billy K. Schwertner
Signature

Billy Schwertner
Print Name

Your Address: 113 West Ave N
Temple, TX

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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200' NEIGHBOR
RESPONSE TO ZONING CHANGE
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Z-FY-12-04

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I recommend () approval ☒ denial of this request.

Comments:

I do not want my property (1203 South 3rd)
rezoned for business.

Evelyn Frances Brockman
Signature

EVELYN FRANCES BROCKMAN
Print Name

Your Address: 5588 LAKEAIRE BLVD
TEMPLE, TX 76502-6827

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
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Z-FY-12-04

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I recommend () approval ☒ denial of this request.

Comments: I do not believe 8' sidewalk is necessary.
Perhaps a 4' foot.

[Signature]
Signature

Kelsey Taylor
Print Name

Your Address:

1214 North 1st
Temple

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

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Project Manager Autumn Speer

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I recommend () approval (✓) denial of this request.

Comments:

PLEASE MAKE NO CHANGES WHAT
SO EVER. ANY CHANGES END UP
COSTING TAXPAYERS MORE MONEY!

Frank Pinon
Signature

FRANK PINON
Print Name

Your Address: 12 W. WALKER Ave
TEMPLE TEXAS 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

APR 03 2012

Date Mailed: March 19, 2012

City of Temple
Planning & Development



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

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I recommend () approval ☒ denial of this request.

Comments:

I do not want property taxes to go up.

Angelica Garcia
Signature

Angelica Garcia
Print Name

Your Address:

302 W. Upshaw Ave.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

Date Mailed: March 19, 2012

APR 03 2012

City of Temple
Planning & Development



200' NEIGHBOR
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1st and 3rd Street Overlay District
Z-FY-12-04

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I recommend (☒) approval (☐) denial of this request.

Comments:

Ross Vest

Signature

ROSS VEST

Print Name

Your Address:

1719 W. AVE M - STE-C
Temple TX 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

REC

MAR 27 2012

Date Mailed: March 19, 2012

City of Temple
Planning & Development



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

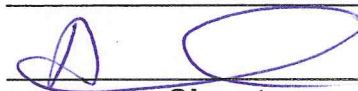
Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:


Signature

Amanda Boyel (Flores)
Print Name

Your Address:

4110 North Main Street
Tempe, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012

RECEIVED

MAR 26 2012

City of Temple
Planning & Development



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Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

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I recommend (☒) approval (☐) denial of this request.

Comments:

*It is important for people to see
Temple as a caring City.
Thanks to those who are doing
the planning*

Johnell Ellison
Signature

Johnell Ellison
Print Name

Your Address:

*918 North 1st St.
Temple, Texas*

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012

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MAR 26 2012

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Planning & Development



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I recommend (✓) approval () denial of this request.

Comments:

I recommend that any new business in this area not be allowed to have loud music or bright lights or late business hours that would interfere with the residents' rest and sleep after 9:00 PM

Joyce M. Kattner
Signature

Joyce M. Kattner
Print Name

Your Address:

302 West Victory Avenue
Temple, TX 76501-1719

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 26 2012

Date Mailed: March 19, 2012

City of Temple
Planning & Development



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Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

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I recommend ☒ approval () denial of this request.

Comments:

I like what you have done
w/ 3rd keep it up -
I want it in my area!!!
Zone me in!

[Signature]
Signature

Tori Marks
Print Name

Your Address:

905 N. 5th
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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MAR 27 2012

City of Temple
Planning & Development

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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:

Timothy C. Hobbs
Signature

Timothy C. Hobbs
Print Name

Your Address:

705 Hesston Circle
Robinson, Tx 76706

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012

RECEIVED
MAR 23 2012
City of Temple
Planning & Development



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

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I recommend ☒ approval () denial of this request.

Comments:

I hope all this means an over all
improvement of the appearance of
these areas.

Edwards
Signature

Trina Edwards
Print Name

Your Address: 814 No. First St. Temple

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012

RECEIVED
MAR 23 2012
City of Temple
Planning & Develop



200' NEIGHBOR
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I recommend ☒ approval ☐ denial of this request.

Comments:

Harry W. Johnson
Signature

Harry W. Johnson
Print Name

Your Address:

410 W. Nugent Ave.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 22 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

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Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

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I recommend (☒) approval () denial of this request.

Comments:

EAITHER WAY, FINE WITH ME

W.R. Lagrone
Signature

W.R. LAGRONE
Print Name

Your Address: 1515 N 5TH ST.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

Date Mailed: March 19, 2012

MAR 22 2012

City of Temple
Planning & Development



200' NEIGHBOR
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Z-FY-12-04

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I recommend (☒) approval (☐) denial of this request.

Comments:

Vidal Ruiz
Signature

Vidal Ruiz
Print Name

Your Address:

110 W. Virginia
Temple, TX 76501-1720

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 22 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



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I recommend ☒ approval ☐ denial of this request.

Comments:


Signature

Billy W. Reddis
Print Name

Your Address:

1417 N. 15th St.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012

RECEIVED

MAR 22 2012

City of Temple
Planning & Development



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Z-FY-12-04

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

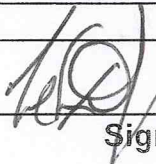
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I recommend ☒ approval ☐ denial of this request.

Comments:


Signature

David Jennings
Print Name

Your Address:

1304 S. 1st
Temple, TX 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012

RECEIVED

MAR 22 2012

City of Temple
Planning & Development



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I recommend (☒) approval (☐) denial of this request.

Comments:

Lois Redwine
Signature

Lois Redwine
Print Name

Your Address:

1317 N. 1st St.

Temple, Texas 76501 - 2048

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 21 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR
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Z-FY-12-04

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I recommend (☒) approval (☐) denial of this request.

Comments:

Mrs. M.W. Stallings
Signature

Neve Stallings
Print Name

Your Address: _____

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

APR 02 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



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I recommend (✓) approval () denial of this request.

Comments:

GO FOR IT - DO A QUALITY JOB 1ST TIME!

THANKS

Gordon Kattner

Signature

GORDON KATTNER

Print Name

Your Address: 218 W VICTORY AVE

TEMPLE, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 29 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR
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Z-FY-12-04

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I recommend () approval () denial of this request.

PICK THE
ONE YOU
WANT !!

Comments:

C.T. Goolsby
Signature

C.T. GOOLSBY
Print Name

Your Address:

2611 N 13TH
TEMPLE 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Date Mailed: March 19, 2012

RECEIVED
MAR 26 2012
City of Temple
Planning & Development



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I recommend ☒ approval ☐ denial of this request.

Comments:

Please see attached

John C. Dungan
Signature

JOHN C. DUNGAN
Print Name

Your Address:

606 West ZENITH AVE.

TEMPLE, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

APR 13 2012

Date Mailed: March 19, 2012

City of Temple
Planning & Development

Gentlemen:

I fully support consideration in the affirmative the rezoning of property described in zoning application number Z-FY-12-04 with the caveat that such consideration would include standards for signage, reasonable parking lots and building fascias. As members of the P&Z Commission are aware, most of the adjacent neighborhoods are residential. Reasonable citizens support commercial development, but not at the expense of home values. Provide standards which protect home values, and both home owners and businesses will prosper. With guidance, this can be a win-win situation.

Thank you for your consideration,



John C. Dungan

606 West Zenith Ave.

Temple, TX 76501

RECEIVED

APR 13 2012

City of Temple
Planning & Development

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 2, 2012**

ACTION ITEMS

Item 4: Z-FY-12-04: Hold a public hearing to discuss and consider action on an amendment to the City of Temple Unified Development Code to amend Article 6 of the Unified Development Code to create an overlay called the 1st and 3rd Street Overlay and add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay generally being defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the north intersection of Avenue D and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

Ms. Autumn Speer, Director of Community Services, stated an overlay is a planning tool used to put standards in place for specific areas. It is a special zone which may be used on top of existing zoning or in place of. In this instance, it has been placed on top of the existing zoning and the change would be to add a boundary called the 1st and 3rd Street Overlay.

A SWOT (strength, weakness, opportunity, threat) exercise was done with City Council in January 2012. City Council and Staff brainstormed on issues and concerns, along with positive things, for the area. That information was then put into a Summary of Findings which was presented to City Council on February 2nd, along with a Visual Preference Survey (VPS) as a follow-up. From that information, City Council chose several things they were interested in seeing in the subject area.

The P&Z Commission had a work shop on this issue on March 5th and a public hearing was held on March 27, 2012.

The boundary for this overlay would be 1st Street from Avenue M up to the bridge, North 3rd Street, Houston to Munroe, is predominately residential, and from Nugent to the Mayborn Center is a mixed use area.

Residential: The only time anything in the proposed ordinance would apply is with brand new construction. If a house is torn down and a new one rebuilt, or if a vacant lot is being built on, the proposed ordinance would apply. The items that would specifically apply are General Standards and Public Frontage Standards.

General Standards deal with Article 4, Zoning District of the UDC, and the use standards.

Public Frontage is an eight foot landscaped strip, back of curb, a five foot sidewalk, and street trees behind the sidewalk. The City would like to maintain the existing character and feel of the area.

Non-residential properties have applicability triggers. New construction requires compliance with all of the new standards.

Ms. Speer gives the formulas for applicability and describes what changes have been made from the Special Meeting held on March 27th due to public comment.

At 50 percent or more, or a change in use from residential to non-residential, the following standards will apply:

- General Standards
- Landscaping
- Screening
- Public Frontage
- Circulation
- Signs

Twenty-five to 49 percent:

- General Standards
- Private property landscaping
- Screening

Ten to 24 percent requires compliance to General Standards only.

Interior or exterior maintenance with like or similar materials, no standards apply.

General Standards: (10 to 24%) deal with Article 4 of the Zoning District (the only addition is the maximum impervious (paved or built upon) lot coverage of 70 percent; Article 5, Use Standards, there are no changes and Article 7, General Development Standards.

Landscaping (25 to 49%) ratios are given.

Screening and Fencing (25 to 49%) is required for HVAC, waste containers, loading docks, etc. New chain link fences are prohibited for both residential and non-residential uses.

New outdoor storage will not be permitted in the proposed overlay. Any current outdoor storage is permitted to remain.

Outdoor retail display is provided for in the Ordinance.

Public Frontage (50%+) includes sidewalks and street trees.

From Avenue M to the bridge, a required eight foot sidewalk with a concrete band on both sides and pavers, and a four foot planting bed with street trees, shrubs and river rock. This matches the design the City will be installing on the west side only from Avenue M to F.

From Munroe to the Mayborn Center is an eight foot sidewalk (reduced from ten feet) and a four foot landscaping strip with street trees.

If parking is in between the building and street, shrubs are required for the street scape area.

Circulation standards also apply at 50%. Cul-de-sacs and flag lots are prohibited.

Existing businesses are permitted one 24 foot curb cut per street frontage unless they take up the entire block.

Sign standards kick in at 50%+ or if a new sign is needed. Only monument signs are permitted freestanding signs in the overlay district.

Public frontage lighting has been removed from the requirements after the public meeting. If installed it will be included by the City, not the developer(s).

Underground utilities apply to 50%+ for non-residential which is standard practice.

Approximately 380 notification letters were mailed to property owners. Six responses were received in favor, eight responses were received in opposition, along with an additional nine denial responses received after the packet was sent out, equaling 17 responses opposed. Approximately 306 notification letters were mailed to 200 foot radius owners with 15 responses received in favor and nine opposed.

Staff recommends approval of Unified Development Code Amendment Article 6, the map change as shown with the exclusion of properties at 307, 319, 401, 405, 409 and 415 S. 1st Street. This section was added to the proposal and Staff would like to exclude it.

The next step for this process is a public hearing on April 19th with City Council.

Commissioner Sears asked Ms. Speer to be more specific about the recommendation for the exclusion. Ms. Speer stated the original overlay proposal was intended to take into account property that fronted South 1st and North 3rd. These properties were added in because it was believed they were part of the view corridor, but they are not. These properties may make more sense to include them in a downtown study which would be more appropriate.

Chair Staats opened the public hearing and stated stipulations for speaking.

Mr. Scot Andrews, 319 S. 1st Street, Temple, Texas, stated this proposal was detrimental to business and property owners and will achieve the opposite of what is intended. The area is already developed and lots are built and limited in space. There is on-street parking and buildings located on property lines and some businesses would not be able to meet these standards. This type of legislation has discouraged Mr. Andrews from building outside the lot and/or purchasing additional nearby property.

This area needs new construction, new buildings, people to come in and make investments, but people will not invest if they have to ask for variances. Mr. Andrews is opposed to a grandfathering effect, a variance effect, and legislation that has to be treated that way. Mr. Andrews strongly encouraged the Commissioner to consider another approach.

Mr. Andrews stated if he did something to their building that triggered the ten percent variance (less than what the expense was for the EFIS on the front of their building) they would have to ask for variances to establish what they wanted to do, plus expenses. At a 25 percent improvement they would incur approximately \$18,000 of expense on a \$300,000 property, plus having to ask for variances. At 50 percent, they are looking at approximately \$40,000 expense, in addition to remodeling, plus they lose their parking, and there is no other parking available.

These types of examples will discourage building and investment in the area.

Mr. Andrews asked the Commission to oppose this Ordinance as written and the property owners are willing to work with the City in other ways to achieve a better outcome.

Mr. Randall Simmon, 816 S. 1st Street, Temple, Texas, stated his property has been a family business for approximately 50 years and was thankful to Staff for delineating and/or removing some items from the meeting held on March 27th.

Businesses will not be able to do improvements since it would be too costly. The same plan for I35 will not work for this area. South 1st Street is its own entity. The buildings and small businesses have been there for years. North 3rd is a residential area and is a completely different neighborhood. These two areas cannot be lumped together since they are vastly different. The economics do not fit with this area.

Mr. Simmon stated he would like to wait and see what happens with the funding for sidewalks that are to be located on the west side only. See how that project goes through, and then take another look at South 1st Street.

Mr. Simmon would like South 1st Street taken off this project at least until it has been looked at individually and the sidewalk project has been completed. Mr. Simmon stated the vast majority of property owners on South 1st Street were opposed to this project.

Ms. Nancy Taylor, 1314 N. 1st Street, Temple, Texas, stated her property adjoined the subject property. Ms. Taylor asked about the sidewalks and only new construction would be required to put in eight foot sidewalks. Ms. Speer stated it depended on where one was located; if residential it would be for new construction and would be a five foot sidewalk in order to match what is currently there. The South 1st and North 3rd section north of that has new eight foot sidewalks. The trigger would be 50 percent of the value.

Ms. Taylor stated she did not see many vacant lots for starting businesses nor a lot of people buying up small lots to put in a new development. It will be spotty. Ms. Taylor asked what property people are coming in to purchase and putting in new sidewalks?

Mr. Dan Kacir, 1304 N. 1st Street, Temple, Texas, asked from Munroe to the Mayborn Center which side the sidewalks would be located. Ms. Speer stated sidewalks would be required on both sides of the street in the entire district. The City has a funded project for just the west side from Avenue M to Avenue F and the sidewalk description is a little different. The rest of the sidewalks would be dependent on new development. Ms. Speer gives the Family Dollar as an example for new sidewalks. The North 3rd area has several opportunities for redevelopment. Almost all of the residential part already has sidewalks and the overlay matches the same sidewalks. Ms. Speer also stated south of Avenue M in the TMED district (Temple Medical Education District), there is a lot of activity and TMED has similar but more requirements for development. Surplus Warehouse and Family Dollar have complied with the standards in effect.

Mr. Steven Drake, 804 N. 1st St., Temple, Texas, asked if there was any plan outside of new construction for North 1st Street going in to change the look of the street. Ms. Speer stated this does not apply to North 1st (north of downtown). North 3rd is the area that is involved. Mr. Drake probably received a 200 foot notification letter since his property adjoins.

Ms. Kristy Andrews, 319 S. 1st St., Temple, Texas, stated she has researched property values through Bell Cad along South 1st Street (mostly commercial development) required to incur costs if remodeling or improvements occurred. Most of these values range from \$20,000 to \$50,000. The 10 percent trigger would kick in on a \$20,000 property if \$2,000 of improvements were done. These amounts are cumulative over a period of 15 years. Ms. Andrews stated the implications of this proposal are fairly stringent and cumbersome for small business owners.

Mr. Eddie Cox, 608 S. 1st Street, Temple, Texas, asked why this proposal was occurring. Ms. Speer responded the City adopted a Comprehensive Plan in 2008 which is a long range plan for the City. The Comprehensive Plan addresses issues such as transportation, land use, water, etc., and this is one of the items listed. This item came to Staff under City Council's direction early in 2012. This is an important corridor into downtown from both the north and south.

Mr. Cox stated his disappointment about the Avenue H Corridor and many improvements the City has made or suggested in the past. Mr. Cox asked why sidewalks were so important; he did not understand it. Mr. Cox asked if more sidewalks and concrete were needed and does this really beautify Temple.

There being no further speakers, Vice-Chair Staats closed the public hearing.

Commissioner Pope stated he was just finishing his second term on the Commission. Commissioner Pope was raised in Temple and remembers different businesses being located along 1st Street at the time he grew up. He stated the City needs to start somewhere and improve parts of the City that have been neglected and/or left behind and it was time to address these issues and fix them. Commissioner Pope thanked the public for their concern and opinions on the matter but felt some changes were needed at some point.

Commissioner Pope responded to the comment about sidewalks and stated many of them should be removed because they were dangerous and many were cracked and in need of repair. The P&Z Commission is trying to help the City by being involved and helping all citizens of Temple and there has to be a starting point or nothing will ever change.

Commissioner Sears stated agreed with Commissioner Pope and stated he has only been in Temple since 1998. From a business perspective, Commissioner Sears stated some businesses can be lost by the aesthetics of a community and some residential increase can be lost by not having the businesses and people not wanting to live in the community and going somewhere else. Commissioner Sears has adopted Temple as his home and likes the changes that have been made. On this particular corridor, Commissioner Sears is not certain it would be successful without more incentives and tax plans, however, he is in favor of the overall plan.

Vice-Chair Staats stated he was a big proponent of sidewalks, especially for people using wheelchairs, motorized wheelchairs, ladies with baby strollers, people out walking, etc., and sidewalks provide a certain amount of safety as opposed to walking in the streets. They are not all pretty but this effort would enhance their appeal. Vice-Chair Staats stated no one really likes change and like leaving things alone, however, age renders things obsolete and requires them to be changed to improve the City.

Vice-Chair Staats stated even though this would affect the business owners directly, it would also affect the entire community of Temple, its longevity, and what people think of Temple overall when they drive through, visit, etc. Vice-Chair Staats asked that the public think about the far-reaching effects of this matter. If change does not take place, the City will die.

Vice-Chair Staats reopens the public hearing for rebuttal comments.

Mr. Randall Simmon returned and stated in this case, starting somewhere is stopping somewhere. Putting the percentage numbers on their properties, they will not be improved and progress will stop. This is not a good plan.

Mr. Steve Drake returned and asked what the City's public investment would be to coincide with what they are expecting businesses to do for the improvements. It seems to Mr. Drake the City is waiting for the backs of the businesses to improve the City but the City is doing nothing to help.

Ms. Speer stated the City would be doing the west side project. Also, there is a grant program through the City on a first come-first served basis with matches for façade and repair improvements and several properties along the South 1st Street area have been helped.

Mr. Drake asked what the City's plan was for improvements and maintenance of those public spaces (sidewalk or road improvements). Ms. Speer responded the streets are all TxDOT right-of-way which would be their roads to maintain. The City is working with TxDOT on a project on the Loop to improve sections and the City is working on a project to fund sidewalks for a portion of this. There is also funding for the Avenue M to Avenue F project on the west and the City is making strides in that project. In the same regard, the development community also needs to help in order to obtain the end goal, maintain property values and keep interest in the City for people to remain living here and/or move here.

Mr. Scot Andrews returned and stated he appreciated the Commissioner's comments but they were wrong. On these properties with this type of ordinance, nothing will get developed as needed. The TMED project has federal money. The I35 project has outside money. Temple does not have this type of money. There needs to be something to coordinate with the property owners to do this in a way it does not rely on the backs of the property owners. Mr. Andrews stated there were properties just sitting because of these types of ordinances and no one wants them if they have to spend extra money to fix them. Mr. Andrews strongly opposes this proposal.

Mr. Eddie Cox returned and stated he was very interested in the incentive programs along 1st Street a couple of years ago. Mr. Cox spoke with someone in the City office, made some contacts and plans, and was told by the City they would come out, see the property, and help out with the advancement and improvements. Mr. Cox stated it never happened.

Commissioner Sears asked if there was a dollar limit on the current matches by the City. Ms. Speer stated she thought there was but could not state what it is.

Vice-Chair Staats closed the second public hearing.

Commissioner Sears stated part of his concern was not the actual ordinances since he liked the desired effect. His concern was that the Ordinance would not achieve the desired effect

without more incentive programs and he would be interested in learning what the financial incentives were for construction improvements.

Ms. Speer stated the City Manager's office handles grant applications. Commissioner Pilkington stated he would like to obtain more information if it is available.

Commissioner Pope made a motion to approve Item 4, Z-FY-12-04, amendment to the Unified Development Code to amend Article 6 and create an overlay called 1st and 3rd Street Overlay and add standards for development and defining the boundaries, including removal of the South 1st Street addresses previously mentioned.

No second made so no action was taken.

Commissioner Pilkington made a motion to table the Item 4, Z-FY-12-04, until the April 16th P&Z meeting in order to obtain additional information of cost incentive programs and Commissioner Sears made a second.

Motion passed: (8:0)
Chair Martin absent

Ms. Speer explained to the public audience that this item would not go forward to City Council on April 19th but would return to the P&Z Commission on April 16, 2012 at 5:30 p.m.

Commissioner Jones asked if this information would be available on the City's website for the public to view. Ms. Speer stated it was currently available and located on the 1st and 3rd Street Overlay website under Planning Department section.

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 16, 2012**

ACTION ITEMS

Item 5: Z-FY-12-04 - Discuss and make a recommendation on an amendment to the City of Temple Unified Development Code to amend Article 6 of the Unified Development Code to create an overlay called the 1st and 3rd Street Overlay and add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay generally being defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the south intersection of Avenue E and from the north intersection of Avenue E and South 3rd Street to the north intersection of S 3rd Street and Avenue D, generally following the curve where S 1st and S 3rd join and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

Ms. Speer stated Ms. Kim Foutz, Assistant City Manager, would be presenting information on the available grant programs in relation to this item.

An overlay is a planning tool used to put standards in place for specific areas. It is a special zone which may be used on top of existing zoning or in place of.

A SWOT (strength, weakness, opportunity, threat) exercise was done with City Council in January 19, 2012. A Visual Preference Survey (VPS) was done with City Council on February 9th and a P&Z work shop on March 5th and a public meeting was held on March 27, 2012.

The general themes heard from City Council had to do with public realm, aesthetics, residential uses, non-residential uses, impacts, incentives, and economic impacts.

For purposes of the presentation, the proposed overlay is divided into two sections, residential and non-residential. The boundary for this overlay would be 1st Street from Avenue M up to the bridge, North 3rd Street, Houston to Munroe, is predominately residential, and from Nugent to the Mayborn Center is a mixed use area.

Residential: The only time anything in the proposed ordinance would apply is with brand new construction. If a house is torn down and a new one rebuilt, or if a vacant lot is being built on, the proposed ordinance would apply. The items that would specifically apply are General Standards and Public Frontage Standards.

General Standards deal with Article 4, Zoning District of the UDC, and the use standards.

Public Frontage is an eight foot landscaped strip of grass, back of curb, a five foot sidewalk, and street trees behind the sidewalk. The City would like to maintain the existing character and feel of the area.

Non-residential properties have applicability triggers. New construction requires compliance with all of the new standards.

Ms. Speer gives the formulas for applicability which is based on Bell County appraisal value of improvements.

At 50 percent or more, or a change in use from residential to non-residential, the following standards will apply:

- General Standards
- Landscaping
- Screening
- Public Frontage
- Circulation
- Signs

Twenty-five to 49 percent:

- General Standards
- Private property landscaping
- Screening

Ten to 24 percent requires compliance to General Standards only.

Interior or exterior maintenance with like or similar materials, no triggers apply.

General Standards: (10 to 24%) deal with Article 4 of the Zoning District (the only addition is the maximum impervious (paved or built upon) lot coverage of 70 percent; Article 5, Use Standards, and Article 7, General Development Standards.

Landscaping (25 to 49%) ratios are given. Foundation plantings for 50 percent of the façade visible from the right-of-way would be required and counted towards the total.

Screening and Fencing (25 to 49%) is required for HVAC, waste containers, loading docks, etc. Any vegetation will count towards the total landscaping.

New chain link fences are prohibited for both residential and non-residential uses.

New outdoor storage will not be permitted in the proposed overlay. Any current outdoor storage is permitted to remain.

Outdoor retail display is provided for in the Ordinance.

Public Frontage (50%+) includes sidewalks and street trees.

From Avenue M to the bridge, a required eight foot sidewalk with a concrete band on both sides and pavers, and a four foot planting bed with street trees, shrubs and river rock. This matches the design the City will be installing on the west side only from Avenue M to F.

From Munroe to the Mayborn Center is an eight foot sidewalk (reduced from ten feet) and a four foot landscaping strip with street trees.

If parking is in between the building and street, shrubs are required for the street scape area.

Circulation standards also apply at 50%. Cul-de-sacs and flag lots are prohibited.

Existing businesses are permitted one 24 foot curb cut per street frontage unless they take up the entire block.

Sign standards kick in at 50%+ or if a new sign is needed. Only monument signs are permitted freestanding signs in the overlay district.

Public frontage lighting has been removed from the requirements after the public meeting. If installed it will be included by the City, not the developer(s).

Underground utilities apply to 50%+ for non-residential which is standard practice.

Approximately 380 notification letters were mailed to property owners. Six responses were received in favor, twenty responses were received in opposition. Approximately 306 notification letters were mailed to 200 foot radius owners with 16 responses received in favor and 15 opposed.

Staff recommends approval of Unified Development Code Amendment Article 6, the map change as shown with the exclusion of properties at 307, 319, 401, 405, 409 and 415 S. 1st Street. This section was originally added to the proposal and Staff would like to exclude it for a potential downtown overlay.

The next step is a public hearing on May 3rd with City Council.

Ms. Kim Foutz stated the incentive program is under the Strategic Zone Investment program and has been in existence for about four years. There are several types of incentives available and cover four separate areas. South 1st Street, North 3rd, Martin Luther King area, and Avenue G and H. All of these areas encompass part of downtown.

There are number of grants that may be applied for in this area and there are also tax abatements. Categories eligible for the grant program include façade improvements, signs, landscaping, irrigation, demolition, asbestos abatement, sidewalk improvements, and waiver of permits and fees. The City accepts applications for grants four times a year which are then submitted to the City Manager's office and then City Staff process the applications.

Depending on the level of the grant, some can be approved by the City Manager's office and all others go straight to City Council for consideration. Anyone awarded a grant is required to enter into a Development Agreement which basically states what the City will be reimbursing for and what improvements will be made.

The other funding program referenced by Ms. Speer is located on the west side of South 1st Street between Avenue F and M. A Public Works project is scheduled that will pay for and install all the sidewalks to the specifications in the Ordinance along the west side including a strip of landscaping. Once this project is completed, the other side will be considered.

Ms. Foutz stated the sidewalk project should be started within the next few months.

Vice-Chair Staats asked where this grant information was located and Ms. Foutz stated it was located on the City's website under the Business Section under Strategic Investment Zones

and can also be found through the Planning Department. The applications are available through the City Manager's office and through Keep Temple Beautiful. Ms. Foutz is the contact for the program.

Although this item does not require a public hearing, Chair Martin asked if anyone wanted to speak on this matter and to state the individual's name and address for the record.

Mr. James Dean, 1301 S. 1st Street, asked about underground utilities and what was meant by 'typical.' Ms. Speer explained underground utilities are required from the right-of-way to the property throughout the City and overhead utilities are allowed in the right-of-way. Mr. Dean felt the overhead utilities looked tacky if the concern was mainly aesthetics. Commissioner Sears stated safety issues would be a potential reason for putting utilities underground. Vice-Chair Staats stated multiple overhead utilities would not be feasible if everyone did it. Mr. Dean stated it put a burden on the property owner to have them install underground utilities.

Mr. Dean asked when this overlay was being studied, what was the percentage of property owners on South 1st Street whose property will be deemed basically worthless because of this proposal. Mr. Dean stated that his property would be worthless and knows of numerous other properties that would have the same result. It is an old section of town with different structures, lot sizes, etc. If you take away the right-of-way and install an eight foot sidewalk, the lots will not be large enough to accommodate this. Ms. Speer stated the right-of-way is TxDOT right-of-way and no one should be parking in the right-of-way. None of the items will be triggered until an owner proposes to do something to the property. The circulation standards do not apply until 50 percent of the value or square footage is proposed. If there is not enough to add on to the existing portion, it will be very hard to get to the triggers.

Mr. Dean commented if the City comes in and puts in the sidewalk project and narrows down your driveway, that is something they can do because of the right-of-way. Some of the properties on the west side are in better shape than the east side for this. Mr. Dean stated there were a number of properties that currently have access to 1st Street now so their customers can have access to their properties. If the sidewalks were put in, they would not. He continued that In Mr. Dean's case, his business at 1301 South 1st Street, has no curb so people can pull in to the front of his business. If the proposed sidewalk were put in, he would literally not have any parking. Mr. Dean stated there were other properties on South 1st Street with the same situation.

Chair Martin stated he also has property located on South 1st Street that is in the same situation with his parking in the right-of-way. Chair Martin stated he is cutting down the size of his building to accommodate parking since he has no other choice. Mr. Dean stated he does not have the finances to do that with his business. Chair Martin asked Mr. Dean what he would do if the City decided to come in and install an eight foot sidewalk, taking up all of the parking. Mr. Dean stated it would basically put him out of business but it is not capable of that type of remodeling. Chair Martin stated the reason Mr. Dean's business was thriving currently is because the parking is located in the right-of-way. Mr. Dean stated that is the way it has existed for a number of years and now someone wants to change that which he understands.

Ms. Speer stated Mr. Dean's business is located on the east side and if the City moves in and does the east side sidewalk improvements, it will affect his parking. In all probability, Mr. Dean will not trigger having to put in the public frontage himself.

Ms. Foutz stated the City will work with the property owners. It is not the City's intent to do projects without working with the public, especially if it affects curb cut and/or circulation, and even if public right-of-way is being used.

Mr. Scot Andrews, 319 S. 1st Street, Temple, Texas stated as investors and property owners, they were against this proposal. This is not I35. The triggers of 15 to 20 percent are significant remodel projects. The property value along 1st Street corridor, according to Bell County tax records, is in the range of \$50,000 to \$100,000. Any remodeling or upgrades will be discouraged with this type of ordinance. Mr. Andrews stated fifty percent of the property owners cannot comply based on space, not cost.

Mr. Andrews was looking at two properties in the corridor but based on the amount of money needed to remodel in order to meet the proposed requirements, he is no longer interested. The properties would also have no parking except in the right-of-way, which is typical of the properties along 1st Street. Vice-Chair Staats stated the building Mr. Andrews was interested in was not included in the discussion and Mr. Andrews agreed but stated it was very similar to other business properties along South 1st Street.

Mr. Andrews stated the four foot sidewalk has worked for 50 years and the City wants to put in an eight foot sidewalk. He finds this offensive as a business and property owner.

Mr. Andrews objects to this proposal and would welcome other alternatives which would allow the business and property owners to work as a team and not feel forced to comply.

Commissioner Pope asked what Mr. Andrews would like to have done, short of providing funding, to encourage development in the area. A lot of complaints have been voiced but would like to hear some positive suggestions. Mr. Andrews stated personally if there were a standard that was trying to be achieved, not forced to achieve, as property owners they would be eager to cooperate. Mr. Andrews stated he fears doing anything and opening the door to eight foot sidewalks, losing property, losing parking, and maybe dealing with the unknown, but he does not want to have to come before P&Z and beg to keep his parking. Commissioner Pope stated in all the years he has lived in Temple, very little change has occurred in some areas and has even deteriorated in others which is unfortunate. Mr. Andrews agreed but did not feel the proposal was the way to encourage development.

Commissioner Pope encouraged anyone with suggestions to contact the P&Z Commission. Mr. Andrews's suggestion was to table this ordinance and get together to work and make the area better.

Vice-Chair Staats stated the Staff was asked if anyone had contacted them to discuss this since the last meeting and the answer was no. Vice-Chair Staats how long everyone should wait? Mr. Andrews stated he were in a waiting mode for this presentation. It takes time to make improvements but there is a definite fear of improvements in triggering the ordinance. Mr. Andrews does not want to be forced into doing it.

Vice-Chair asked Mr. Andrews about his comment regarding not being required to do things and working as a team. If there are no standards set then there is nothing. Mr. Andrews stated the difference between standards and ordinances forcing compliance when one is trying to do improvements in the first place. Vice-Chair Staats stated that was standards are. Mr. Andrews agreed but stated standards could be applied up and down the entire street or apply

standards that trigger based on when someone remodels. He felt as a City they would want to encourage remodeling and development, not discourage it. Mr. Andrews stated if a standard were applied to make your business better, that was fine; globally apply it up and down the entire street. Right now there is some federal money, City money, lots of developer money and mostly nothing up and down the 1st Street corridor. Mr. Andrews fears it is selective with one side of the street being paid for and the other is not.

Vice-Chair Staats asked what would make the public do it if there were not requirements. Mr. Andrews responded there were no requirements and then there was discouragement. The requirements the City is proposing discourage the exact activity they want to accomplish.

Vice-Chair Staats stated he agreed with Commissioner Pope that there have been a lot of complaints but no viable constructive suggestions have been offered. There have been no meetings with City Staff since last meeting. Mr. Andrews stated he and his wife wanted to hear what would be said at this meeting.

Commissioner Magaña agreed with Commissioner Pope and stated for the last 50 years the businesses on South 1st Street have been neglected and if the City did not start somewhere the area would continue to deteriorate. There had to be a starting point and not everyone would be happy but standards were needed for the area. Commissioner Magaña stated the major objection previously stated at the meeting was money. Commissioner Magaña stated the City has shown there are grants available to assist the public with this proposal and that grant information was offered to the public. Ms. Speer stated the link to this grant information was placed on the City's website the day after the meeting.

Mr. Andrews said he understood the comments by Commissioner Magaña but stated his issue was the way the ordinance is written and targeted at businesses trying to remodel is going to directly discourage what the City is trying to achieve. It is the other businesses not remodeling and all of the businesses being discouraged from remodeling that this ordinance will hurt. Mr. Andrews stated it was wonderful to set a standard but when standards discourage development people will go elsewhere and the area will go downhill. Mr. Andrews stated this was the first they heard about available City funds which was great.

Commissioner Pilkington asked Ms. Speer about McGuire Tire. Ms. Speer stated she has spoken with the McGuires and they would need to request an exception if the 50 percent were triggered. The McGuires have legitimate issues, as do others, but there are some options available for them.

Mr. Randall Simmon, 816 S. 1st Street, Temple, Texas, asked Ms. Foutz how much money has the City been giving out each year per project and how would this affect small properties. Ms. Foutz stated this was a one to one matching program and if \$30,000 were spent on the façade then the City would match up to \$15,000 for the façade. Same thing on the sidewalks; the grants go up to \$10,000. The owner pays half and the City would pay half.

Ms. Foutz also stated there was an Oversized Program. If there were an eight foot sidewalk and the general provisions required a six foot sidewalk, the City would pay 100 percent for the two feet, 50/50 on the balance, and this amount would include labor and materials.

Mr. Simmon asked what utilities would cost and Ms. Foutz stated that issue is still being misunderstood because we are talking about the service lines to the building for putting electric

underground for service lines. We are not affecting the distribution lines that are running parallel to the street. Ms. Foutz stated utilities would not be an eligible expense. The eligible categories are available on the City's website. Mr. Simmon asked how much the program provided last year and Ms. Foutz stated approximately \$135,000, which is about the same amount as this year. Fortunately, the City has never been in the situation where an applicant who has applied was denied. If an application is received which exceeds the amount already allocated, then City Council is asked for possible grant supplementation.

Ms. Foutz stated grant applications do not have to be associated with this overlay and some limitations do exist.

Ms. Kristine Andrews, 319 S. 1st Street, Temple, Texas, stated she spoke with Ms. Foutz about these improvements and there has been some discussion not presented. Ms. Andrews agrees with the comments made against this proposed ordinance so far. The Commission has heard from the very business owners the improvements are to be made from and those people are telling you that this proposed ordinance will discourage people from making improvements. Ms. Andrews urged the Commission to listen to them because they are the ones that will be making the improvements. What is wanted will not be accomplished by this ordinance.

Ms. Andrews stated up until two weeks ago most of the business owners did not know about the incentive programs. Now that the information is known, give the business owners a chance to utilize the grants to make improvements.

Ms. Andrews stated Chair Martin and Commissioner Pope had property directly affected by this proposed overlay. Chair Martin stated his property was affected by the TMED standards which were stricter than this overlay. Ms. Andrews then asked Commissioner Pope if he were going to recuse himself from voting on this item. Commissioner Pope asked Ms. Trudi Dill, Deputy City Attorney, if he needed to recuse himself and was told no, he only resides there. Commissioner Pope stated it had little effect on his residential status.

Ms. Andrews asked the Commission to consider doing the same for businesses as the residential areas and not having the ordinance kick in or be triggered unless new construction takes place.

Ms. Andrews stated she was asked by another business owner to please convey to the Commission to please consider the realistic impact this overlay will have which will be to discourage business improvements, the very thing the City encourages.

Vice-Chair Staats asked Ms. Andrews what kind of time frame she have in mind to allow the businesses involved to take advantage of the incentives available. Ms. Andrews replied somewhere between two to four years because of the various aspects involved such as remodeling, design, pricing, etc., and allowing time for City Council, if needed, actual construction time, etc. Ms. Andrews clarified this time allotment was for the completion of everything involved.

Mr. Thomas Baird, 15 N. Main, Temple, Texas, stated he has been a developer and property owner up and down 1st and 3rd and all over Temple. Mr. Baird was attending the meeting to represent himself since he is concerned about the community and the future. Temple needs to do something to bring it up to date. The only through streets in Temple are 5th, 3rd and 1st. Mr. Baird's own business is on the property line and understands the comments made by other

property owners. Mr. Baird stated the City of Temple has bent over backwards time and again to work with people to improve the community and help during difficult times.

Mr. Baird stated the standards being requested from the City of Temple are minimal. These steps will make a huge difference in the future and the City continues to look for grant money, city, state and federal money, etc., to assist with these matters to create a better environment for its current and future citizens. The process has to be allowed to work a little at a time. The proposal has been cut back, pared, changed for consideration of comments, and presents a minimum of requirements.

There being no further speakers, Chair Martin allowed for further comments from citizens with a three minute time limit.

Mr. James Dean stated he also wanted to live in a great place and good looking community and realized the City was trying to make improvements. Mr. Dean urged the Commission to at least know what properties will be affected and hindered by this proposal. Mr. Dean stated a number of properties on South 1st Street would be put in a very poor position if this proposal is approved. Mr. Dean realized it was not the City's intent to put anyone out of business or in more of a financial bind.

Mr. Randall Simmon stated there was an inclination this proposal would pass but with respect to South 1st Street there are buildings people are considering purchasing that once this additional cost is included, they will not purchase the buildings which stops progress. Mr. Simmon stated the investment numbers do not match for the types of properties and improvements even with the City's assistance. Mr. Simmon stated South 1st Street will be stalled because of this proposal.

Mr. Scot Andrews stated this was the wrong area to ask for this type of money and this type of ordinance and expect to encourage improvement. These are low dollar properties and not the right area even though the City has painted a great picture with the matching funds but not near what it would cost to fix the area. Mr. Andrews stated when this was presented to the public, there were some landscape only funds which would not affect or benefit his property. Now that the program has improved, give the owners a chance to take advantage of it and let them do it on their own terms. Mr. Andrews commended the work done for residential properties but for property directly in the zone, he felt it was unethical for Commissioner Pope to vote on.

Ms. Trudi Dill, Deputy City Attorney, stated how potential conflicts are analyzed and a member may need to abstain when the matter is reasonably foreseeable that action on the matter would confer an economic benefit to the real property that is distinguishable from the affect on the general public. The analysis for this was in the event of a major remodel or tearing down a house and building a new one that the Ordinance would not confer an economic benefit but there would be additional costs to the owner to meet the requirements. The Commission is not voting on grants or offering the incentives, those are already in place.

Commissioner Pope stated he did not know how this could benefit him residentially since his house is 100 years old. The Masonry Ordinance created a huge stir, especially with TABA, but at the end when it was passed, TABA asked that records be kept of all the people that do not build because of this and two years later there were no names. The Ordinance did not sound

good to them but the City did not want metal buildings on the main streets. Commissioner Pope stated this proposal was altogether different but felt it was minimal and deserved a try.

Commissioner Sears stated some of the concerns about delaying progress by these ordinances are actually hindering new development to come in. This corridor started in the TMED area and has improved already so there is progress being made. To encourage the progress to continue down 1st Street, changes need to occur. Commissioner Sears stated the City has been cooperative with individual properties and it was not the intent to put anyone out of business. Commissioner Sears felt this would encourage more development in the area due to the existing improvements and possibly increase property values and felt this was a good way to start.

Commissioner Talley thanked everyone for participating in the discussion and appreciated the concessions the City has made in order to try and get this Ordinance through. Commissioner Talley also stated this was very difficult for him since he empathized with Mr. Dean and was uncomfortable being on the panel for this issue. Commissioner Talley stated it was not an easy decision for anyone on the P&Z and even harder since he was not in the same dilemma as the property owners involved. Commissioner Talley stated last time Commissioner Pope made a motion and Commissioner Talley could not make a second. However, he would be agreeable this time if Commissioner Pope made a motion.

Commissioner Rhoads stated he also grew up in the area and even though he was not always ready for changes, Temple has to move forward somehow even if it is a hard decision. Commissioner Pilkington agreed it was a difficult issue for the P&Z members. He was not in favor of the Masonry Ordinance when it came up and still sees developers having issues but felt the Staff has been working hard with the public to accommodate changes.

Commissioner Magaña stated at the last meeting no one wanted to make a second to the motion made, including him, since he was against it at the time. Since then, the matter has weighed heavy on his mind and he has made several trips to the area and talked with different business owners. This is not an easy decision for the Commissioners.

Chair Martin agreed with all the comments made by the Commissioners and stated as hard as it was the Commissioners want to do what is best for all concerned.

Commissioner Jones stated he appreciated the citizens participating in this issue over time and his main concern was, if the City waited, and those who have not done anything during that waiting period, then what? That would be another several years Temple would be behind where nothing has happened. Even with all the valid arguments presented by the citizens, Commissioner Jones felt the City should move forward since nothing has been improved over the past.

Commissioner Pope made a motion to approve Item 5, Z-FY-12-04, to amend the Unified Development Code, Article 6, and create an overlay called the 1st and 3rd Street Overlay per Staff recommendation (which includes the excluded properties). Commissioner Talley made a second.

Motion passed: (9:0)