MEETING OF THE

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd Floor – CONFERENCE ROOM

THURSDAY, JULY 5, 2012

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 5, 2012.

2. Discuss the proposed FY 2012-2013 budget and related issue, to include the various strategic and budget related policy issues.

3. Discuss upcoming appointments to the following City boards and commissions:

   (A) Parks and Leisure Services Advisory Board – one member to fill unexpired term through March 1, 2015
   (B) Temple Public Safety Advisory Board – one member to fill unexpired term through September 1, 2013.

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 HEARINGS

3. PUBLIC HEARING - Receive comments and questions concerning the 2011 Drinking Water Quality Report (Consumer Confidence Report).

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes

(A) May 24, 2012 Special Called Meeting
(B) June 7, 2012 Special Called and Regular Meeting
(C) June 18, 2012 Special Called Meeting
(D) June 21, 2012 Special Called and Regular Meeting

Contracts, Leases, & Bids

(E) 2012-6641-R: Consider adopting a resolution authorizing a professional services agreement with Page-Southerland-Page, LLP, for design and planning services required to develop a Master Plan to guide development within the Bioscience Park in an amount not to exceed $43,000.

(F) 2012-6642-R: Consider adopting a resolution authorizing a construction contract with Patin Construction LLC of Taylor for the second project of the 2012 Wastewater Line Replacement Project in an amount not to exceed $1,089,022 which includes the replacement of wastewater lines on Marlandwood Road to Canyon Creek between South 31st Street and Cole Porter.

(G) 2012-6643-R: Consider adopting a resolution authorizing the acceptance by the City from the State of Texas a portion of Shallowford Road near Midway Drive and I-35.

(H) 2012-6644-R: Consider adopting a resolution authorizing a Chapter 380 development agreement between the City and ZAP JM Group, Inc., authorizing the sale and development of the property located at 112 North 3rd Street.

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

Ordinances – Second & Final Reading

(I) 2012-4541: SECOND READING - Consider amending the Code of Ordinances by creating Article II entitled "Post Construction" to Chapter 27, "Storm Water Management" per the City of Temple's Storm Water Management Program and as required by Texas Commission on Environmental Quality.

Misc.

(J) 2012-6645-R: P-FY-12-22: Consider adopting a resolution authorizing the Final Plat of West Adams Addition, a 1.620 ± acres, 1-lot, 1-block nonresidential subdivision, with developer's requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees, located at the southwest corner of West Adams Avenue and South Kegley Road.

(K) 2012-6646-R: Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2012-2013 budget for August 2, 2012 and August 30, 2012 at 5:00 p.m. in the City Council Chambers.

(L) 2012-6647-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

V. REGULAR AGENDA

ORDINANCES

5. FIRST READING – PUBLIC HEARING: Consider adopting ordinances authorizing a rezoning from Agricultural District (AG) to Light Industrial District (LI) on:

   (A) 2012-4542: Z-FY-12-46A: 8.273± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305, and 7325 Pegasus Drive.

   (B) 2012-4543: Z-FY-12-46B: 15.345± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive.

6. 2012-4544: FIRST READING – PUBLIC HEARING - Z-FY-12-47: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for B. Dell's Fire and Ice Grill, on Lot 9, Block 2, Commerce Park Commercial Subdivision, a replat of a portion of Lots 3, 4, 5, & 7, Block 2, Commerce Park Commercial Subdivision, located at 221 S.W. HK Dodgen Loop.

7. 2012-4545: FIRST READING – PUBLIC HEARING - Z-FY-12-49: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 3,5,7, and 8 of the Unified Development Code to add requirements for Site Plan and establish review procedures and submission standards related to such requirement; clarify language related to requirement for enclosure of Major Vehicle Repair; clarify language related to Access and Circulation standards; add requirement for Curb and Gutter for off-street parking and landscaping; amend required size of subdivision Water and Wastewater Mains; and eliminate developer cost participation requirements on certain streets adjacent to subdivisions.

8. 2012-4546**:** FIRST READING - PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans as follows:

   (A) Appropriating $65,000 to the Friar's Creek Hike and Bike Trail Project and recognizing $65,000 in revenue from additional property taxes received in FY 2012.

(B) Appropriating $800,000 to the Bioscience Park Service Road and Utility Extensions Project, $112,840 in FY 2012 and $687,160 in FY 2013; recognizing $112,840 in revenue from additional property taxes received in FY 2012; recognizing $400,000 in revenue from developer's contribution and reallocating funds from Pepper Creek Trail Extension in the amount of $287,160 in FY 2013.

(C) Appropriating $30,250 to professional services and recognizing $30,250 in revenue from contributions from Temple Economic Development Corporation of $10,000 and from Bioscience District of $20,250 in FY 2012.

9. 2012-4547: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Drainage Criteria and Design Manual by replacing Section 9 "Sediment and Erosion Control," with a revised section titled "Storm Water Best Management Practices."

RESOLUTIONS

Plats and Appeals

10. 2012-6648-R: P-FY-12-24: Consider adopting a resolution authorizing the Final Plat of Sommer Estates, a 10.00 acres ±, 2 –lot, 1-block residential subdivision, with developer's requested exceptions to Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants and Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication, located at the northwest corner of Luther Curtis Road and Franklin Road, in Temple's northern Extraterritorial Jurisdiction.

11. 2012-6649-R: Z-FY-12-48: Consider adopting 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 improvements to an existing vehicle sales establishment located at 3207 South General Bruce Drive.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on June 29, 2012.

Lacy Borgeson

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

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, P.E., Director of Public Works
Johnnie Reisner, Director of Water Production Services

ITEM DESCRIPTION: PUBLIC HEARING - Receive comments and questions concerning the 2011 Drinking Water Quality Report (Consumer Confidence Report).

STAFF RECOMMENDATION: Conduct public hearing; no action required.

ITEM SUMMARY: The Consumer Confidence Report (CCR) is an annual water quality analysis of the City's drinking water. The Texas Commission on Environmental Quality (TCEQ), under Title 30 of the Texas Administrative Code §290.271-290.275, requires that community water systems deliver the annual CCR to customers, making a good faith effort to reach all customers and citizens by appropriate methods. This effort has been completed through inclusion of the CCR in all utility billing cycles (both by mail and electronically), as well as making it available on the City's website, at the Utility Business Office, the Public Library, and through the office of Public Works Administration.

FISCAL IMPACT: N/A

ATTACHMENTS:

2011 Drinking Water Quality Report

Consumer Confidence Report Information Specific to your Community Public Water System

Year this report covers: 2011
Source/Type of Water: Surface Water
Commonly Used name of the body of Water: Leon River
Location of the Body of Water: Bell County

Source Water Assessment Protection

The TCEQ completed an assessment of your source water and results indicate that our sources have a low susceptibility to contaminants. The sampling requirements for your water system are based on this susceptibility and previous sample data. Any detections of these contaminants will be found in this Consumer Confidence Report. For more information on source water assessments and protection efforts at our system contact Johnnie Reisner at 298-5940.

Definitions

Treatment technique (TT): A required process intended to reduce the level of a contaminant in drinking water.

Maximum Contaminant Level (MCL) The highest permissible level of a contaminant in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Maximum Contaminant Level Goal (MCLG) The level of a contaminant in drinking water below which there is no known or expected health risk. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL) The highest level of disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG) The level of drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Action Level (AL) The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

NTU: Nephelometric Turbidity Units

pCi/L: picocuries per liter (a measure of radioactivity)

ppm: parts per million, or milligrams per liter (mg/L)

ppb – parts per billion, or micrograms per liter (ug/L)

***The data presented in the report is from the most recent testing in accordance with regulations.**

To request a copy of the Consumer Confidence Report in Spanish please call 298-5621

Information on Detected Contaminants

Total Coliform Bacteria

Name of Microbiological Contaminant	Date of Detection	Maximum Containment Level Goal	Total Coliform Maximum Containment Level	Highest Monthly Percentage of Positive Samples	Was this a Violation ?	Likely Source of Contamination
Total coliform bacteria	2011	0	Presence of coliform bacteria in more that 5% of monthly samples	1.39	N	Naturally present in the environment.

Total Organic Carbon

Constituent	Low	Average	High	Treatment Technique or Specific Action Level	MCLG	Unit Of Measure	Source of Constituent
Total Organic Carbon Source Water	2.77	3.35	3.97	None	N/A	ppm	Naturally present in the environment.
Total organic Carbon Drinking Water	1.94	2.47	2.70	None	N/A	ppm	Naturally present in the environment.
Total Organic Carbon Removal Ration	17.7	26.3	38.0	None	N/A	% removal	Naturally present in the environment.

Turbidity

	Limit (for Treatment Techniques Being Used)	Level Detected	Explanation of Reason for Measuring Turbidity	Was this a violation?	Likely Source of Contamination
Highest Single Measurement	0.3	.23	Turbidity has no health effects however; turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms.	N	Soil runoff
Lowest Monthly % of samples meeting Turbidity Limit	95	100	Turbidity has no health effects however; turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms.	N	Soil runoff

Radioactive Contaminants

Name of Radioactive Contaminant	Collection Date	Highest Level Detected	Range of Levels Detected	MCLG	MCL	Unit of Measurement	Was this a Violation?	Likely Source of Contamination
Combined radium	2006	.1	.1-.1	0	5	pCi/L	N	Erosion of natural deposits

***EPA considers 50pCi/L to be the level of concern for the beta particles**

Inorganic Contaminants

Name of Inorganic Contaminant	Collection Date	Highest Level of Detected	Range of Levels Detected	MCLG	MCL	Unit of MCLG and MCL	Was this a Violation?	Likely Source of Contamination
Chloramines	2011	4.0	0.5-4.0	MRDLG=4	MRDL= 4	ppm	N	Water additive used to control microbes
Fluoride	2011	.3	.3-.3	4	4	ppm	**N**	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories
Nitrate	2011	.7	.7-.7	10	10	ppm	**N**	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits

Nitrate in drinking water at levels above10 ppm is a health risk for infants of less than six months. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant, you should ask advice from your health care provider.

Unregulated Contaminants

Unregulated Initial Distribution Systems Evaluation for Disinfection Byproducts

Contaminant	Year	Average Level	Minimum Level	Maximum Level	MCL	Unite of Measure	Source of Contaminant
Total Haloacetic Acids	2008	29.4	11.3	42.3	N/A	ppb	By-product of drinking water dissection
Total Trihalomethanes	2008	60.1	38	81.8	N/A	ppb	By-product of drinking water dissection

Unregulated Contaminants

Contaminant	Year	Average Level	Minimum	Maximum	MCL	Unit of Measure	Source of Contaminant
Chloroform	2011	6.9	6.9	6.9	N/A	ppb	By-product of drinking water dissection
Bromoform	2011	3.2	3.2	3.2	N/A	ppb	By-product of drinking water dissection
Bromodichloromethane	2011	11	11	11	N/A	ppb	By-product of drinking water dissection
Dibromochloromethane	2011	12	12	12	N/A	ppb	By-product of drinking water dissection

Lead and Copper

Lead or Copper	Year	The 90th Percentile Value of the Most Recent Rounding of Sampling	Number of Sites Exceeding Action Level	Action Level	Unit of Measure	Was this a Violation?	Source of Contaminant
Lead	2009	2.7	0	15	ppb	N	By-product of drinking water dissection
Copper	2009	.222	0	1.3	ppm	N	By-product of drinking water dissection

Disinfection By-Products

Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidney, or central nervous systems, and may have an increased risk of getting cancer.

Name of Disinfectant and Disinfection By-Products	Collection Date	Highest Level Detected	Highest Locational Running Annual Average	Range of Levels Detected	MCLG	MCL	Units	Was this a Violation?	Likely Source of Contamination
Haloacetic Acids	2011	27.2	24.1	7.5	N/A	60	ppb	N	By-product of drinking water dissection
TTHMs (Total Trihalomethanes)	2011	58.9	53.3	18	N/A	80	ppb	N	By-product of drinking water dissection

Secondary and Other Constituents Not Regulated

Year	Constituent	Average Level	Minimum Level	Maximum Level	Secondary Limit	Unit of Measure	Source of Contaminant
2011	Bicarbonate	190	190	190	N.A	ppm	Corrosion of carbonate rocks such as limestone
2011	Chloride	26	26	26	300	ppm	Abundant naturally occurring element; used in water purification; by-product of oil filed activity.
2011	pH	7.4	7.4	7.4	>7.0	units	Measure of corrosively of water
2011	Sodium	18.9	18.9	18.9	18.9	ppm	Erosion of natural deposits; by-product of oil field activity
2011	Sulfate	41	41	41	300	ppm	Naturally occurring; common industrial by-product; by-product of oil field activity
2011	Total Alkalinity as CaCo3	156	156	156	N/A	ppm	Naturally-occurring soluble mineral salts.
2011	Total Dissolved Solids	264	264	264	1000	ppm	Total dissolved mineral constituents in water

***HARDNESS: DATA AVAILABLE FROM CITY OF TEMPLE WATER TREATMENT PLANT STAFF (254) 298-5940**

Informe Confidencial al Consumidor
Información Específica del Sistema Público De Agua

Este informe cubre el año: 2011
Fuente / Tipo de agua: Agua Superficial
Nombre común para la fuente del agua: Río León
Localización de la fuente del agua: el Condado de Bell

Evaluación de Protección de fuente de Agua

La TCEQ ha completado una evaluación de su fuente de agua y los resultados indican que las fuentes tienen una baja susceptibilidad de contaminantes. Los requisitos de la prueba para el sistema de agua se basan en esta susceptibilidad y datos de muestras anteriores. Cualquier detección de estos contaminantes se encuentran en este Informe Confidencial al Consumidor. Para más información sobre las evaluaciones de las fuentes de agua y los esfuerzos de protección de nuestro sistema póngase en contacto con Johnnie Reisner. El número de teléfono para Johnnie Reisner es 254.298.5940.

Definiciones

Técnica de Tratamiento (TT): Un proceso requerido para reducir el nivel de un contaminante en el agua potable.

Nivel máximo de contaminante (MCL): El nivel más alto permitido de un contaminante en el agua potable. Los MCL se fijan lo más cerca posible de los MCLG utilizando la mejor tecnología de tratamiento disponible.

Meta del Nivel Máximo de Contaminantes (MCLG): El nivel de un contaminante en el agua potable debajo del cual no hay riesgo conocido o viable para la salud. MCLGs permite un margen de seguridad.

Nivel máximo de desinfectante residual (MRDL): El nivel más alto de desinfectante permitido en el agua potable. Hay pruebas convincentes de que la adición de un desinfectante es necesaria para controlar los contaminantes microbianos.

Máximo de desinfectante residual Meta (MRDLG): El nivel más alto de desinfectante de agua potable por debajo del cual no hay riesgo conocido o viable para la salud. MRDLG no reflejan los beneficios del uso de desinfectantes para controlar la contaminación microbiana.

Nivel de Acción (AL): La concentración de un contaminante que, si se excede, provoca el tratamiento y otros requisitos que debe seguir el sistema de agua.

NTU: Unidades nefelométricas de turbidez

pCi/L: picocuries por litro (una medida de radioactividad)

ppm: partes para millón, o miligramos por Litro (mg / L)

ppb: partes por billón, o microgramos por litro (ug / L)

* La información presentada en este informe es de la prueba más reciente, de acuerdo con las regulaciones.

La Información Sobre Los Contaminantes Detectados

Total de bacterias coliformes

Nombre Del Contaminante Microbiológico	Fecha de detección	Meta del Nivel Máximo de Contención	Total máximo de coliformes Contención Nivel	El mayor porcentaje mensual de las muestras positivas	¿Fue esta una Violación?	Fuente probable de contaminación
Total de las Bacterias Coliformes	2011	0	Presencia de bacterias de las muestras mensuales coliformes en más de un 5%	1.39	No	Naturalmente presentes en el medio ambiente.

Total de Carbono orgánico

Constituyente	Bajo	Promedio	Alto	Técnica de Tratamiento o Acción de Nivel especifica	MCLG	Medida de Unidad	Fuente del Constituyente
Total de Carbón Orgánico en Fuentes de Agua	2.77	3.35	3.97	Ninguna	N/A	ppm	Naturalmente presentes en el medio ambiente.
Total de Carbón orgánico en agua potable	1.94	2.47	2.70	Ninguna	N/A	ppm	Naturalmente presentes en el medio ambiente.
Total de Carbón orgánico en la ración de eliminación	17.7	26.3	38.0	Ninguna	N/A	% de remoción	Naturalmente presentes en el medio ambiente

Turbiedad

	Límite (para técnicas de tratamiento utilizadas)	Nivel detectado	Explicación la razón para medir la turbidez	¿Era esto una violación?	Fuente probable de contaminación
La más alta Medición individual	0.3	.23	La turbidez no tiene efectos en la salud sin embargo, la turbiedad puede interferir con la desinfección y proveer un medio para el crecimiento microbiano. La turbidez puede indicar la presencia de organismos causantes de enfermedades.	No	Desagüe de tierra
Porcentaje de Límite mas bajo de muestras mensuales de turbidez	95	100	La turbidez no tiene efectos en la salud sin embargo, la turbiedad puede interferir con la desinfección y proveer un medio para el crecimiento microbiano. La turbidez puede indicar la presencia de organismos causantes de enfermedades.	No	Desagüe de tierra

Contaminantes radioactivos

Nombre del contaminante radiactivo	Fecha de Colección	Nivel más alto detectado	El intervalo de niveles detectado	MCLG	MCL	Unidad de medida	¿Fue esta una Violación?	Fuente probable de contaminación
Combinado radio	2006	.1	.1-.1	0	5	pCi/L	No	La erosión de depósitos naturales

*** La EPA considera 50pCi / L as el nivel de preocupación para las partículas beta**

Contaminantes inorgánicos

Nombre del contaminante inorgánico	Fecha de Colección	Nivel más alto de Detectado	El intervalo de niveles detectado	MCLG	MCL	Unidad de MCLG y MCL	¿Fue esta una Violación?	Fuente probable de contaminación
Cloro	2011	4.0	0.5-4.0	MRDLG=4	MRDL=4	ppm	No	Aditivo al agua para controlar microbios
Fluor	2011	.3	.3-.3	4	4	ppm	No	La erosión de depósitos naturales, aditivo al agua que promueve fuerte dientes ; liberados de fábricas de fertilizantes y factorías de aluminio
Nitrato	2011	.7	.7-.7	10	10	ppm	No	Desagüe por el uso de fertilizantes; filtraciones de tanques sépticos, aguas residuales, erosión de depósitos naturales

El nivel de nitrato en el agua potable sobre un10 ppm es un riesgo para la salud de los bebés de menos de seis meses. Altos niveles de nitrato en el agua potable pueden causar el síndrome del bebé azul. Los niveles de nitrato pueden subir rápidamente en un período corto debido a la lluvia o actividad agrícola. Si usted está cuidando a un niño, debe pedir consejo a su proveedor de asistencia médica.

Los contaminantes no regulados

Evaluación Inicial de distribución de los sistemas sin regulación para desinfección de subproductos

Contaminante	Año	Nivel medio	Nivel Mínimo	Nivel máximo	MCL	Unidad de medida	Fuente del contaminante
Total de Ácidos halo acéticos	2008	29.4	11.3	42.3	N/A	ppb	Resultado del Análisis del agua potable
Total de Trihalometanos	2008	60.1	38	81.8	N/A	ppb	Resultado del Análisis del agua potable

Contaminantes sin Regulados

Contaminante	Año	Medio	Mínimo	Máximo	MCL	Unidad de medida	Fuente del contaminante
Cloroformo	2011	6.9	6.9	6.9	N/A	ppb	Resultado del Análisis del agua potable
Bromoformo	2011	3.2	3.2	3.2	N/A	ppb	Resultado del Análisis del agua potable
Bromodiclorometano	2011	11	11	11	N/A	ppb	Resultado del Análisis del agua potable
Dibromoclorometano	2011	12	12	12	N/A	ppb	Resultado del Análisis del agua potable

Plomo y Cobre

Plomo o Cobre	Año	Valor del percentil 90. Valor redondo de la prueba mas reciente	Número de lugares que exceden el nivel de acción	Nivel de Acción	Unidad de medida	¿Fue esta una Violación?	Fuente del contaminante
Plomo	2009	2.7	0	15	ppb	N	Resultado del Análisis del agua potable
Cobre	2009	.222	0	1.3	ppm	N	Resultado del Análisis del agua potable

Subproductos de desinfección

Algunas personas que beben agua que contienen trihalometanos con un exceso de MCL durante muchos años, pueden experimentar problemas con su hígado, los riñones o sistema nervioso central, y pueden tener mas riesgo de contraer cáncer.

Nombre de desinfectante y Subproductos de desinfección	Fecha de Colección	Nivel mas alto detectado	Promedio anual mas alto de localicacion	El rango de niveles detectados	MCLG	MCL	Unidades	¿Fue esta una Violación?	Fuente probable de contaminación
Ácidos haloacéticos	2011	27.2	24.1	7.5	N/A	60	ppb	N	Resultado del Análisis del agua potable
TTHMS, Trihalometanos Totales)	2011	58.9	53.3	18	N/A	80	ppb	N	Resultado del Análisis del agua potable

Componentes Secundarios y Otros No Regulados

Año	Constituyente	Nivel Medio	Nivel Mínimo	Nivel Máximo	Límite Secundario	Unidad De Medida	Origen Del Contaminante
2011	Bicarbonato	190	190	190	N.A	ppm	Corrosión de piedras de carbonato como la caliza
2011	Cloruro	26	26	26	300	ppm	Abundante elemento natural presente que se utiliza en la purificación del agua; resulta de de la actividad de aceite
2011	pH	7.4	7.4	7.4	>7.0	unidades	Medida de corrosión de agua
2011	Sodio	18.9	18.9	18.9	18.9	ppm	La erosión de depósitos naturales; resultado de la actividad de campos petroleros
2011	Sulfato	41	41	41	300	ppm	De origen natural; industrial común resultado de la actividad de campos de petróleo
2011	Alcalinidad Total Como Caco3	156	156	156	N/A	ppm	De origen natural sales minerales solubles.
2011	Totales De Sólidos Disueltos	264	264	264	1000	ppm	Total de componentes minerales disueltos en el agua

*** DUREZA: Los datos disponibles de la Planta de Tratemiento de Agua de la Ciudad de Temple (254) 298-5940**

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 24, 2012 Special Called Meeting
(B) June 7, 2012 Special Called and Regular Meeting
(C) June 18, 2012 Special Called Meeting
(D) June 21, 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 24, 2012 Special Called Meeting
June 7, 2012 Special Called and Regular Meeting
June 18, 2012 Special Called Meeting
June 21, 2012 Special Called and Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

MAY 24, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 24, 2012 at 3:00 pm, at the Municipal Building, 2 North Main Street, in the 2nd Floor Council Chambers.

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

Mayor Pro Tem Russell Schneider voiced the Invocation.

2. Pledge of Allegiance

Coucnilmember Danny Dunn, led the Pledge of Allegiance.

At this time Mayor Jones read into the record both items 3 and 4 and stated they would be taken in reverse order.

II. BUDGET WORK SESSION

3. Discuss the proposed FY 2012-2013 budget and related issue, to include the various strategic and budget related policy issues:

Street CIP Initiative
Residential Curbside Recycling Program
Drainage Fund Policies, Rates, and CIP
Water & Sewer Fund Policies, Rates, and CIP
Budget Development Guidelines

David Blackburn, City Manager reviewed the budget process, calendar, and fence posts for FY 2013. He noted there are four basic areas of focus which are to expand the tax base, grow our Health and Bioscience Industries, Improving transportation infrastructure, and serving our community. Employee budget briefings are on-going and will continue throughout this process. Mr. Blackburn stated there were 124 issues identified and submitted from staff. He briefly

reviewed a few of the issue papers submitted by staff. The Fire Department's overtime and staffing and the Police Department's staffing within the Criminal Investigations Division. He added this needs to be address since the community's expectations are related to service levels needs. Also within the Planning Development, the process is fragmented. This leads to inefficiencies, oversights and delays in development. Parks, the Santa Fe Depot needs to address structural failures which are significant costs to repair. This building is a significant community asset. He also added that Council adopted 2008, the Drainage Master Plan which identified 104 projects spanning 60 years and $16 million, it is time to re-visit both funding and project approach. As for Water Sewer Rates there was an outside analysis done in 2003 and 2006; it is time to do another outside analysis. Staff will continue to do one annually in-house. Also mentioned was fuel cost as this impacts services and service delivery. It is time that the we explore alternative fuels as a long term approach to create a more sustainable platform for the city. He noted that health insurance cost continues to increase; and would like to address employee compensation & benefits in a meaningful way as the market continues to move within the public sector.

Mr. Blackburn introduced Mr. Dave Yanke, Vice President of SAIC Energy, Environment & Infrastructure, LLC. Mr. Blackburn noted that our rates need to be reviewed from the outside on a periodic basis. This process will help to ensure that we are setting rates to cover costs to do business.

Ms. Barnard, stated staff engaged SAIC in February 2012 to conduct this study as part of the budget process. SAIC has provided us with projections over a 5-year period by using our FY 2012 data as the base year. The report Mr. Yanke will present is preliminary only.

Mr. Yanke reviewed the information in the study. He noted that this report shows over a 5-year period, a $3,000,000 increase; which is an acceptable amount. The cost components and drivers were also reviewed. Mr. Yanke stated that financial integrity is a critical component for a 5-year plan. He added, that if the City does not increase rates on the water side, then we can expect to see more than $4-million in under recovery and over $1.5 million under recovery with wastewater, in a 5-year period. He then reviewed the plan with the proposed rates. Mr. Yanke added that you want to increase your minimum bill by meter size in proportion to the ability of the meter to demand water from the system. We propose that you increase each residential customer's bill by 9%; and then commercial customer bills from 9% to 15% depending on meter size.

Mayor Pro Tem Schneider questioned the increase in the 2" meters.

Councilmember Cloud asked Mr. Yanke how these proposed rates compared to
other cities.

Mr. Yanke stated this is comparable to what other cities do.

Councilmember Dunn asked Mr. Yanke to provide Council with the names of cities that are moving away from the minimum usage.

Mr. Yanke stated he would provide that information to Ms. Barnard for distribution. He also noted that the customer will still have a minimum bill for the revenue stability.

Mr. Blackburn added there is still a lot work to be done with this information, and there are no proposed increases for FY 2013.

Next item discussed was the Drainage Fund Policies, Rates, and CIP. Mr. Blackburn added this has been discussed throughout the community and whether or not we should continue with our approach.

Michael Newman, Assistant Director of Public Works presented this item to the Council. He added that in the 1980's the City of Temple participated in the Initial Flood Insurance Studies and in 1998 the City established the drainage utility fee and in 2008 the City updated the Drainage Master Plan. With this plan there were 104 drainage projects identified; since then two of the projects have been completed. Mr. Newman reviewed some significant rain events in the city. In 2008 when the 5-year Storm Water Management Program was implemented, fees were increased from $2.00 to $2.75. This increase covered the cost of the program. Again, in 2011 the fees increased to $3.00 for enhanced pipe cleaning and community mowing enhancements. Mr. Newman stated that currently the fees are being used for system maintenance and capital equipment with no designations made for Capital Improvement Projects. He also reviewed the metrics for drainage maintenance.

Mr. Blackburn asked the Council to consider whether or not the drainage fee should remain constant or become dynamic as we move forward. He also asked if the increased percentage scenarios within the 2008 Drainage Plan be different for residential and commercial, as most communities have catogories.

Next item of discussion was the Street Initiative. Mr. Blackburn stated it has been several years since we've had a significant initiative for our streets; are there are needs associated with that.

Ms. Torralva stated the City's transportation needs have been identified through the Pavement Condition Assessment, the Mobility

Report as well as Council discussions. These needs total more than $230 million with the current project list totaling close to $57.5 million. Ms. Torralva noted the focus is on re-construction, capacity, and connectivity of projects some of which will require significant ROW acquisition. Some of the reconstruction projects mentioned were Kegley Road, North 8th Street, portions of Western Hills, and North 3rd Street. The capacity and connectivity projects were also discussed Ms. Torralva. One of the projects is to construct a collector roadway from Tarver to Hogan Road; one from SH 3176 to South Pea Ridge Road; another from South Pea Ridge to Old Waco Road; and from West Adams Avenue to Prairie View. Minor Arterial Roadways discussed were from SH 317 to Research Pkwy; from Stonehollow Drive to Research Pkwy; as well as from West Adams Avenue to Tarver/ Jupiter consisting of two travel lanes in each direction. Ms. Torralva mentioned an off-site connector trail along South Pea Ridge between West Adams and Tarver and along Tarver Road between South Pea Ridge and the current dead end. This connector will complete trail connections for this area of the city; and the estimated cost is $275,000.

Ms. Torralva noted there are other areas of maintenance needs outside the budget such as signalization, overlay and seal coat. There are several areas in the City that have met warrants for signals, one of which is Airport Road and Research Pkwy.

Mr. Blackburn noted the estimate for reconstruction projects is $21,000,000; capacity and connectivity projects in the amount of $28,725,000 and other outside maintenance needs and projects in the amount of $7,650,000. Mr. Blackburn stated we can do about $33,000,000 in projects without an increase in taxes and provided a list of projects for the Council to consider, and stated the reconstruction projects are priority. He stated that if it is Council's desire to have all projects completed, then we may need to consider a 1.25 cent increase in 2014.

Ms. Barnard noted that this is a multi-year plan that will stretch through 2018. The proposed tax increase is one time over this period; and is based on calculations to-date.

Next, Ms. Torralva discussed the City's recycling pilot program. This program started in July 2011. Phase I, South Temple is about 1,200 homes in and Phase II in East Temple is about 930 homes; both are still on-going. Staff has been able to assess with the information received from both areas.

Ms. Blackburn provided Council with three options for continuing with the pilot program; which were to implement City-wide; expand to additional collection areas; or to discontinue all together. Mr.

Blackburn added, it is recommended to go with option 2 - to Expand the pilot program into two additional areas of the city and re-assess later this year. The estimated cost would be $120,000 which is to cover the containers needed.

Mayor Jones asked we can go ahead and implement in another area and get the containers needed for that expansion, or do we have to wait until the budget is adopted.

Mr. Blackburn stated yes, we can move forward if that is Council's desire. We have had discussion with our current partner regarding the ability to take on additional routes as well as a revenue sharing agreement.

III. REGULAR AGENDA

RESOLUTIONS

4. 2012-6622-R: Consider adopting a resolution authorizing a construction contract with James Construction Group, LLC of Belton, to construct the NW Loop 363 Roadway project in an amount of $39,883,619.28.

David Blackburn, City Manager stated this is an exciting item. It has been a culmination of work since 1992 when we began looking, as a community, at Northwest Loop 363 as a transportation asset that was vital to all within this region. He briefly reviewed the project scope as upgrading approximately four miles of existing two lane from west of the BNSF railroad crossing to FM 2305; creates continuous four lane highway from NW Loop/ IH-35 and SW Loop/ IH-35; includes grade separated interchanges at SH 36/ Airport and Wendland Road; and this is by far the largest single CIP project ever undertaken by the City of Temple. He added this was estimated to be close to a $50,000,000 project.

Traci Barnard, Finance Director reviewed the project's fiscal impact as it related to construction contract, total project cost, project funding and PTF Bonds. Ms. Barnard stated the total construction contract amount is $39,883,619. The first $20 million of the contract will be funded by direct payments from TxDOT, in addition to that, TxDOT will fund $16,555,000 through the pass-through agreement to be paid over time. The gap on the construction contract for the City of Temple to fund is $3,328,619.

Ms. Barnard added the total project cost is $53.5 million; this includes the construction contract as well as other fees. We will

be using multiple sources for funding of this project. She reviewed the PTF Bonds with Council, stating that on April 5, 2012, Council authorized the issuance of bonds of which will fund $9,222,584 of additional funds needed from the City of Temple for the gap.
The total funding need to complete this project is $25,777,584.
Also noted was that out of $53.5 million that 68% is funded by TxDOT, 32% is by the City.

Jennifer Douglas, with Specialized Public Finance, Inc. reviewed the pricing summary for the $25,375,000 General Obligation Refunding Bonds, and $24,700,000 Pass-Through Agreement Revenue and Limited Tax Bonds, series 2012. Ms. Douglas reviewed the G.O. Index and stated that this is a good time to price a bond.

Mayor Pro Tem Schneider asked Ms. Barnard about the contract out total out of pocket for the city.

Ms. Barnard replied, it would be $16,976,000.

Mr. Blackburn stated we continue to have a our AA rating. He thanked all in maintaining that rating.

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

At this time Mayor Jones stated item 2 as related to the FY 2012-2013 would be discussed.

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

JUNE 7, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 17, 2012 at 3:30 pm, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:
Councilmember Perry Cloud
Councilmember Danny Dunn
Councilmember Judy Morales

Absent:
Mayor William A. Jones, III
Mayor Pro Tem Russell Schneider

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 7, 2012.

Regular Agenda Item #3 - CDBG Public Hearing - Councilmember Morales stated she would abstain. Mr. Blackburn advised it was not posted for action.

Regular Agenda Item #4(C) - the McLane Company hangar lease needs to be tabled until the next meeting. This is related to the name.

Regular Agenda Item #8 - O'Brien's Irish Pub request for CUP. Ms. Speer stated the applicant has concerns with having three lights, and is requesting only two.

Regular Agenda Item #7 - rezoning to Office One District. Councilmember Cloud asked staffs for clarification and the allowed uses.

Regular Agenda Item #11 - the amendment to the RZ Financing and Project Plans. Ms. Barnard reviewed the funding sources. Mr. Blackburn reviewed the cost share agreement with TxDOT for funding at the Loop and 1st Street. We have been working with TxDOT to move this project forward. They have agreed to fund half if we, the City will fund the other half which is close to $2.5 million. This will allow us to complete close to 1/3 of this project.

2. Receive a presentation from Temple ISD on long range planning projects.

Councilmember Dunn stated this item will be rescheduled for August 2, 2012 worksession.

Mr. Blackburn stated it was brought up at the retreat in February to have more dialogue with ISDs as it relates to long range strategic planning.

3. Discuss the proposed FY 2012-2013 budget and related issue, to include the various strategic and budget related policy issues.

Mr. Blackburn stated this will be on the agenda until the adoption of the budget as it will allow us to have discussions.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 7, 2012 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Councilmember Judy Morales
Mayor William A. Jones, III

Absent:

Mayor Pro Tem Russell Schneider

I. CALL TO ORDER

1. Invocation

Police Chief, Gary Smith voicied the Invocation.

2. Pledge of Allegiance

Ken Cicora, Director of Parks and Leisure Services led the Pledge of Allegiance.

II. PUBLIC HEARINGS

3. PUBLIC HEARING - Presentation of the proposed Community Development Block Grant 2012-2013 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

Brynn Reynolds, Director of Administrative Services presented this item to Council. She stated this plan is for CDBG year 2012 which is the City's FY 2013 This plan identifies and prioritizes the projects proposed to receive funds under the program. Ms. Reynolds noted the City expects to receive $386,943 for its 2012 CDBG allocation in

FY 2013; which is a 17% reduction in funding from 2011. There were three public hearings durning the development of this year's action plan. The general comments from the public were that of disappointment in decline of funding levels, appreciation to the City for administering the program in-house, the desire to stay the course with both the 1st Street Sidewalk projects and the demolition program. Ms. Reynolds noted the allocation of proposed funds to be $192,757 for infrastructure, $54,000 for public services, $85,000 for demolition, and $55,186 for administration. The Community Service Advisory Board has recommended that the following Public Service Agencies be awarded funding for PY 2012: Bell County Human Services (HELP Center) Child Care Service $15,000; Families In Crisis $10,000; Family Promise $15,000; and Hill Country Community Action Association $14,000. The infrastructure project proposed for PY 2012 is the 1st Street Sidewalk project. This is the 3rd year of a multi-year project. In PY 2010 the design work was completed, PY 2011 included funding for 1st phase of construction which is to begin in late summer of 2012; and PY 2012 is recommended for 2nd phase of construction. Ms. Reynolds stated beginning June 8, 2012 through July 9, 2012 there is a 30-day comment period and this Action Plan is scheduled for adoption on July 19, 2012 by Council. After adopted, this plan will be submitted to HUD by August 15, 2012 and begin on October 1, 2012.

Mayor Jones declared the public hearing open with regards to agenda item 3 and asked if anyone wished to address this item.

Mr. Ed Luna stated there are many needs for improvement in the 600 block of 6th Street. It appears that all grants dollars are being used to the north.

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

III. PUBLIC COMMENTS

Kyle Wilkerson, 806 South 3rd Street, stated he owns property in Temple and has seen the efforts made to improve Avenue G area. He is concerned with the feeding stations for the Salvation Army. Feels the stations have caused loitering as well as unsanitary conditions for this area. The pedestrian traffic has increased and the safety for those in the area has become an issue.

IV. CONSENT AGENDA

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

(A) May 17, 2012, Special Called and Regular Meeting

(B) 2012-6623-R: Consider authorizing a professional services agreement with Kasberg, Patrick & Associates, LP for final design of Loop 363 frontage road improvements in the Temple Medical Educational District in an amount not to exceed $288,800.

(C) 2012-6624-R: Consider adopting a resolution authorizing the following:

1. **Release McLane Company from the lease on hangars 21 and 22 scheduled to expire May 17, 2014 due to completion and relocation to their large corporate hangar under separate land lease approved in 2011 effective June 30, 2012; and**

2. **An amendment to extend the lease on hangar 19 scheduled to expire May 17, 2014 through May 17, 2024 between McLane Company and the City of Temple at the Draughon-Miller Central Texas Regional Airport.**

(D) 2012-6625-R: Consider adopting a resolution authorizing the granting of a permanent and temporary construction easement to Temple Panda Power for the construction of a gas line.

(E) 2012-6626-R: Consider adopting a resolution authorizing the grant application for the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2012 for the purchase of ballistic vests and replacements for the Police Department in the amount of $12,000, with $6,000 of required City matching funds.

(F) 2012-6627-R: Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone "matching grant" agreement with Central Texas Kitchen Center for redevelopment improvements on Main Street in downtown Temple located within the South 1st Street Strategic Investment Zone corridor in an amount not to exceed $31,020 plus waiver of permit fees.

(G) 2012-6628-R: Consider adopting a resolution naming the lounge at Sammons Community Center to the Red and Connie Britton Lounge.

(H) 2012-6629-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

Motion by Councilmember Danny Dunn adopt resolution approving Consent Agenda with the exception of item 4(C). seconded by Councilmember Perry Cloud.

(C)2012-6624-R: Consider adopting a resolution authorizing the following:

1. **Release McLane Company from the lease on hangars 21 and 22 scheduled to expire May 17, 2014 due to completion and relocation to their large corporate hangar under separate land lease approved in 2011 effective June 30, 2012; and**

2. **An amendment to extend the lease on hangar 19 scheduled to expire May 17, 2014 through May 17, 2024 between McLane Company and the City of Temple at the Draughon-Miller Central Texas Regional Airport.**

Motion by Councilmember Perry Cloud table item seconded by Councilmember Judy Morales.

V. REGULAR AGENDA

ORDINANCES

5. **2012-4534: FIRST READING - PUBLIC HEARING - Z-FY-12-36: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on two 0.75 acre tracts of land situated in the John Simmons Survey, A-737, Bell County, Texas, located at 5412 North SH 317.**

Autumn Speer, Director of Community Services presented this case to the Council. The applicant is Sandy Adcock for James Ledger. The desire of the applicant is to allow for office and retail uses; this area is primarily residential. Ms. Speer reviewed the uses allowed for General Retail. She also noted the Development Standards would apply such as buffering, parking and loading, access, and fencing. Ms. Speer noted that eight notices were mailed out with one returned in favor and two in opposition. This request is in compliance with the Future Land Use and Character Plan; there for Staff recommends approval. Planning and Zoning heard this case at its May 7, 2012 meeting and voted 8/0 in accordance with staff to approve this request.

Mayor Jones declared the public hearing open with regard to

agenda item 5 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 June 21, 2012. seconded by Councilmember Perry Cloud.

6. **2012-4535: FIRST READING - PUBLIC HEARING - Z-FY-12-38: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF-2) to Single Family Three District (SF-3) on Lots 12 and 13, Block 9, Carriage House Village Phase I, located at 1917 and 1921 Carriage House Village Drive.**

Autumn Speer, Director of Community Services presented this case to the Council. The applicant is Mike Pilkington, and the desire is to continue the single family use; but to change the front yard setback. The reduction is needed to accommodate existing utilities that have already been installed behind a bulb-out area originally planned but not installed. Ms. Speer noted the applicant intends to build as he has the rest of the subdivision. She stated there were 10 notices mailed out with one returned in opposition. This request complies with the Future Land Use and Character Plan as well as the Thoroughfare Plan and Trails Master Plan, therefore Staff recommends approval. Planning and Zoning heard this case at its May 7, 2012 meeting and voted 7/0 with one abstention, in accordance with Staff to approve this request.

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

Mr. Mike Pilkington, 8352 Poison Oak Road, stated this area will continue with single family homes.

There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Perry Cloud adopt ordinance, with second and final reading set for June 21, 2012. seconded by Councilmember Danny Dunn.

7. **2012-4536: FIRST READING - PUBLIC HEARING - Z-FY-12-39: Consider adopting an ordinance authorizing a rezoning from Single Family One District (SF-1) to Office One District (O-1) on a 0.50 ± acre tract of land out of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas,**

located at 3606 South 5th Street.

Autumn Speer, Director of Community Services presented this case to the Council. The applicant is Victor Pendleton, and the desire is to locate a psychology office at this location. The applicant will use the existing structure with no known additions planned and he has been made aware of the triggered Development Standards such as buffering, parking, and access. There were four notices mailed out with one returned in favor and one in opposition. This request complies with the Future Land Use and Character Plan, the Thoroughfare Plan and Trails Master Plan. Adequate public facilities are available and meets the purpose of 01 District. Therefore Staff recommend approval for rezoning to O1. Planning and Zoning heard this case at its May 7, 2012 meeting and voted 8/0 recommending the property be rezoned to PD-O1 excluding duplex use for the area.

Mayor Jones declared the public hearing open with regard to agenda item 7 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 as recommended by staff, with second and final reading set for June 21, 2012. seconded by Councilmember Danny Dunn.

8. 2012-4537: FIRST READING - PUBLIC HEARING - Z-FY-12-40: Consider adopting an ordinance amending Ordinance No. 2011-4493, originally approved December 15, 2011, Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar, to reduce the number of security lights from three to two on portions of Lots 11 and 12, Block 22, Original Town Addition, located at 11 East Central Avenue.

Autumn Speer, Director of Community Services presented this case to the Council. The applicant is Ryan Leshikar, of O'Brien's Irish Pub. The original CUP was approved by Council on December 15, 2011. The CUP required three wall security lights within 30-days of it being approved. The applicant wishes to put up only two of the required lights. He has had electrician perform an analysis which supports this change. New notices were mailed out and two were returned in favor. After review of analysis, Staff agrees and recommends approval of the amendment. Planning and Zoning heard this at its May 7, 2012 meeting and recommended approval with vote of 8/0.

Mayor Jones asked the applicant why this CUP is being requested for two lights verses the required three.

Mr. Leshikar stated the analysis support the fact that this will be enough lighting.

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

Motion by Councilmember Danny Dunn adopt ordinance, with second and final reading set for June 21, 2012. seconded by Councilmember Perry Cloud.

9. 2012-4538: FIRST READING - PUBLIC HEARING - Z-FY-12-42: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Neighborhood Service District (NS) on 3.00 ± acres of land and from Agricultural District (AG) to Urban Estates District (UE) on 7.04 ± acres of land, both being part of the Redding Roberts Survey, Abstract No. 692, in the City of Temple, Bell County, Texas, located on the east side of South 31st Street, south of Fox Glen Lane and north of Venice Parkway.

Autumn Speer, Director of Community Services presented this case to the Council. Applicant is Bobby Arnold and the request is to continue with second phase Residences at D'Antonio's Crossing. There have been some trail waivers which were received with the previous platting on the east portions. There were 30 notices mailed out with four returned in favor, and five in opposition. Staff recommends approval of rezoning as it meets the intent of the Future Land Use and Character Plan and complies with the Thoroughfare Plan and Trails Master Plan. Planning and Zoning heard this case at its May 7, 2012 meeting and recommends approval 8/0.

Mayor Jones asked if this is consistent with what the applicant did with neighborhood portion of the plat.

Ms. Speer replied yes.

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

Motion by Councilmember Judy Morales adopt ordinance, with second and final reading set for June 21, 2012. seconded by Councilmember Perry Cloud.

10. 2012-4539: FIRST READING - PUBLIC HEARING - Z-FY-12-43: Consider adopting an ordinance authorizing a rezoning from Two Family Dwelling District (2F) to General Retail District (GR) on Lot 1, Block 15 of the Freeman Heights Addition, located at 101 South 31st Street, Temple Texas.

Autumn Speer, Director of Community Services presented this case to the Council. The applicant is Rudy Garza, with the intent to use an existing structure on South 31st Street and he has been advised of the triggered Development Standards such as buffering, parking and access. There were 17 notices mailed out with two returned in favor. Staff recommends approval of this request as it complies with the Future Land Use and Character Plan as well as the Thoroughfare Plan. There are adequate public utilities available and the GR is prevalent zoning for the area. Planning and Zoning heard this case at its May 7, 2012 meeting and recommends approval 7/1.

Mayor Jones declared the public hearing open with regard to agenda item 10 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Danny Dunn adopt ordinance, with second and final reading set for June 21, 2012. seconded by Councilmember Perry Cloud.

11. 2012-4540: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans as follows:

(A) Appropriating $30,000 to the Pepper Creek Trail Connection to the Scott & White Health Plan Building existing trail Project and recognizing $30,000 in revenue from additional property taxes received in FY 2012.

(B) Appropriating $385,000 to the TMED-1st Street @ Loop 363 Project and recognizing $250,000 in revenue from a Keep Temple Beautiful Governor's Award grant and recognizing $135,000 in revenue from additional property taxes received in FY 2012.

(C) Appropriating $50,000 to the I-35 Gateway Signage

Project and recognizing $50,000 in revenue from additional property taxes received in FY 2012.

Traci Barnard, Director of Finance presented this item to the Council. She provided Council a summary of the funding sources. Ms. Barnard stated the Reinvestment Zone No. 1 Board of Directors approved this amendment at its May 23, 2012.

Mayor Jones declared the public hearing open with regard to agenda item 11 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Perry Cloud adopt ordinance, with second and final reading set for June 21, 2012. seconded by Councilmember Judy Morales.

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson
City Secretary

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

JUNE 18, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Monday, June 18, 2012 at 8:15 am, at the Municipal Building, 2 North Main Street, in the 2nd Floor Council Chambers.

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

Mayor Pro Tem Russell Schneider voiced the invocation.

2. Pledge of Allegiance

Councilmember Morales led the Pledge of Allegiance.

II. REGULAR AGENDA

3. Consider adopting a resolution authorizing the execution of agreements with Panda Temple Power, LLC, consenting to the collateral assignment of Panda Temple Power, LLC's rights and obligations under agreements with the City in a 2009 effluent sale agreement, a 2011 Chapter 380 economic development agreement, and a 2011 tax abatement agreement.

Jonathan Graham, City Attorney presented this item to the Council. There are three agreements with Panda; one of which is from 2009 for the sale of effluent, 2011 we approved an economic development agreement and a tax abatement. He added this is the necessary step in moving forward with the process of the power plant.

Mr. Blackburn stated this will also be heard at Commissioners Court today.

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

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

JUNE 21, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, June 21, 2012 at 3:30 pm, at the Municipal Buolding, 2 North Main Street, in the 3rd Floor Conference Room.

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

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 21, 2012.

Regular Agenda Item 3(C) - Councilmember Dunn stated he was glad to see this project happening.

2. Discuss the Downtown Rail Safety Zone.

Mr. Blackburn stated there are multiple projects within the downtown area with the Reinvestment Zone. The rail safety zone is one of them. Last summer the board asked KPA to complete a study. KPA has provided us the findings as well as cost options for one of the recommended closures.

David Patrick, KPA presented the Council and Staff with the findings of the study. He noted the purpose of the study was to increase the safety of the railroad crossings in the downtown area, specifically the Martin Luther King Dr, Main Street and 1st Street crossings. He continued by saying that by doing this, a quiet zone can also be created for the downtown area. A quiet zone is define by the railroad as an area with public rail crossings where locomotives do not have to routinely sound their horns. Mr. Patrick reviewed the criteria for creating a quiet zone and the supplemental safety measures. Each measure has a different level of reduction to the risk index. He provided the Council with examples for each measure. He stated the best option to controlling cost is to install medias and channelizations and provided the cost of each area - MLK $202,000; Main Street $63,000. He noted that 1st Street is a bit of a problem due to it not having constant warning circuity. For this reason, we have considered a complete closure for 1st Street crossing with a cost of $185,000. There are many benefits in a complete closure, such as monetary incentives offered by both BNSF and TxDOT. Should 1st Street remain open, it will be costly due to circuitry issues.

Mayor Pro Tem Schnieder asked if TxDOT was ok with one full closure and two medias.

Mr. Patrick stated yes, and they will offer money to do so.

Mr. Blackburn stated this was considered at the RZ meeting in November and their recommendation was to close 1st Street rail crossing.

John Tipton, with Downtown Alliance expressed their support for this closure as well.

Councilmember Cloud inquired as to who will maintain the road.

Mr. Blackburn stated the City will.

3. Discuss amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 3,5,7, and 8 of the Unified Development Code as they relate to Site Plan Requirements; Major Vehicle Repair; Access and Circulation standards; Curb and Gutter for off-street parking and landscaping; Water and Wastewater Main size requirements; and Perimeter Street Fees.

Ms. Beverly Zendt, Senior Planner briefed Council and Staff on UDC Amendments. The amendments will be to the site plan requirements, major vehicle repair language, access and circulation, curb and gutter requirements, wastewater and water main requirements, and perimeter street fees. Ms. Zendt stated the requirement for curb and gutter is a new requirement for all general development. This will require a 6" in height curb and gutter around the perimeter of a parking area and landscaped parking islands. She also noted that the perimeter street fee requirement is being proposed for elimination; but the developer must still pay all costs for internal streets. Ms. Zendt noted that TABA and Planning and Zoning both support these amendments.

Mayor Pro Tem Schneider inquired on the 6" curb and gutter requirements and who will be effected.

Ms. Zendt stated as it is proposed, it is for off street parking for both multi-family and commercial. Allowance may be made with recommedations from staff. This language can be reviewed for clarification.

Mr. Blackburn stated the site plan requirements doesn't impose new requirements, it will help to identify items already required. This will help staff to expedite the process. Mr. Blackburn added that amendment 6 as it relates to perimeter street fees will encourage developers to show the 'big picture' in the beginning.

4. Discuss the proposed FY 2012-2013 budget and related issue, to include the various strategic and budget related policy issues.

Mr. Blackburn stated he didn't have a presentation at this time but would be

willing to address any budget related questions. He noted he would have an overview for the proposed budget at the July 5th meeting.

At this time Mr. Blackburn recognized Mr. DJ Henley. Mr. Henley is a 6th grader at Central Texas Christian School. He spent the day shadowing and learned the functions of a City.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 21, 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

Revered Shelton Rhodes with Greater Zion Church of God in Christ in Temple voiced the Invocation.

2. Pledge of Allegiance

DJ Denely, 6th Grader at Central Texas Christian School, "City Manager for a Day" led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Christopher Hill of 111 North Main has been a resident for 14 years. He spoke about the streets in downtown area and the need for repair and cleaning. There are no stripes and from Main to Avenue A and 2nd Street to Central Avenue there is debris that needs to be cleaned up.

Kyle Wilkerson, of 806 South 3rd Street expressed his concerns for the feeding stations on South 3rd and Avenue G. This is destroying the neighborhood. He questioned what facilities are available such as water and restrooms. This is a scary situation. Mr. Wilkerson asked if funding is not available for the new building, will the feeding stations continue? We have a beautiful city and we need to keep it that way.

Amelia Gay, of 818 South 3rd Street spoke about her concerns with the increase foot traffic in the neighborhoods. Believes this to be due to the feeding stations. She loves Temple and her neighborhood, but doesn't

like the constant interruptions from people asking for help all hours and all occasions. Trash is being left by transients that are on her property in the overnight hours. Ms. Gay advised that she has called the police and was placed on hold for more than 20 minutes. She is added her concerns for safety and stated she would like more police in the area.

Mr. John Mark Johnson, JMJ Properties in Temple, he has property at 902 South 3rd and Avenue I. There are vagrant people walking on property of all hours of the night. These individuals area leaving trash and tenants are scared. He added he would like the police to patrol the area.

Mr. Weldon Wilkerson stated his concerns for the rental property at South 3rd Street. There are many homes and offices that have been restored in this area. He also feels this is not a safe area anymore.

Mr. Terry Early, of 505 North 2nd Street commented on the alleyways and the need for improvements. He asked the Council if this can be looked into as well as the stripping on Avenue G.

III. CONSENT AGENDA

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

(A) 2012-6631-R: Consider adopting a resolution ratifying a contract replacing existing chlorine headers equipment at the Water Treatment Plant from Environmental Improvements, Inc. in the amount of $52,908.

(B) 2012-6632-R: Consider adopting a resolution authorizing a construction contract with Associated Construction Partners, Inc. of Boerne, for construction services required to rehabilitation of the Friar's Creek Lift Station, to include replacement of pumps, motors, electrical panels, wiring, and other fixtures in the amount of $674,000.

(C) 2012-6633-R: Consider adopting a resolution authorizing a construction contract with Patin Construction, Inc. of Taylor, to repair two pedestrian bridges in Jackson Park in the amount of $44,000.

(D) 2012-6634-R: Consider adopting a resolution authorizing a construction contract with McLean Construction, Inc, of Killeen for the first project of the 2012 Wastewater Line Replacement Project in an amount not to exceed $709,907.70, which includes the replacement of wastewater lines at Hillcrest Cemetery and along North 6th Street.

(E) 2012-6635-R: Consider adopting a resolution authorizing an amendment to the professional services agreement with SAIC Energy, Environmental & Infrastructure, LLC in the amount of $4,000, for the Water and Wastewater Cost of Service and Rate Design Study for a total amended contract amount of $28,000.

(F) 2012-6636-R: Consider adopting a resolution authorizing a purchase agreement with Toter, Inc., Statesville, NC, through the State of Texas Contract for 2,544 plastic 96-gallon refuse containers for the Solid Waste Division from in the amount of $114,429.12.

(G) 2012-6624-R: Consider adopting a resolution authorizing the following:

(1) Release McLane Company, Inc. from the lease on hangars 21 and 22 scheduled to expire December 31, 2014 due to completion and relocation to their large corporate hangar under separate land lease approved in 2011 effective July 1, 2012;

(2) An amendment to extend the lease on hangar 19 scheduled to expire December 31, 2014 through December 31, 2024 between McLane Company, Inc. and the City of Temple; and

(3) Assign lease from McLane Company, Inc. to William G. Rosier, d.b.a. Temple Real Estate Investments, Inc. effective August 1, 2012 at the Draughon-Miller Central Texas Regional Airport.

(H) 2012-4534: SECOND READING - Z-FY-12-36: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on two 0.75 acre tracts of land situated in the John Simmons Survey, A-737, Bell County, Texas, located at 5412 North SH 317.

(I) 2012-4535: SECOND READING - Z-FY-12-38: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF-2) to Single Family Three District (SF-3) on Lots 12 and 13, Block 9, Carriage House Village Phase I, located at 1917 and 1921 Carriage House Village Drive.

(J) 2012-4536: SECOND READING - Z-FY-12-39: Consider adopting an ordinance authorizing a rezoning from Single Family

One District (SF-1) to Office One District (O-1) on a 0.50 ± acre tract of land out of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3606 South 5th Street.

(K) 2012-4537: SECOND READING - Z-FY-12-40: Consider adopting an ordinance amending Ordinance No. 2011-4493, originally approved December 15, 2011, Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar, to reduce the number of security lights from three to two on portions of Lots 11 and 12, Block 22, Original Town Addition, located at 11 East Central Avenue.

(L) 2012-4538: SECOND READING - Z-FY-12-42: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Neighborhood Service District (NS) on 3.00 ± acres of land and from Agricultural District (AG) to Urban Estates District (UE) on 7.04 ± acres of land, both being part of the Redding Roberts Survey, Abstract No. 692, in the City of Temple, Bell County, Texas, located on the east side of South 31st Street, south of Fox Glen Lane and north of Venice Parkway.

(M) 2012-4539: SECOND READING - Z-FY-12-43: Consider adopting an ordinance authorizing a rezoning from Two Family Dwelling District (2F) to General Retail District (GR) on Lot 1, Block 15 of the Freeman Heights Addition, located at 101 South 31st Street, Temple Texas.

(N) 2012-4540: SECOND READING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans as follows:

(1) Appropriating $30,000 to the Pepper Creek Trail Connection to the Scott & White Health Plan Building existing trail Project and recognizing $30,000 in revenue from additional property taxes received in FY 2012.

(2) Appropriating $385,000 to the TMED-1st Street @ Loop 363 Project and recognizing $250,000 in revenue from a Keep Temple Beautiful Governor's Award grant and recognizing $135,000 in revenue from additional property taxes received in FY 2012.

(3) Appropriating $50,000 to the I-35 Gateway Signage Project and recognizing $50,000 in revenue from additional property taxes received in FY 2012.

(O) 2012-6637-R: Consider adopting a resolution authorizing a construction contract with Dixon Paving, Inc. of Belton, for the base bid and one add alternate for the construction of an extension to the concrete hike & bike trail along Pepper Creek to connect with Scott & White property in the amount of $606,050.

(P) 2012-6638-R: Consider adopting a resolution authorizing a contract for a professional services agreement with Kasberg, Patrick & Associates, LP to perform design services for a Gateway sign on I-35 in an amount not to exceed $48,750.

(Q) 2012-6639-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.

IV. REGULAR AGENDA

ORDINANCES

4. 2012-4541: FIRST READING - PUBLIC HEARING - Consider amending the Code of Ordinances by creating Article II entitled "Post Construction" to Chapter 27, "Storm Water Management" per the City of Temple's Storm Water Management Program and as required by Texas Commission on Environmental Quality.

Michael Newman, PE, CFM, Assistant Director of Public Works/City Engineer presented this item to the Council. Mr. Newman reviewed the Federal and State mandates for the Stormwater Rules. TCEQ has implemented the Phase II regulations by requiring cities less than 100,000 population to adopt several new ordinances as part of the best management practices mandated in the City of Temple's Storm Water Management Program. This program was previously adopted by Council in 2008. This has been a collaborative effort with TABA. Mr. Newman stated the intent of the ordinance is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the city. This can be through reducing pollutants and protecting structures from creek erosion. This will not require any new permits; but a site plan will be required when acquiring a construction or building permit. He reviewed the performance specifications, and Best Management Practices. Mr. Newman added the

performance specification applies to all land disturbance of one or more acres in both residential and non-residential areas. There is an appeal process which is done through the Public Works Director. Mr. Newman added that this will require changes to be made to the existing Drainage Criteria and Design Manaul - Section 9. These recommendations will be presented at the July 5, 2012 Council meeting.

Mayor Jones asked Mr. Newman if the City would be the ones enforcing this ordinance.

Mr. Newman replied yes.

Mr. Graham added it would be done so by multiple departments.

Mr. Blackburn stated enforcement could potentially have a budgetary impact.

Mayor Jones declared the public hearing open with regards to agenda item 4 and asked if anyone wished to address this item.

Mr. Blair Anderson, Temple Area Builders Association, 12 North 5th Street, thanked the City Staff for all the work done. He added that TABA supports this ordinance. Mr. Anderson addressed the untended cost this will bring to the City as well as increasing the fees to off-set some of the costs.

There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Danny Dunn adopt ordinance, with second and final reading set for July 19, 2012. seconded by Mayor Pro Tem Russell Schneider.

RESOLUTIONS

5. 2012-6640-R: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

Mayor Jones this is a requirement of the City Charter and is reviewed after each election year.

Mayor Pro Tem Schneider stated that he has enjoyed the position of Mayor Pro Tem. He added that at this time he could devote the time required to be in this position; by this he recommended Councilmember Danny Dunn to be appointed as Mayor Pro Tem.

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

Mayor Pro Tem Dunn thanked the Council for their support.

_____

William A. Jones, III, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Michael C. Newman, PE, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Page-Southerland-Page, LLP, for design and planning services required to develop a Master Plan to guide development within the Bioscience Park in an amount not to exceed $43,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Potential occupants of the Bioscience Park within the Reinvestment Zone in northwest Temple (see attached Map) have communicated site-specific needs for construction of proposed developments within the park. Additional public improvements and platting are required to accommodate the proposed plans for build-out of the properties. A Master Plan is needed to guide proposed and future Bioscience Park developments to ensure adherence to the Reinvestment Zone's vision for the park and City requirements.

On June 27, 2012, The Reinvestment Zone Board voted to recommend this proposal to the Council for authorization. The attached Proposal from PSP outlines tasks and costs necessary to develop and publish the Master Plan.

The consultant services recommended under this resolution include the following tasks and costs:

Phase 1	**$ 15,000**
Program Analysis	
Site Analysis	
Concept Exploration	
Phase 2	**$ 24,000**
Master Plan Development	
Marketing Images	
Direct Non-Labor Expenses	**$ 4,000**
TOTAL	**$ 43,000**

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing and Project Plans to fund this professional services contract in the amount of $43,000.

ATTACHMENTS:
Proposal
Map
Resolution

PageSoutherlandPage
ARCHITECTURE INTERIORS CONSULTING ENGINEERING

ROBERT E. BURKE, PE
Principal

June 18, 2012

Don Bond, P.E., CFM
City of Temple
Public Works Engineering
3210 Ave. H, Building A, Suite 107
Temple, TX 76501

RE: Temple Health and Bioscience District – Concept Master Plan Proposal

Mr. Bond,

Thank you for the opportunity to work with you on the Temple Health and Bioscience District - Concept Master Plan. As discussed, we have prepared the following proposal for planning and design services. Our proposal is broken down into several parts, including our general understanding of the Project, an outline of the Services anticipated for each phase of the Project, and a projection of fees associated with these services for each phase.

Project Understanding:

This Project seeks to create a Concept Level Master Plan for the Temple Bioscence Park, located between Pepper Creek and Research Blvd. (formerly Hillard Rd.), which will establish a Vision of the future potential of the district, target the land use toward attracting collaborative bio-tech companies, and propose guidelines to encourage individual developments to harmonize with the greater vision, so that the district as a whole can become a marketable asset to the City of Temple.

Scope of Services:

Phase I – Conceptual Exploration (30 days)

During the initial Phase of the Master Planning process, our team will work with Project Stakeholders, City Consultants (Land Planning and Civil Engineering) and potential target company representatives to explore three primary areas of study:

1. Program Analysis
   a) Seek consensus among stakeholders for an Overall Vision and Planning Goals for the Bioscience Park development;
   b) Identify potential target markets, anticipated site areas, planning issues and infrastructure requirements;
   c) Identify potential adjunct uses and amenities

2. Site Analysis
   a) Review existing and proposed master plan studies for the Bioscience Park and surrounding areas;
   b) Review City of Temple Site Development Requirements and Bioscience Park Design Guidelines with regard to planning and development impacts;
   c) Review existing and proposed Bioscience Park traffic and utility infrastructure, in coordination with City's engineering consultants (KPA);
   d) Review existing and proposed Bioscience Park water quality / storm water management plan in coordination with City's engineering consultants (KPA);
   e) Analyze planning influences, opportunities and constraints;
   f) Test-fit existing subdivision layout with current development standards

3. Concept Exploration
   a) Develop alternative site organizational concepts to address:
      - Roads and Subdivision Layout / Location of Accelerator and Supporting Uses
      - Traffic flow / Parking Concepts / Service Access
      - Open Space / Green Space Framework (in coordination with TBG)
      - Storm Water Management Concepts (in coordination with KPA)
      - Utilities Infrastructure Concepts (in coordination with KPA)
   b) Test-fit proposed subdivision layouts with current design guidelines; identify potential conflicts and propose modifications;
   c) Evaluate Pros and Cons of alternative site organizational concepts;
   d) Identify a preferred site organizational concept;
   e) Analyze planning influences, opportunities and constraints;

4. Presentations / Review and Input

Phase II – Master Plan Development (60 days)

During the second Phase of the Master Planning process, our team will work with Project Stakeholders, City Consultants (Land Planning and Civil Engineering) and potential target company representatives to develop a Bioscience Park Concept Master Plan based upon the

approved preferred organizational concept. The Concept Master Plan will address the following:

1. Master Plan Development
   a) Overall Roads and Subdivision Layout
   b) Vehicular, Pedestrian and Service Circulation
   c) Conceptual Landscape Plan
   d) Proposed modifications to the Bioscience Park Design Guidelines, in Coordination with City Consultant (TBG);
   e) Proposed Storm Water Management Modifications – in Coordination with City Consultant (KPA);
2. Marketing Images
3. Presentations / Review and Input

Phase III – Additional Services Available (upon request)

As a follow-up to the Master Plan effort, our team will work with Project Stakeholders, City Consultants (Land Planning and Civil Engineering) and/or potential target company representatives to provide assistance with the following:

1. Regional Strategies
   a) Extension of the Master Plan Vision and Goals to neighboring development areas;
   b) Broader vision for Land Use Patterns
   c) Collaboration with other Master Planning efforts in the Region

2. Targeted Planning with Prospective Bioscience Companies
   a) Work with potential target bioscience companies to create a specific vision for their project within the Bioscience Park;
   b) Marketing Images
   c) Presentations / Review and Input

Fee Summary:
Attached is our schedule of Hourly Rates, and below is the Total Not-to-Exceed values for our fees for this scope of work.

Phase I - Conceptual Exploration	**$15,000**
Phase II - Master Plan Development	**$24,000**
Direct Non-Labor Expenses	**$4,000**
Total Not-to-Exceed Fee	**$43,000**

Total Duration: 90 days

Services Not Included:

- Transportation, Geotechnical and Environmental studies and/or reports.
- Video animations (may be performed as an additional service)

Direct Non-Labor Expenses:

Printing, plotting and shipping, as well as out of town travel associated with the project are to be reimbursed at cost plus 10%. Invoices for direct non-labor expenses will contain receipts as back-up.

Attached is an estimate of direct non-labor expenses for the combined Phase I and Phase II durations. Our Not-to-Exceed Fee is based on the quantities estimated for printing and travel. If additional quantities of prints or additional meetings/site visits are requested beyond these estimates, we are happy to provide these at an additional cost.

Terms:

If this proposal is acceptable, please sign below and return one original copy for our files. We will consider receipt of an executed proposal as authorization to proceed with the initial scope of services.

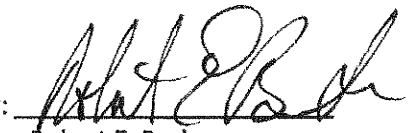
We are of course open to discussing this proposal with you to see if there are other scope items that need to be addressed, or if the Fee terms need to be modified. We are open to discussing any or all of the proposed terms to meet your expectations.

Sincerely,

Robert E. Burke, P.E.
Principal
Page Southerland Page, L.L.P.

By: PSP Architect – Engineers, Inc.,

Its: General Partner

By: 
Robert E. Burke
Its: Principal

By: Temple Health and Bioscience District

By: _____

PageSoutherlandPage	2012
Principal	$175 / hour
Associate Principal	$150 / hour
Project Director	$150 / hour
Engineering Design Manager	$150 / hour
Architectural Quality Control Manager	$150 / hour
Engineering Quality Control Manager	$150 / hour
Information System Manager	$120 / hour
Programming Manager	$150 / hour
Programming Assistant	$100 / hour
Senior Project Manager	$150 / hour
Project Manager	$130 / hour
Architectural Discipline Manager	$130 / hour
Senior Architectural Designers	$100 / hour
Architectural Designers	$ 95 / hour
Architectural CAD Technician	$ 85 / hour
Interior Discipline Manager	$130 / hour
Project Interior Designers	$130 / hour
Senior Interior Designers	$100 / hour
Interior Designers	$ 80 / hour
Senior Wayfinding Designer	$120 / hour
Mechanical Engineering Discipline Manager	$130 / hour
Senior Mechanical Engineer	$120 / hour
Mechanical Engineer	$100 / hour
Senior Mechanical Designers	$100 / hour
Mechanical Designers	$ 85 / hour
Electrical Engineering Discipline Manager	$130 / hour
Senior Electrical Engineer	$125 / hour
Project Electrical Lead	$120 / hour
Electrical Engineer	$100 / hour
Senior Electrical Designers	$100 / hour
Electrical Designers	$ 85 / hour
Senior Fire Protection Engineer	$120 / hour
Fire Protection Engineer	$100 / hour
Civil Engineering Discipline Coordinator	$130 / hour
Senior Civil Engineer	$120 / hour
Civil Engineer	$ 100 / hour
Civil Designers	$ 85 / hour
Structural Engineering Discipline Coordinator	$130 / hour
Structural Engineer	$100 / hour
Structural Designers	$ 90 / hour
Contract Administrator Discipline Coordinator	$120 / hour
Contract Administration Assistant	$ 80 / hour
Administrative Assistant	$ 80 / hour

THBD Master Plan - Estimated Direct Non-Labor Expenses

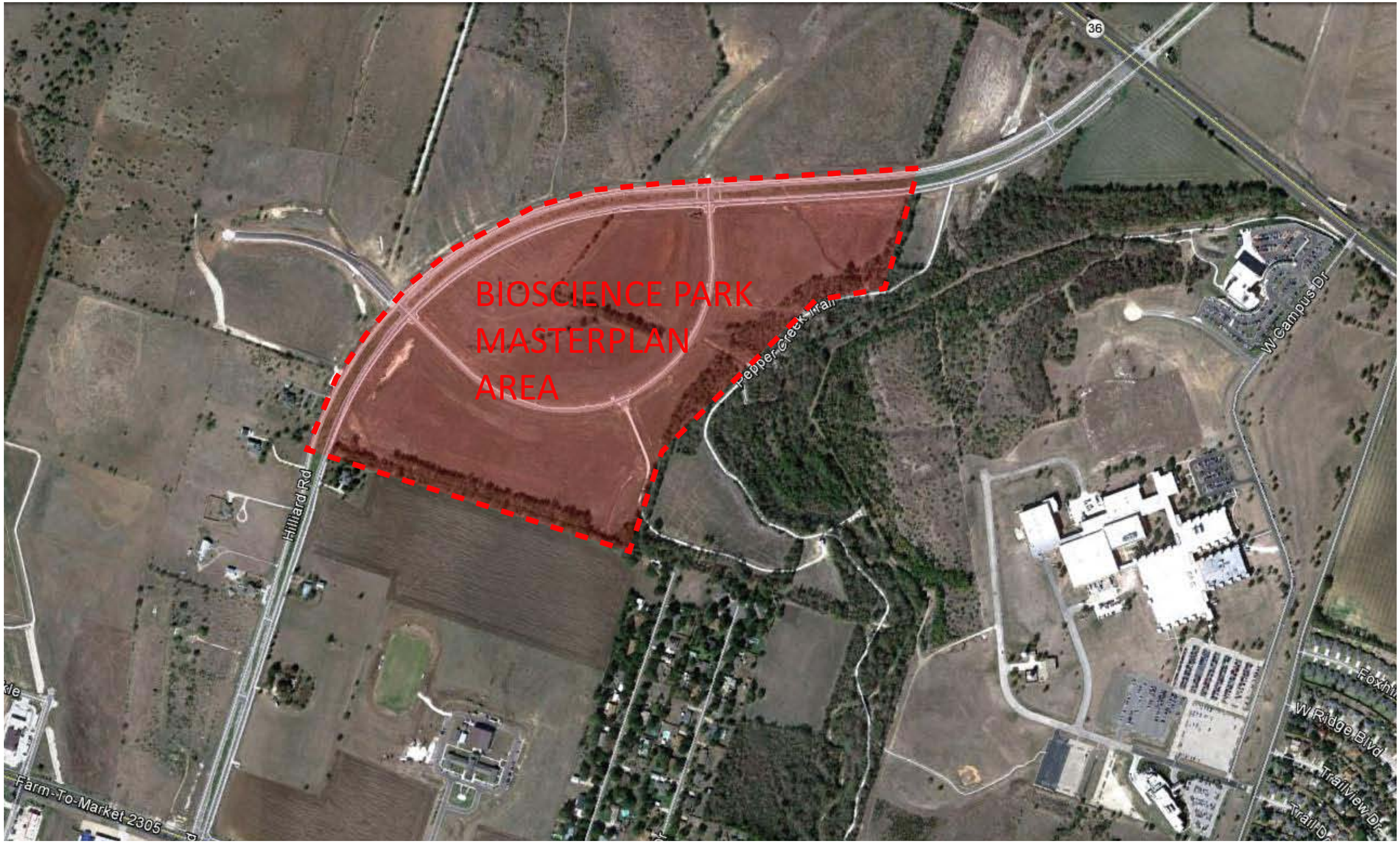
Printing / Copies (PSP)	Sets	Sheets	Rate	Total
Site Investigation Visit				
Large Format Color Plots (30x42)				$0.00
11x17 Color Prints				$0.00
8.5 x 11 B/W Copies	1	100	$0.10	$10.00
End of Phase 1 Review				
Large Format Color Plots (30x42)	1	6	$60.00	$360.00
11x17 Color Prints	10	10	$2.00	$200.00
8.5 x 11 B/W Copies	1	100	$0.10	$10.00
Phase 2 - 50% Review				
Large Format Color Plots (30x42)	1	8	$60.00	$480.00
11x17 Color Prints	10	15	$2.00	$300.00
8.5 x 11 B/W Copies	1	100	$0.10	$10.00
End of Phase 2 Presentation (Deliverables)				
Large Format Color Plots (30x42)	1	10	$60.00	$600.00
11x17 Color Prints	10	20	$2.00	$400.00
8.5 x 11 B/W Copies	1	100	$0.10	$10.00
Subtotal - Printing / Copies				**$2,380.00**

Travel Expenses (PSP - Austin office)					Assumed meetings are held in Temple, TX	
	Qty	Unit	Qty	Unit	Rate	Total
Site Investigation Visit						
Airfare				N/A		$0.00
Mileage	1	car	140	miles	$0.55	$77.00
Meals	2	persons		none	$15.00	$0.00
End of Phase 1 Review						
Airfare				N/A		$0.00
Mileage	1	car	140	miles	$0.55	$77.00
Meals	2	persons		none	$15.00	$0.00
Phase 2 - 50% Review						
Airfare				N/A		$0.00
Mileage	1	car	140	miles	$0.55	$77.00
Meals	2	persons		none	$15.00	$0.00
End of Phase 2 Presentation to Board						
Airfare				N/A		$0.00
Mileage	1	car	140	miles	$0.55	$77.00
Meals	3	persons		none	$15.00	$0.00
Subtotal - Travel						**$308.00**

Travel Expenses (TBG - Dallas office)					Assumed meetings are held in Temple, TX	
	Qty	Unit	Qty	Unit	Rate	Total
Site Investigation Visit (Temple, TX)						
Airfare				N/A		$0.00
Mileage	1	car	270	miles	$0.55	$148.50
Meals	2	persons	1	meal	$15.00	$30.00
End of Phase 1 Review						
Airfare				N/A		$0.00
Mileage	1	car	270	miles	$0.55	$148.50
Meals	2	persons	1	meal	$15.00	$30.00
Phase 2 - 50% Review						
Airfare				N/A		$0.00
Mileage	1	car	270	miles	$0.55	$148.50
Meals	2	persons	1	meal	$15.00	$30.00
End of Phase 2 Presentation to Board						
Airfare				N/A		$0.00
Mileage	1	car	270	miles	$0.55	$148.50
Meals	2	persons	1	meal	$15.00	$30.00
Subtotal - Travel						**$714.00**

Postage	Qty	Unit	Qty	Unit	Rate	Total
Site Investigation Visit						
Prints/Deliverables		N/A				$0.00
End of Phase 1 Review						
Prints/Deliverables		Hand Deliver at Meeting				$0.00
Phase 2 - 50% Review						
Prints/Deliverables		Hand Deliver at Meeting				$0.00
End of Phase 2 Presentation to Board						
Prints/Deliverables		Hand Deliver at Meeting				$0.00
Subtotal - Postage						**$0.00**

Total Estimated Reimbursables:	**$3,402**


BIOSCIENCE PARK
MASTERPLAN
AREA
36
Pepper Creek Trail
W Campus Dr
Hilliard Rd
Farm-To-Market 2305
W Ridge Blvd
TrailView Dr

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND PAGE-SOUTHERLAND-PAGE, LLP, FOR DESIGN AND PLANNING SERVICES REQUIRED TO DEVELOP A MASTER PLAN TO GUIDE DEVELOPMENT WITHIN THE BIOSCIENCE PARK IN AN AMOUNT NOT TO EXCEED $43,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, potential occupants of the Bioscience Park within the Reinvestment Zone in northwest Temple have communicated site-specific needs for construction of proposed developments within the park;

Whereas, additional public improvements and platting are required to accommodate the proposed plans for the build-out of the properties and a master plan is needed to guide the proposed and further Bioscience Park developments to ensure adherence to the Reinvestment Zone's vision for the part and City requirements;

Whereas, Page-Southerland-Page, LLP, has submitted a proposal for design and planning services in the amount of $43,000, attached as Exhibit A, hereto, and the Staff recommends accepting it;

Whereas, funds are available for this project in the Reinvestment Zone No. 1 Financing and Project Plans, Line 454, Account No. 795-9500-531-6551, Project No. 100700; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, in an amount not to exceed $43,000, between the City of Temple, Texas, and Page-Southerland-Page, LLP, after approval as to form by the City Attorney for design and planning services required to develop a Master Plan to guide development within the Bioscience Park.

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

PASSED AND APPROVED this the **5th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, P.E., Director of Public Works
Thomas Brown, Utility Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Patin Construction LLC of Taylor for the second project of the 2012 Wastewater Line Replacement Project in an amount not to exceed $1,089,022, which includes the replacement of wastewater lines on Marlandwood Road to Canyon Creek between South 31st Street and Cole Porter.

STAFF RECOMMENDATION: Adopt a resolution presented in item description.

ITEM SUMMARY: For many years the Utility Services Division has experienced numerous wastewater system issues in this area as a result of deteriorating infrastructure (sewer stoppages, overflows, cracked, missing and root infested pipes). Wastewater lines in the area are clay tile sanitary sewer mains nearing the end of their useful lives. These pipes must now be replaced to improve maintenance problems and ensure continuous service to this area.

In an effort to address system needs, this is the second of the two major projects identified in the recent capital improvement project list. Clark & Fuller LLC of Temple was retained for engineering services including design, surveying and construction administration for this project. Clark & Fuller's opinion of probable cost for this project is $1,200,000.

On June 19, 2012, four bids were received for the construction work. Per attached bid tabulation Patin Construction LLC, submitted the low bid in the amount of $1,089,022. References were checked by Clark & Fuller LLC and the Public Works staff agrees that Patin Construction LLC is qualified to complete this project. Construction time allotted for the project is 180 days.

FISCAL IMPACT: In the FY 2012 CIP $1,200,000 was designated for design and construction of the wastewater line replacement on Marlandwood Road to Canyon Creek between South 31st and Cole Porter. In October 2011, council authorized a professional service contract with Clark & Fuller, LLC in the amount of $162,558.23.

Currently, there is $1,037,441 remaining for this project. Additional funding for the project in the amount of $56,801 has been identified from CIP Project contingency.

A budget adjustment is presented for Council's approval appropriating $1,094,242 to fund this construction contract, testing fees and advertising costs related to the project.

ATTACHMENTS:

Bid Tabulation
Engineer's Letter of Recommendation
Project Map
Budget Adjustment
Resolution

Bid Tabulation Sheet
2012 Wastewater Line Replacement - Marlandwood

Bid Date: June 19, 2012

No.	Base Bid Item Description	Est. Quan.	UOM	McLean Construction, Inc. Unit Price	McLean Construction, Inc. Total Cost	Patin Construction LLC Unit Price	Patin Construction LLC Total Cost	Bell Contractors Unit Price	Bell Contractors Total Cost	Aaron Concrete Contractors, LP Unit Price	Aaron Concrete Contractors, LP Total Cost
1	Site R.O.W. Preparation & Clearing	96	STA	$ 986.00	$ 94,656.00	$ 660.00	$ 63,360.00	$ 520.00	$ 49,920.00	$ 1,700.00	$ 163,200.00
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	$ 59,614.00	$ 59,614.00	$ 56,000.00	$ 56,000.00	$ 40,000.00	$ 40,000.00	$ 75,000.00	$ 75,000.00
3	Sawcut, Remove & Replace Ex. HMAC Pavement	1150	SY	$ 29.60	$ 34,040.00	$ 16.00	$ 18,400.00	$ 55.00	$ 63,250.00	$ 50.00	$ 57,500.00
4	Sawcut, Remove & Replace Ex. Concrete Curb & Gutter	60	LF	$ 20.00	$ 1,200.00	$ 50.00	$ 3,000.00	$ 23.80	$ 1,428.00	$ 48.00	$ 2,880.00
5	Sawcut, Remove, and Replace Ex. Reinforced Concrete Pavement Section	100	LS	$ 87.00	$ 8,700.00	$ 100.00	$ 10,000.00	$ 21.00	$ 2,100.00	$ 100.00	$ 10,000.00
6	Provide & Implement a Traffic Control Plan	100%	SY	$ 2,177.00	$ 2,177.00	$ 8,500.00	$ 8,500.00	$ 4,100.00	$ 4,100.00	$ 30,000.00	$ 30,000.00
7	Provide & Implement a Trench Safety Plan	100%	LS	$ 1,537.00	$ 1,537.00	$ 6,500.00	$ 6,500.00	$ 3,400.00	$ 3,400.00	$ 1,500.00	$ 1,500.00
8	Provide & Implement a Storm Water Pollution Prevention Plan	100%	LS	$ 14,729.00	$ 14,729.00	$ 3,000.00	$ 3,000.00	$ 1,800.00	$ 1,800.00	$ 20,000.00	$ 20,000.00
9	Demolish & Remove Existing Sanitary Sewer Manhole	26	EA	$ 1,410.00	$ 36,660.00	$ 500.00	$ 13,000.00	$ 710.00	$ 18,460.00	$ 1,000.00	$ 26,000.00
10	Provide 4' Dia. Precast Eccentric Conc Mh w/ Heavy Duty Lid	44	EA	$ 3,258.00	$ 143,352.00	$ 2,500.00	$ 110,000.00	$ 1,900.00	$ 83,600.00	$ 2,600.00	$ 114,400.00
11	Provide Connection to Existing Sanitary Sewer Manhole	6	EA	$ 1,480.00	$ 8,880.00	$ 5,000.00	$ 30,000.00	$ 800.00	$ 4,800.00	$ 2,000.00	$ 12,000.00
12	Provide New Internal Drop Connection	3	EA	$ 1,098.00	$ 3,294.00	$ 2,500.00	$ 7,500.00	$ 530.00	$ 1,590.00	$ 1,000.00	$ 3,000.00
13	Provide New 6" PVC Cleanout	5	EA	$ 846.00	$ 4,230.00	$ 1,000.00	$ 5,000.00	$ 370.00	$ 1,850.00	$ 275.00	$ 1,375.00
14	Provide Connection to Existing Sanitary Sewer Main	6	EA	$ 1,092.00	$ 6,552.00	$ 1,000.00	$ 6,000.00	$ 1,600.00	$ 9,600.00	$ 900.00	$ 5,400.00
15	Provide New 8" PVC SDR 26 Sanitary Sewer Main	1324	LF	$ 40.70	$ 53,886.80	$ 40.00	$ 52,960.00	$ 75.10	$ 99,432.40	$ 80.00	$ 105,920.00
16	Provide New 6" SDR 26 Class 160 Pressure Rated Sanitary Sewer Main	187	LF	$ 42.00	$ 7,854.00	$ 48.00	$ 8,976.00	$ 70.70	$ 13,220.90	$ 65.00	$ 12,155.00
17	New 6" HDPE DR17 Sanitary Sewer Main by Bursting	6142	LF	$ 57.90	$ 355,621.80	$ 60.00	$ 368,520.00	$ 47.30	$ 290,516.60	$ 60.00	$ 368,520.00
18	New 6" PVC SDR 26 Sanitary Sewer Main	1887	LF	$ 38.00	$ 71,706.00	$ 38.00	$ 71,706.00	$ 70.40	$ 132,844.80	$ 55.00	$ 103,785.00
19	New 6" Sanitary Sewer Service and Service Connection	6	EA	$ 1,054.00	$ 6,324.00	$ 800.00	$ 4,800.00	$ 700.00	$ 4,200.00	$ 1,500.00	$ 9,000.00
20	Provide New 4" Sanitary Sewer Service & Service Connection	176	EA	$ 943.00	$ 165,968.00	$ 800.00	$ 140,800.00	$ 750.00	$ 132,000.00	$ 1,200.00	$ 211,200.00
21	Provide Misc. 4" Sanitary Sewer Service Pipe	1500	LF	$ 38.20	$ 57,300.00	$ 15.00	$ 22,500.00	$ 37.10	$ 55,650.00	$ 55.00	$ 82,500.00
22	Provide New 12" Steel Pipe Encasement via Bore Construction	500	LF	$ 391.00	$ 195,500.00	$ 150.00	$ 75,000.00	$ 290.00	$ 145,000.00	$ 300.00	$ 150,000.00
23	All Testing per TCEQ & City of Temple Requirements	100%	LS	$ 5,219.00	$ 5,219.00	$ 3,500.00	$ 3,500.00	$ 6,500.00	$ 6,500.00	$ 20,000.00	$ 20,000.00
	Total Bid 2012 Wastewater Line Replacement- Marlandwood				**$ 1,339,000.60**		**$ 1,089,022.00**		**$ 1,165,262.70**		**$ 1,585,335.00**

CLARK&FULLER
CIVIL ENGINEERING ▪ DESIGN ▪ PLANNING

215 North Main Street
Temple, Texas 76501
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com
Firm Registration No: F-10384

June 25, 2012

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

Re: City of Temple-Marlandwood Wastewater Line Replacement

Dear Mr. Brown,

We have reviewed the bids for the above referenced project. Patin Construction LLC submitted a Total Base Bid of $1,089,022.00. *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

The engineer's opinion of probable cost to construct was $1,200,000.00.

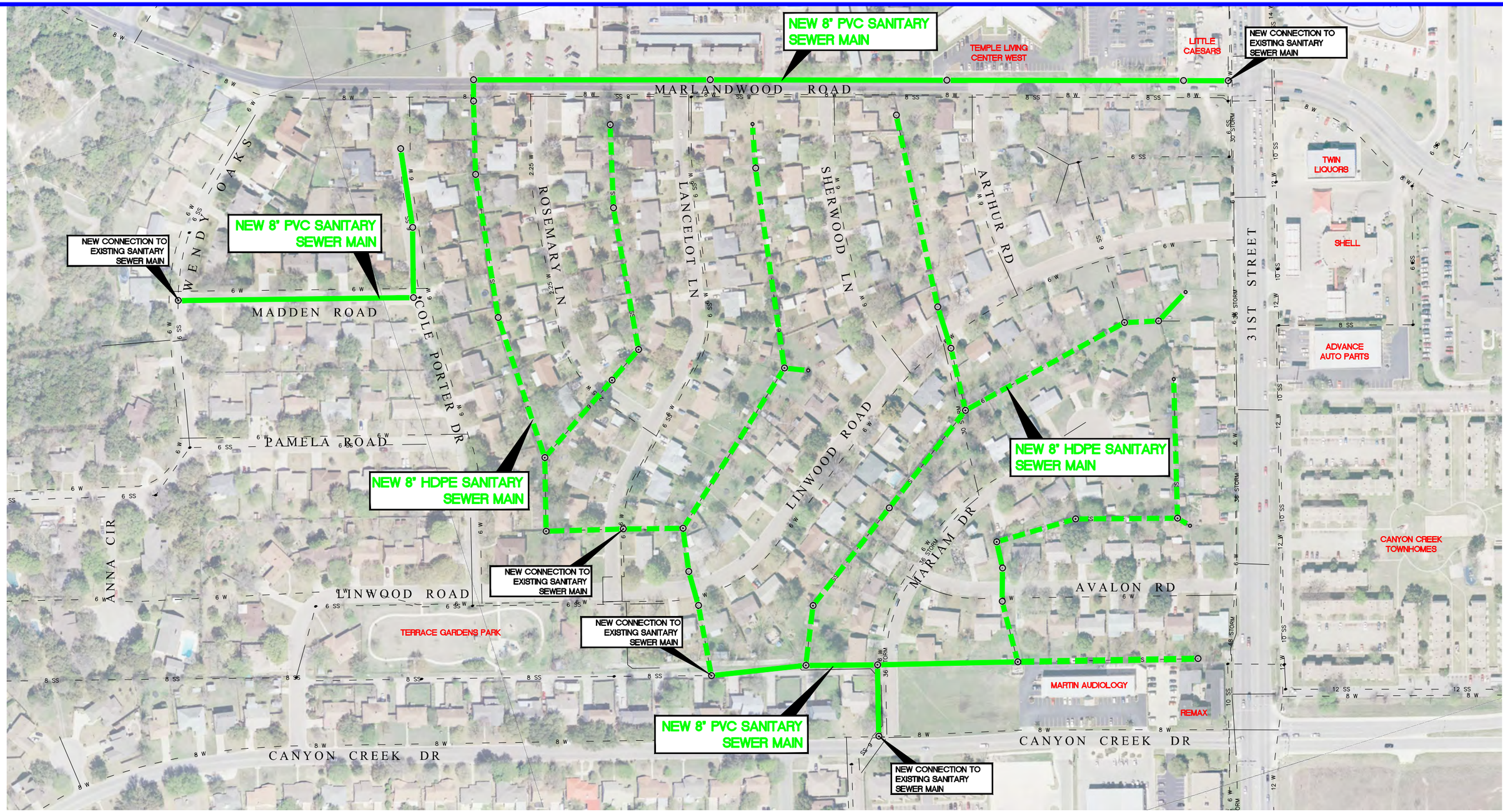
We are recommending that you award the contract to Patin Construction LLC. We believe, through personal experience, that Patin Construction LLC is qualified and is capable of providing the Marlandwood Wastewater Line Replacement as required in this project. We have attached Patin's resumes and company information to this letter for your review and comment.

We believe that Patin Construction LLC is a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor you select.

Sincerely,

Monty Clark, P.E., CPESC



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2010 SW H.K. Dodgen Loop, Suite 105, Temple, TX 76504
254.899.0899 www.clark-fuller.com F-10384

City of Temple

2012 MARLANDWOOD WASTEWATER LINE REPLACEMENT PROJECT BETWEEN MARLANDWOOD AND CANYON CREEK DRIVE BETWEEN SOUTH 31st AND COLE PORTER

9-8-11

STATE OF TEXAS
MONTY L. CLARK
90894
LICENSED PROFESSIONAL ENGINEER

0 100 200
FEET

LEGEND:

- NEW SANITARY SEWER MANHOLE
- NEW 8" PVC SANITARY SEWER BY "OPEN TRENCHING" METHODS
- NEW 8" HDPE SANITARY SEWER BY "BURSTING" METHODS

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	
520-5900-535-63-61	100808	SLR-Marlandwood Rd to Canyon Crk	$1,094,242			
520-0000-373-04-11		Designated Cap Proj-Contingency			56,801	
520-0000-372-09-45	100808	Designated Cap Proj-SLR Marlandwood Rd			1,037,441	
		Do Not Post				
TOTAL			$1,094,242		$1,094,242	

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

This budget adjustment appropriates funds for the construction contract in the amount of $1,089,022 with Patin Construction LLC for the replacement of wastewater lines on Marlandwood Road to Canyon Creek between S 31st Street and Cole Porter. In addition $5,220 will be appropriated to fund testing fees and advertising costs related to the project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? [X] Yes [ ] No

DATE OF COUNCIL MEETING July 5, 2012

WITH AGENDA ITEM? [X] Yes [ ] No

Department Head/Division Director	Date	[ ] Approved [ ] Disapproved
Finance	Date	[ ] Approved [ ] Disapproved
City Manager	Date	[ ] Approved [ ] Disapproved

Revised form - 10/27/06

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH PATIN CONSTRUCTION, LLC., OF TAYLOR, TEXAS, FOR THE SECOND PROJECT OF THE 2012 WASTEWATER LINE REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED $1,089,022; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for many years the Utility Services Division has experienced numerous wastewater system issues in this area as a result of deteriorating infrastructure;

Whereas, wastewater lines in this area are clay tile sanitary sewer mains nearing the end of their useful lives –these pipes must now be replaced to improve maintenance problems and ensure continuous service to this area;

Whereas, on June 19, 2012, the City received four bids for the construction work and Staff recommends accepting the bid ($1,089,022) from Patin Construction, LLC., of Taylor, Texas;

Whereas, funds are available for this project, 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 contract between the City of Temple and Patin Construction, LLC., of Taylor, Texas, after approval as to form by the City Attorney, for the second project of the 2012 Wastewater Line Replacement Project, in the amount of $1,089,022.

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 **5th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the acceptance by the City from the State of Texas a portion of Shallowford Road near Midway Drive and I-35.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 1973 the State of Texas acquired a portion of what is now Shallowford Road just south of Midway Drive and east of the I-35 frontage road for the construction of I-35 and its frontage roads. Several parcels of land which make up what is now the northern most portion of Shallowford Road were acquired at the same time. The minute notes for TxDOT at this time suggest that the State/TxDOT intended to transfer these parcels to Bell County to replace a portion of what had been Shallowford Road which was incorporated into the frontage road for I-35 northbound, but the parcels were never actually conveyed by deed to the County. The County constructed Shallowford Road through these parcels and began maintaining the road. Several years later the City annexed the area and began maintain this portion of Shallowford.

The State now desires to transfer these parcels to the City, and the City wishesto accept those parcels. That portion of Shallowford lying above the parcels in question is likely to be abandoned by the City at a future date as part of the rerouting of Shallowford Road around a planned automobile retail sales development (Volkswagon & GM products) recently platted by Garlyn Shelton. Having this portion of Shallowford titled in the name of the City will facilitate development of the planned automobile retail sales development. The parcels are:

All that certain tract or parcel of land described as 0.514 Acres out of the George Given Survey, Abstract No. 345, Bell County, Texas and being PART ONE ONLY in Judgement of Court in Absence of Objection from Jesse Bell, et ux to the State of Texas dated June 7, 1973, in Vol. 1232, page 153 C.C.R.B.C.T;

All that certain tract or parcel of land described 0.671 Acres out of the George Given Survey, Abstract No. 345, Bell County, Texas in Deed from Mary Jane Ferguson, a widow, et al to the State of Texas dated July 9, 1973, in Vol. 1239, page 173 D.R.B.C.T;

All that certain tract or parcel of land described as 0.116 Acres out of the George Givens Survey, Abstract No. 345, Bell County, Texas in Deed from Twin Cities Baptist Church to the State of Texas dated March 23, 1973, in Vol. 1233, page 788 D.R.B.C.T;

FISCAL IMPACT: The City has been maintaining this portion of Shallowford Road and will continue to do so.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE BY THE CITY FROM THE STATE OF TEXAS, A PORTION OF SHALLOWFORD ROAD NEAR MIDWAY DRIVE AND I-35; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 1973, the State of Texas acquired a portion of what is now Shallowford Road just south of Midway Drive and east of the I-35 frontage road, for the construction of I-35 and its frontage roads - several parcels of land which make up what is now the northern most portion of Shallowford Road, were acquired at the same time;

Whereas, the State now desires to transfer these parcels to the City, and the City wishes to accept those parcels – that portion of Shallowford Road lying above the parcels in question, is likely to be abandoned by the City at a future date as part of the rerouting of Shallowford Road around a planned automobile retail sales development recently platted by Garlyn Shelton;

Whereas, having this portion of Shallowford Road titled in the name of the City, will facilitate development of the planned automobile retail sales development – the parcels are:

All that certain tract or parcel of land described as 0.514 Acres out of the George Given Survey, Abstract No. 345, Bell County, Texas and being PART ONE ONLY in Judgment of Court in Absence of Objection from Jesse Bell, et ux to the State of Texas dated June 7, 1973, in Vol. 1232, page 153 C.C.R.B.C.T;

All that certain tract or parcel of land described 0.671 Acres out of the George Given Survey, Abstract No. 345, Bell County, Texas in Deed from Mary Jane Ferguson, a widow, et al to the State of Texas dated July 9, 1973, in Vol. 1239, page 173 D.R.B.C.T;

All that certain tract or parcel of land described as 0.116 Acres out of the George Givens Survey, Abstract No. 345, Bell County, Texas in Deed from Twin Cities Baptist Church to the State of Texas dated March 23, 1973, in Vol. 1233, page 788 D.R.B.C.T; and

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

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

Part 1: The City Council authorizes the acceptance of by the City from the State of Texas, a portion of Shallowford Road near Midway Drive and I-35

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 **5th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 development agreement between the City and ZAP JM Group, Inc., authorizing the sale and development of the property located at 112 North 3rd Street.

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

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

ITEM SUMMARY: The City currently owns the lot located at 112 North 3rd Street. This lot is adjacent to the Jack in the Box located at the corner of Adams Avenue and 3rd Street.

The City acquired the property in 2011 from Bank of America as part of a three property package. The City was primarily interested in the other two properties that were included in that package. The City has no future plans for this property. ZAP JM Group, Inc. wishes to purchase the lot and improve the property with a parking lot to provide additional parking space for the restaurant.

The City and ZAP JM Group, Inc. have discussed entering into a Chapter 380 agreement which would transfer the land to ZAP JM Group, Inc. for the sum of $15,000, and commit ZAP JM Group, Inc. to build a parking lot on the property. This parking lot is intended to serve as additional parking for Jack in the Box customers. Under the proposed Chapter 380 agreement, the improvements must be finished within 18 months of the date of the signed agreement.

FISCAL IMPACT: The original purchase of this property was funded using 2009 General Obligation Bond Proceeds associated with the Central Fire Station in December 2011. The $15,000 received from the sale of the land will be returned to the 2009 GO Bond Capital Project Fund and available for use of projects authorized by the original bond ordinance.

ATTACHMENTS:
Chapter 380 Development Agreement and Exhibit A
Resolution

Chapter 380 Development Agreement

This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter "the City") and ZAP JM Group, Inc. (hereinafter "Buyer").

City and Buyer agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code, the City and the Buyer enter into this Agreement to promote economic development. City and Buyer agree to assume the responsibilities set forth below.

Section 2. Obligations of City. The City agrees to convey to Buyer the property located at 112 N. 3rd St., Temple, Texas (hereinafter "the Property") (as shown in Exhibit "A" to this Agreement). The Property is sold "as is." City agrees to covey the Property free of any and all liens or other clouds of title.

Section 3. Obligations of Buyer. In exchange for the City's conveyance, Buyer agrees to pay the City $15,000.

Buyer also agrees to build at a minimum, a parking lot on the Property for customers of the restaurant within eighteen (18) months of the date of this Development Agreement. Buyer may place other improvements on the Property.

Section 4. Closing Cost. Buyer will pay all closing costs associated with the conveyance of the Property.

Executed on this the ____ day of _____, 2012.

City of Temple, Texas

_____
David A. Blackburn
City Manager

Buyer

_____
ZAP JM Group, Inc.

Attest:

_____
Lacy Borgeson
City Secretary

Approved as to form:

_____
Jonathan Graham
City Attorney

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ___ day of _____, 2012 by David A. Blackburn, City Manager, for the City of Temple, a Texas home rule City.

_____
Notary Public

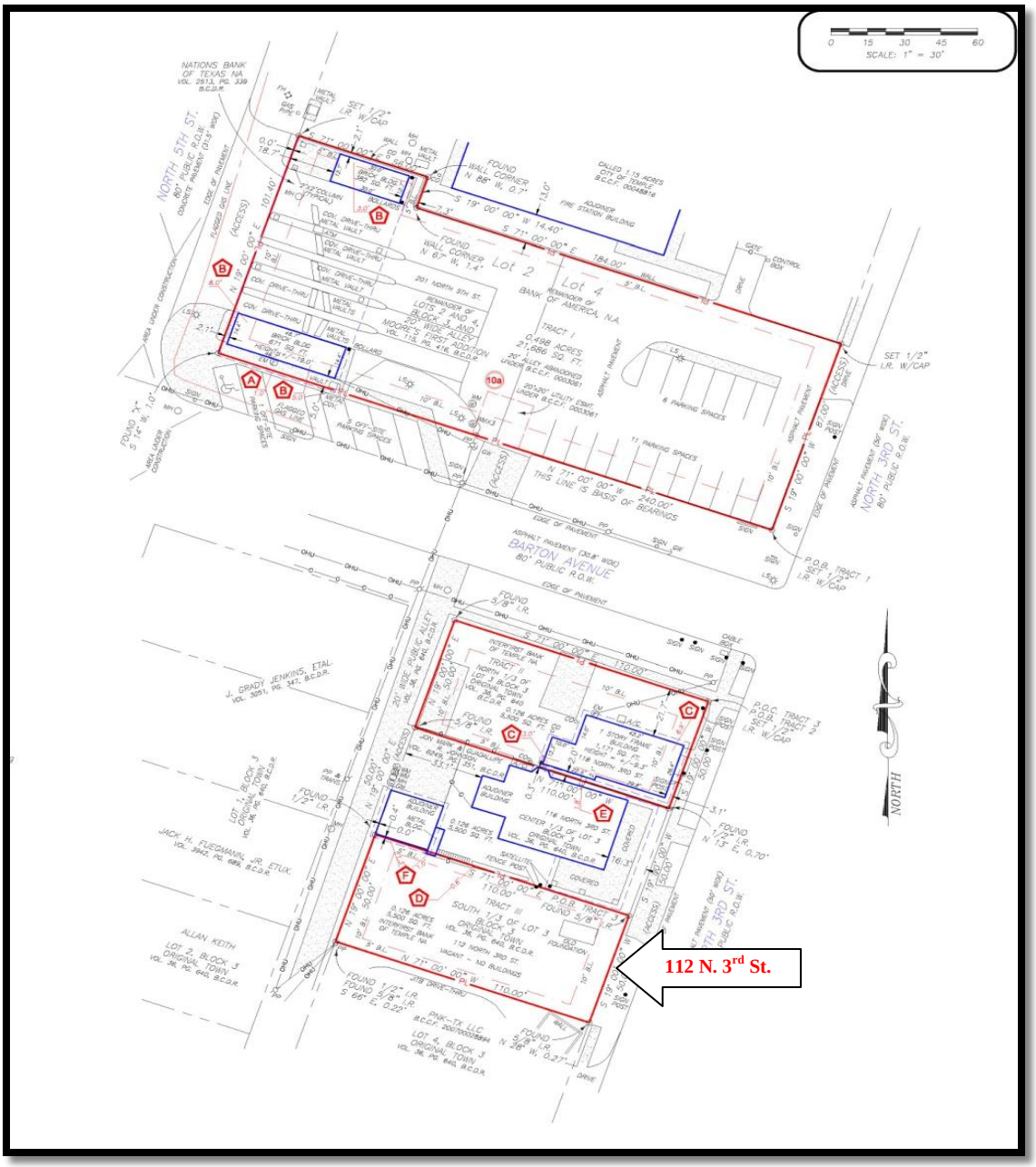
State of Texas §

County of Bell §

This instrument was acknowledged before me on the ___ day of _____, 2012 by _____.

_____
Notary Public

Exhibit A
112 N 3rd St., Temple, Texas 76501



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TEMPLE AND ZAP JM GROUP, INC., AUTHORIZING THE SALE AND DEVELOPMENT OF THE PROPERTY LOCATED AT 112 NORTH 3RD STREET, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently owns the lot located at 112 N. 3rd Street which is adjacent to the Jack in the Box located at the corner of Adams Ave. and 3rd Street;

Whereas, the City acquired the property in 2011 from Bank of America as part of a three property package - the City has no future plans for this property;

Whereas, ZAP JM Group, Inc. wishes to purchase the lot and improve the property with a parking lot to provide additional parking space for the restaurant;

Whereas, the Staff recommends entering into a Chapter 380 Development Agreement with ZAP JM Group, Inc., authorizing the sale and development of the property located at 112 N. 3rd St., Temple, Texas, 76501;

Whereas, ZAP JM Group, Inc. will pay to the City $15,000 to purchase the property and funds received from this sale will be returned to the GO Bond Capital Project; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 Development Agreement with ZAP JM Group, Inc., after approval as to form by the City Attorney, authorizing the sale and development of the property located at 112 N. 3rd St., Temple, Texas, 76501.

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 **5th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Michael C. Newman, PE, CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: SECOND READING - Consider amending the Code of Ordinances by creating Article II entitled "Post Construction" to Chapter 27, "Storm Water Management" per the City of Temple's Storm Water Management Program and as required by Texas Commission on Environmental Quality.

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

ITEM SUMMARY: Staff recommends approval of language to create Article II entitled "Post Construction" to Chapter 27, "Storm Water Management" as described above. The EPA has implemented a body of regulations ("Phase II Stormwater Rules") involving storm water quality requirements that applied to cities under 100,000 population (prior regulations had just applied to cities with populations greater than 100,000). In the State of Texas, TCEQ has implemented the Phase II regulation by requiring cities with a population of less than 100,000 to adopt several new ordinances as a part of the best management practices (BMP) mandated in the City of Temple's Storm Water Management Program. These ordinances include erosion and sedimentation during construction, post construction after construction, illicit discharge to streams and illegal dumping.

The ordinance being proposed in this item is the post construction ordinance intended to improve water quality once the development of land (one or more acres inside of the city limits) is complete. The proposed ordinance language meets current state law minimum requirements.

City Code presently addresses illegal dumping and has done so for a number of years. Council adopted the erosion and sedimentation ordinance as well as the illicit discharge ordinance on July 21, 2011. Upon the adoption of the proposed post construction language, the City will have completed the adoption of all mandated storm water management ordinances.

City staff discussed proposed ordinance language with Temple Area Builders Association (TABA) review committee on November 15, 2011 and provided a presentation to the governmental affairs committee on April 21, 2011. TABA supports this ordinance.

The City Council is the final authority to approve language changes to ordinances.

FISCAL IMPACT: No fiscal impact to City funds. Requirements for review, inspection and enforcement activities will increase city staff work load. Such workload increases are believed to be absorbed with existing positions. However, as development increases, and as future stated unfunded mandates are implemented this issue may need to be revisited.

ATTACHMENTS:

Proposed Chapter 27 Storm Water Management – Post Construction
Temple Area Builders Association – Governmental Affairs Committee Letter of Support
Ordinance

ARTICLE II. POST CONSTRUCTION STORM WATER RUNOFF CONTROL

Subchapter A. General Provisions

Sec. 27-1. Purpose.

The purpose of this ordinance is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the city. This ordinance seeks to meet that purpose through the following objectives:

1. Minimize increases in storm water runoff from any land disturbing activity in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

2. Minimize increases in nonpoint source pollution caused by storm water runoff from land disturbing activity which would otherwise degrade local water quality;

3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following land disturbing activity to not exceed the pre-land disturbing activity hydrologic regime to the maximum extent practicable; and

4. Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

Sec. 27-2. Applicability.

This ordinance shall be applicable to all subdivisions, both residential and non-residential. The ordinance also applies to land disturbing activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must be reviewed by the city engineer to ensure that established water quality standards will be maintained during and after land disturbing activity of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of storm water runoff, the city has developed a set

of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing one (1) acre or more of land, except when land is situated on a CBZ. Standards found in Subchapter D apply to all land which is situated on a CBZ. The following activities may be exempt from these storm water performance criteria except for when situation on a CBZ:

1. Additions or modifications to existing single family structures; and
2. Repairs to any storm water treatment practice deemed necessary by the city.

When a development plan is submitted that qualifies as a redevelopment project as defined in section 27-4 of this ordinance, decisions on permitting and on-site storm water requirements shall be governed by special storm water sizing criteria found in Chapter 9, "Stormwater Best Management Practices ," of the Drainage Criteria and Design Manual in effect at the time of redevelopment. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the city.

In determining if a project is one (1) acre or larger, the city will consider whether or not the land disturbing activity is a part of a common plan. A construction activity is a part of a common plan if it is completed in separate stage, phases or in combination with other construction activities. Common plans are often, but not solely identified by plats, blueprints, contracts, zoning requests and building permits. Additionally, common plans may exist and erosion and sedimentation control may be required when there is more than one operator operating in an area which is larger than one acre, even though no single individual project is larger than one acre individually.

Sec. 27-3. Compatibility with other permit and ordinance requirements

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 27-4. Definitions. For the purposes of this ordinance the following shall mean:

Applicant means a property owner or agent of a property owner who has filed an storm water management plan.

Best Management Practices (BMP) are all generally accepted methods of reducing storm water pollutants and can be found in Subchapter C of this Article.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Creek is a waterway having 64 acres or greater of contributing drainage areas.

Creek Buffer Zone (CBZ) is all property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ and shall comply with the Drainage Criteria and Design Manual, Section 9 "Storm Water Best Management Practices."

Crest of Slope includes waterway top of banks or highest point of natural waterway banks steeper than the ratio found in the Drainage Criteria and Design Manual, Section 9 "Storm Water Best Management Practices."

Detention means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Detention facility means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land disturbance activities.

Drainage Criteria and Design Manual (DCDM) is a manual containing all approved methods and design criteria for drainage and storm water control.

Drainage easement means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

Impervious cover means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Infiltration means the process of percolating storm water into the subsoil.

Land disturbing activity means any activity, including but not limited to excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, storm water runoff or wind for residential and non-residential subdivisions and applicable city projects. Land

disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land disturbing activities.

Landowner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Lowest point in waterway bed means the physical lowest grade elevation at a given cross section of waterway at the point of interest. (Licensed professional engineers may consider lowest point to be a projected line between grade control check points upstream and downstream of the point of interest. Grade control check points generally occur at small dams, concrete enclosed utility crossings, piped or boxed culverts or bridges with armored waterway beds.)

Maintenance agreement means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

Occupied Structures include but are not limited to, residences and places of business such as houses, apartments, businesses, schools, and churches.

Off-site facility means a storm water management measure located outside the subject property boundary.

On-site facility means a storm water management measure located within the subject property boundary.

Private Amenities include but are not limited to, fencing, landscaping, and irrigation systems.

Private Amenity Structures include but are not limited to, detached garages, sheds, swimming pools, retaining walls, decks and recreational courts or other similar structures.

Redevelopment means any construction, alteration or improvement exceeding one (1) acre in area where existing land use is high density commercial, industrial, institutional or multi-family and single family residential.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Storm water management means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Storm water management facility is any facility that is built to control storm water runoff in order to comply with the Best Management Practices herein.

Storm water runoff means flow on the surface of the ground, resulting from precipitation.

Watercourse means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway is any channel that directs surface runoff to a watercourse or to the public storm drain. This includes natural and manmade creeks, streams, swales and channels.

Subchapter B. Requirements for Storm Water Management Plan Approval

Sec. 27-5. Storm water management plan.

(a) A storm water management plan is required for all land disturbing activities which disturb one (1) acre or more of land, and any time land is situated on a CBZ.

(b) No application for a construction, building or other development permit will be approved unless it includes a storm water management plan ("SWMP") detailing how runoff and associated water quality impacts resulting from the land disturbing activity will be controlled or managed.

(c) This plan must meet the submittal requirements outlined in the submittal checklist found in section 27-6 (b) of this chapter, be sealed by a professional engineer and must indicate whether storm water will be managed on-site or off-site. If on-site, the plan must include the specific location and type of practices in order to receive consideration for BMP credit.

(d) The SWMP shall be developed and coordinated with the drainage plan and may be shown on the same sheet if applicable. It shall also be coordinated with the landscaping plan to prevent conflicts and assure compatible land use, if landscaping is a selected and approved BMP.

(e) No building, construction, or other development permit shall be issued until a

SWMP has undergone a review and been approved by the city after determining that the plan is consistent with the requirements of this ordinance.

Sec. 27-6. Storm water management plan requirements.

(a) A SWMP shall be required with construction and building permit applications and will include sufficient information to evaluate the environmental characteristics of the project site, the potential impacts of all proposed land disturbing activity of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The intent of this is to determine the type of storm water management measures necessary for the proposed project, and ensure adequate planning for management of storm water runoff from future land disturbing activity.

(b) The following information, in addition to all requirements found within DCDM, Section 9, "Storm Water Best Practices," shall be included in the SWMP:

1. Plan. A map (or maps) and a written description of the SWMP and justification of proposed changes in natural conditions may also be required.

2. Engineer Analysis. Sufficient engineering analysis to show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications found within DCDM, Section 9, "Storm Water Best Practices."

3. Inventory. A written or graphic inventory, as described in DCDM, Section 9, "Storm Water Best Practices" of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site.

4. Maintenance and Repair Plan. The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures, which meet all specification found in DCDM, Section 9, "Storm Water Best Practices," shall be included in the plan.

5. Maintenance easements. Except for CBZs, the applicant must ensure access to all storm water BMPs at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.

6. Maintenance agreement. The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site storm water management measure in accordance with the specifications of this ordinance.

7. Maintenance by city. At its sole discretion the city may agree to accept a development's storm water management facility as a public improvement and maintain it as such. This agreement may be reached in lieu of a maintenance agreement. This section in no way guarantees the city's acceptance of any BMP as a public improvement.

The city may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

(c) For land disturbing activity occurring on a previously developed site, an applicant shall be required to include within the SWMP measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

Subchapter C. Basic Storm Water Management Design Criteria.

Sec. 27-7. Potential pollutants from land disturbing activity.

Potential storm water pollutants from land disturbing activity may consist of but are not limited to the following:

1. Total suspended solids
2. Increased temperature
3. Oil and grease
4. Floatables (trash)
5. Nutrients (fertilizers)
6. Bacteria
7. Metals
8. Pesticides
9. Sediment (soil due to erosion)

Sec. 27-8. Best Management Practices (BMPs).

It is the responsibility of the engineer to design BMPs that address site-specific conditions using the appropriate design criteria found in this code as well as the DCDM, Section 9, "Storm Water Best Practices.").

Sec. 27-9. Required permanent BMP. To preserve the existing natural resources in Temple and promote sustainable development, demonstration of compliance with the following permanent BMPs, where applicable, are required in the SWMP of all land disturbing activities.

1. Site Layout — Each SWMP is required to show the site layout as well as the placement of the selected BMPs.

2. Creek Buffer Zone – All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ. When a property is located within a CBZ developer, builder or owner must comply with the techniques found in the DCDM, Section 9, "Storm Water Best Practices.".

Sec. 27-10. Additional BMP Credit Point Requirements.

In addition to the required BMPs, the following number of BMPs shall be provided based on the size of the project:

Table 1 Additional BMP Credit Point Requirements

Non-Residential	
	Number of additional BMP Credits required
1 acre≤ Disturbed Area <5 acres	1
5 acres ≤ Disturbed Area <10 acres	2
10 acres≤ Disturbed Area < 20 acres	3
≥ 20 acres	4

Residential

	Number of additional BMP Credits required
1 acre ≤ Disturbed Area <5 acres	1
5 acres ≤ Disturbed Area <20 acres	2
≥ 20 acres	3

Sec. 27-11. Factors to be considered.

The following are example of factors that should be considered when evaluating and selecting BMPs for a land disturbing activity:

1. Effect of the land disturbing activity on runoff volumes and rates
2. Potential pollutants from the land disturbing activity
3. Percent of site treated by each BMP
4. Effectiveness of the BMP on potential pollutants from the land disturbing activity
5. Natural resources on the site
6. Configuration of site, including existing waterways

Sec. 27-12. Additional BMPs.

The following items are acceptable permanent BMPs to be utilized when meeting Table 1 additional BMP requirements based on the size of the land disturbing activity and complying the DCDM, Section 9, "Storm Water Best Practices:"

1. Vegetated swales.
2. Vegetated filter strips.
3. Permeable and semi-pervious pavement.
4. Discharge of roof drains to pervious surface.
5. Extended Detention Basins for Storm Water Quality Benefits.
6. Retention ponds.
7. Detention Pond Outlet for Erosion Protection and Storm Water Quantity Benefits.
8. Subsurface treatment devices.
9. Landscaping.
10. Cluster design.
11. Preservation of existing tree canopy.
12. Other BMPs. Other BMPs and innovative designs will be considered when submitted to the city engineer with supporting calculations and references.

Sec. 27-13. Maintenance agreements.

All privately owned storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement shall be between the city and the Home Owners Association or the city and the individual land owner and will include any and all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities. If the city, in its sole discretion chooses, to accept the storm water management facility as a public improvement no maintenance agreement will be necessary.

Subchapter D. Creek Buffer Zones.

Sec. 27-14. Establishment.

All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ and shall comply with the DCDM, Section 9, “Storm Water Best Practices.”.

Sec. 27-15. Design Standards.

CBZs must be designed and designated by the requirements and standards found in this chapter and the DCDM, Section 9, “Storm Water Best Practices.”

Sec. 27-16. Designation Requirements.

(a) Preliminary plats, final plats, plans, construction and building permit applications must clearly show the limits of CBZs based on criteria in this chapter.

(b) The limits must be indicated by dashed lines and labeled “Creek Buffer Zone.”

(c) CBZ designation may be combined with other lines in cases where erosion hazard zone lines coincide with flood plain limits or other public utility easements, such as drainage easements.

(d) Properties next to natural or constructed channels with a minimum of the ratio found in the DCDM, Section 9, “Storm Water Best Practices” or flatter side slopes are not required to comply with these erosion hazard zone criteria unless, in the opinion of a

licensed professional engineer, erosion hazard zone delineation is warranted. CBZs may not apply to waterways that have been engineered to convey a 1% chance storm (100-year frequency storm) and to withstand erosive forces or that have been adequately stabilized by manmade construction materials such as concrete rip-rap and concrete retaining walls. Wood timbers ties shall not be considered to adequately stabilize waterways due to their relatively short life span of service.

Sec. 27-17. Exception Process.

(a) It is the expressed intent of this chapter that all sections and parts should be complied with except in those instances when the provisions of this section are not applicable. It is further the intent of this chapter that the granting of an exception shall not be a substitute for the amending of this chapter.

(b) The city engineer may recommend to the city council an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either thecity council shall prescribe such conditions that it deems necessary or desirable in the public interest.

In making the findings required in subsection (c) below, the city council would considerthe nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect of such exception and upon the public health, safety, convenience and welfare in the vicinity.

(c) No exception shall be granted unless the city council finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land; and

2. That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(d) Such findings of the city council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and

substantial justice served.

(f) The city engineer as well as the Development Standards Advisory Board may recommend to council changes to amend the DCDM, Section 9, "Storm Water Best Practices."

Sec. 27-18. Licensed Professional Engineer's Responsibilities.

(a) It is the developer or land owner's licensed professional engineer's responsibility to adhere to these criteria when preparing preliminary plats, plans or building permit applications.

(b) The licensed professional engineer shall recognize these criteria as the minimum standards such that unique or site specific geological, topographical, or other factors may require detailed study during design. Adjustments from these minimum standards are allowed based on the findings from engineering analysis and engineering judgment.

(c) It is the licensed professional engineer's responsibility for determining and providing CBZs delineation on preliminary plats, final plats, plans, construction and building permit applications based on engineering judgment and best practices.

Subchapter E. Construction Inspection of Storm Water Facilities.

Sec. 27-19. Inspection.

Storm water facility inspections shall comply with all requirements found within DCDM, Section 9, "Storm Water Best Practices" and the following:

(a) The city engineer or designated agent may make inspections as hereinafter described and either shall approve that portion of the work completed or shall notify the landowner or agent wherein the work fails to comply with the SWMP as approved. To obtain inspections, the landowner applicant or developer shall notify the city engineer at least two working days before the following:

1. Start of construction;
2. Installation of post construction; and
3. Final acceptance of public infrastructure, or prior to issuance of certificate of occupancy dependent upon respective development stage.

(b) For all privately owned and maintained storm water maintenance facilities the

landowner or agent shall make regular inspections of all BMPs. The purpose of such inspections will be to determine the overall effectiveness of the SWMP and the need for additional control measures. All inspections shall be documented in written form and kept on file available for viewing upon request.

(c) The city engineer or its designated agent may enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under section (b).

Subchapter F. Maintenance and repair of Storm Water Facilities.

Sec. 27-20. Maintenance easement.

Prior to the final plat or issuance of a building or construction permit, whichever comes first, the applicant, owner, or developer of the site must execute a maintenance easement that shall be binding on all subsequent owners of land served by the storm water management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the city, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement shall be recorded in the land records.

Sec. 27- 21. Maintenance covenants.

(a) Maintenance of all storm water management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the city and recorded into the land record prior to final plat, or building or construction permit approval, whichever comes first. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

(b) The city, at its sole discretion, in lieu of a maintenance covenant, may accept dedication of any existing or future storm water management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Sec. 27-22. Minimum inspection requirements for all storm water maintenance facilities.

All storm water management facilities must undergo, at a minimum, an annual

inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance. Repair and maintenance needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the city, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water management facility.

Sec. 27-23. Inspection programs for storm water facilities.

Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water treatment practices.

Sec. 27-24. Right-of-entry for inspection.

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

Sec. 27-25. Records of installation and maintenance activities.

Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.

Subchapter G. Enforcement and Penalties.

Sec. 27-26. Failure to maintain storm water maintenance facilities.

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the city shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to affect maintenance and repair of the facility in an approved manner. After proper notice, the city may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property.

Sec. 27-27. Violations.

Any land disturbing activity that is commenced or is conducted contrary to this ordinance, may be restrained by injunction or otherwise abated in a manner provided by law, including the City or its agent undertaking the necessary maintenance or apartment and assessing the cost of the work as a lien upon the property.

Sec. 27-28. Notice of violation.

When the city determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

1. The name and address of the owner or applicant;
2. The address when available or a description of the building, structure or land upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the land disturbing activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

Sec. 27-29. Stop work orders.

In the event that any person holding an approved SWMP pursuant to this ordinance violates the terms of the permit or implements land disturbing activity in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city may suspend or revoke the building or construction (for public infrastructure) permit.

Sec. 27-30. Appeals.

In the event the developer or builder does not agree with a decision of the city engineer, they may appeal to the director of public works. Appeals from the director's decision shall be automatically referred to the city manager for final decision, with due regard for the city engineer and public works directors recommendations. The city manager's decision shall be rendered as soon as possible and shall be final.

Part 2: *Criminal penalty.* Any person or persons, firm or corporation which violates any of the provisions of this chapter may be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than fifty ($50.00) dollars nor more than two thousand ($2000.00) dollars for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

TEMPLE AREA BUILDERS ASSOCIATION

May 17th, 2012

Temple City Council
2 N. Main St
Temple, TX 76501

RE: City of Temple Post construction draft ordinance

Honorable Mayor and City Council members,

On behalf of our 250+ members and their workforce of 8,000+ people strong, thank you for the opportunity to provide written comments regarding the City of Temple Post construction draft ordinance.

We have been working with the City of Temple staff over the last several years and are happy to see this ordinance come to the City Council. We clearly understand that this ordinance was mandated by the State of Texas and there is a timeframe in which you must comply. While we support the draft ordinance, we encourage the city to look at ways in which to further deal with this unfunded mandate from the state, as well as begin completing drainage projects identified as priorities around our city.

Recently, we were provided with a list of 104 projects identified in the City of Temple 2008 Drainage Capital Improvement plan. In several instances, the projects are slated to be completed in 2070 and beyond. The City Council was recently shown several fee structures which will allow public works to finally begin implementing this list of projects. There are two specific rate scenarios which we would like to see the city consider in the upcoming budget—Scenario 2, which increases the base monthly stormwater fee to $5, and Scenario 3, which increases the monthly fee to $6. All rates would be adjusted for larger residential and commercial customers.

Currently, the monthly stormwater rates within the City of Temple begin at $3.00/mo for residential customers and $7.15/mo for small commercial customers (up to a maximum of $69.00). The Temple Public Works department has provided the council and our association with a comparative study on residential and commercial stormwater rates throughout Central Texas, and it appears many neighboring jurisdictions are significantly higher than the City of Temple. While each jurisdiction is unquestionably unique, it appears that many jurisdictions have long been planning for these new regulations, as well as implementation of their capital improvement plans in a reasonable timeframe.

As an Association, we strongly support City Council efforts to give the Public Works department the tools necessary to implement this ordinance, as well as the necessary funding mechanism to complete their identified projects in a timely manner. While reviewing the differing rate structures, it is clear that should the city complete these projects in a timely manner, it will save residents tens of millions of dollars. It is difficult to overlook the portions of the plan where project costs are adjusted based on their respective project completion year. Based on the current rate structure, city residents

12 N. 5th Street ◆ P.O. Box 2002 ◆ Temple, Texas 76503 ◆ Phone 254-773-0445 ◆ Fax 254-774-7273

are looking at an overall cost basis of approximately $160 million to complete the drainage projects. Looking at the maximum rate scenario (option 3) of $6/mo, the city would be looking at an overall cost basis of $59.5 million, a difference of approximately $100 million in savings to the taxpayer.

While we are cautious any time fees are raised due to their impact on housing affordability, we fully support city efforts to implement a responsible increase in the monthly stormwater fee. We would like to see the city council consider "Rate Scenario 2 or 3", which includes base monthly stormwater fees of $5/$6. We would also like to see this fee automatically adjust for inflation on a yearly basis. These increases are both responsible and necessary, and will still place the City of Temple among some of the lowest rates for cities our size.

Our council has always done an excellent job protecting the safety of our citizens, as well as making responsible financial decisions. We hope the city council will recognize the positive aspects of completing these drainage projects in a timely manner and saving the taxpayers a significant amount of money. We want to thank you for your consideration of our request.

Sincerely,

Blair Anderson
Government Affairs Director
TABA

Cc: David Blackburn, Temple City Manager; Kim Foutz, Deputy City Manager, Nicole Torralva, Temple Public Works, Michael Newman Temple Public Works

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEMPLE BY CREATING A NEW ARTICLE II, ENTITLED "POST CONSTRUCTION" TO CHAPTER 27, OF THE CITY CODE, ENTITLED, "STORM WATER MANAGEMENT," PER THE CITY OF TEMPLE'S STORM WATER MANAGEMENT PROGRAM AS REQUIRED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, staff recommends approval of language to create Article II entitled "Post Construction" to Chapter 27, "Storm Water Management" per the City of Temple's Storm Water Management Program as required by the Texas Commission on Environmental Quality;

Whereas, the EPA has implemented a body of regulations involving storm water quality requirements that apply to cities under 100,000 population and in the State of Texas, TCEQ has implemented the Phase II regulation by requiring cities with a population of less than 100,000 to adopt several new ordinances as a part of the best management practices mandated in the City of Temple's Storm water Management Program;

Whereas, these ordinances include erosion and sedimentation during construction, post construction, after construction illicit discharge to streams and illegal dumping;

Whereas, the ordinance being proposed is intended to improve water quality once the development of land (one or more acres inside the city limits) is complete – the proposed language meets current state law minimum requirements; and

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

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

Part 1: The Code of Ordinances of the City of Temple, Texas, is amended by creating Article II, "Post Construction: to Chapter 27, entitled, "Storm Water Management," to read as follows:

ARTICLE II.
POST CONSTRUCTION STORM WATER RUNOFF CONTROL

Subchapter A. General Provisions

Sec. 27-1. Purpose.

The purpose of this ordinance is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the city. This ordinance seeks to meet that purpose through the following objectives:

1. Minimize increases in storm water runoff from any land disturbing activity in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

2. Minimize increases in nonpoint source pollution caused by storm water runoff from land disturbing activity which would otherwise degrade local water quality;

3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following land disturbing activity to not exceed the pre-land disturbing activity hydrologic regime to the maximum extent practicable; and

4. Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

Sec. 27-2. Applicability.

This ordinance shall be applicable to all subdivisions, both residential and non-residential. The ordinance also applies to land disturbing activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must be reviewed by the city engineer to ensure that established water quality standards will be maintained during and after land disturbing activity of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of storm water runoff, the city has developed a set of performance standards that must be met at new development sites. These standards

apply to any construction activity disturbing one (1) acre or more of land, except when land is situated on a CBZ. Standards found in Subchapter D apply to all land which is situated on a CBZ. The following activities may be exempt from these storm water performance criteria except for when situation on a CBZ:

1. Additions or modifications to existing single family structures; and
2. Repairs to any storm water treatment practice deemed necessary by the city.

When a development plan is submitted that qualifies as a redevelopment project as defined in section 27-4 of this ordinance, decisions on permitting and on-site storm water requirements shall be governed by special storm water sizing criteria found in Chapter 9, "Stormwater Best Management Practices ," of the Drainage Criteria and Design Manual in effect at the time of redevelopment. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the city.

In determining if a project is one (1) acre or larger, the city will consider whether or not the land disturbing activity is a part of a common plan. A construction activity is a part of a common plan if it is completed in separate stage, phases or in combination with other construction activities. Common plans are often, but not solely identified by plats, blueprints, contracts, zoning requests and building permits. Additionally, common plans may exist and erosion and sedimentation control may be required when there is more than one operator operating in an area which is larger than one acre, even though no single individual project is larger than one acre individually.

Sec. 27-3. Compatibility with other permit and ordinance requirements

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 27-4. Definitions. For the purposes of this ordinance the following shall mean:

Applicant means a property owner or agent of a property owner who has filed an storm water management plan.

Best Management Practices (BMP) are all generally accepted methods of reducing storm water pollutants and can be found in Subchapter C of this Article.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Creek is a waterway having 64 acres or greater of contributing drainage areas.

Creek Buffer Zone (CBZ) is all property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ and shall comply with the Drainage Criteria and Design Manual, Section 9 "Storm Water Best Management Practices."

Crest of Slope includes waterway top of banks or highest point of natural waterway banks steeper than the ratio found in the Drainage Criteria and Design Manual, Section 9 "Storm Water Best Management Practices."

Detention means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Detention facility means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land disturbance activities.

Drainage Criteria and Design Manual (DCDM) is a manual containing all approved methods and design criteria for drainage and storm water control.

Drainage easement means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

Impervious cover means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Infiltration means the process of percolating storm water into the subsoil.

Land disturbing activity means any activity, including but not limited to excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, storm water runoff or wind for residential and non-residential subdivisions and applicable city projects. Land disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land disturbing activities.

Landowner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Lowest point in waterway bed means the physical lowest grade elevation at a given cross section of waterway at the point of interest. (Licensed professional engineers may consider lowest point to be a projected line between grade control check points upstream and downstream of the point of interest. Grade control check points generally occur at small dams, concrete enclosed utility crossings, piped or boxed culverts or bridges with armored waterway beds.)

Maintenance agreement means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

Occupied Structures include but are not limited to, residences and places of business such as houses, apartments, businesses, schools, and churches.

Off-site facility means a storm water management measure located outside the subject property boundary.

On-site facility means a storm water management measure located within the subject property boundary.

Private Amenities include but are not limited to, fencing, landscaping, and irrigation systems.

Private Amenity Structures include but are not limited to, detached garages, sheds, swimming pools, retaining walls, decks and recreational courts or other similar structures.

Redevelopment means any construction, alteration or improvement exceeding one (1) acre in area where existing land use is high density commercial, industrial, institutional or multi-family and single family residential.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Storm water management means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Storm water management facility is any facility that is built to control storm water runoff in order to comply with the Best Management Practices herein.

Storm water runoff means flow on the surface of the ground, resulting from precipitation.

Watercourse means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway is any channel that directs surface runoff to a watercourse or to the public storm drain. This includes natural and manmade creeks, streams, swales and channels.

Subchapter B. Requirements for Storm Water Management Plan Approval

Sec. 27-5. Storm water management plan.

(a) A storm water management plan is required for all land disturbing activities which disturb one (1) acre or more of land, and any time land is situated on a CBZ.

(b) No application for a construction, building or other development permit will be approved unless it includes a storm water management plan ("SWMP") detailing how runoff and associated water quality impacts resulting from the land disturbing activity will be controlled or managed.

(c) This plan must meet the submittal requirements outlined in the submittal checklist found in section 27-6 (b) of this chapter, be sealed by a professional engineer and must indicate whether storm water will be managed on-site or off-site. If on-site, the plan must include the specific location and type of practices in order to receive consideration for BMP credit.

(d) The SWMP shall be developed and coordinated with the drainage plan and may be shown on the same sheet if applicable. It shall also be coordinated with the landscaping plan to prevent conflicts and assure compatible land use, if landscaping is a selected and approved BMP.

(e) No building, construction, or other development permit shall be issued until a SWMP has undergone a review and been approved by the city after determining that the plan is consistent with the requirements of this ordinance.

Sec. 27-6. Storm water management plan requirements.

(a) A SWMP shall be required with construction and building permit applications and will include sufficient information to evaluate the environmental characteristics of the project site, the potential impacts of all proposed land disturbing activity of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The intent of this is to determine the type of storm water management measures necessary for the proposed project, and ensure adequate planning for management of storm water runoff

from future land disturbing activity.

(b) The following information, in addition to all requirements found within DCDM, Section 9, "Storm Water Best Practices," shall be included in the SWMP:

1. Plan. A map (or maps) and a written description of the SWMP and justification of proposed changes in natural conditions may also be required.

2. Engineer Analysis. Sufficient engineering analysis to show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications found within DCDM, Section 9, "Storm Water Best Practices."

3. Inventory. A written or graphic inventory, as described in DCDM, Section 9, "Storm Water Best Practices" of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site.

4. Maintenance and Repair Plan. The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures, which meet all specification found in DCDM, Section 9, "Storm Water Best Practices," shall be included in the plan.

5. Maintenance easements. Except for CBZs, the applicant must ensure access to all storm water BMPs at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.

6. Maintenance agreement. The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site storm water management measure in accordance with the specifications of this ordinance.

7. Maintenance by city. At its sole discretion the city may agree to accept a development's storm water management facility as a public improvement and maintain it as such. This agreement may be reached in lieu of a maintenance agreement. This section in no way guarantees the city's acceptance of any BMP as a public improvement.

The city may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

(c) For land disturbing activity occurring on a previously developed site, an applicant shall be required to include within the SWMP measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

Subchapter C. Basic Storm Water Management Design Criteria.

Sec. 27-7. Potential pollutants from land disturbing activity.

Potential storm water pollutants from land disturbing activity may consist of but are not limited to the following:

1. Total suspended solids
2. Increased temperature
3. Oil and grease
4. Floatables (trash)
5. Nutrients (fertilizers)
6. Bacteria
7. Metals
8. Pesticides
9. Sediment (soil due to erosion)

Sec. 27-8. Best Management Practices (BMPs).

It is the responsibility of the engineer to design BMPs that address site-specific conditions using the appropriate design criteria found in this code as well as the DCDM, Section 9, “Storm Water Best Practices.”).

Sec. 27-9. Required permanent BMP. To preserve the existing natural resources in Temple and promote sustainable development, demonstration of compliance with the following permanent BMPs, where applicable, are required in the SWMP of all land disturbing activities.

1. Site Layout — Each SWMP is required to show the site layout as well as the placement of the selected BMPs.

2. Creek Buffer Zone – All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ. When a property is located within a CBZ developer, builder or owner must comply with the techniques found in the DCDM, Section 9, “Storm Water Best Practices.”.

Sec. 27-10. Additional BMP Credit Point Requirements.

In addition to the required BMPs, the following number of BMPs shall be provided based on the size of the project:

Table 1 Additional BMP Credit Point Requirements

Non-Residential	
	Number of additional BMP Credits required
1 acre≤ Disturbed Area <5 acres	1
5 acres ≤ Disturbed Area <10 acres	2
10 acres≤ Disturbed Area < 20 acres	3
≥ 20 acres	4

Residential	
	Number of additional BMP Credits required
1 acre ≤ Disturbed Area <5 acres	1
5 acres ≤ Disturbed Area <20 acres	2
≥ 20 acres	3

Sec. 27-11. Factors to be considered.

The following are example of factors that should be considered when evaluating and selecting BMPs for a land disturbing activity:

1. Effect of the land disturbing activity on runoff volumes and rates
2. Potential pollutants from the land disturbing activity
3. Percent of site treated by each BMP
4. Effectiveness of the BMP on potential pollutants from the land disturbing activity
5. Natural resources on the site
6. Configuration of site, including existing waterways

Sec. 27-12. Additional BMPs.

The following items are acceptable permanent BMPs to be utilized when meeting Table 1 additional BMP requirements based on the size of the land disturbing activity and complying the DCDM, Section 9, “Storm Water Best Practices:”

1. Vegetated swales.
2. Vegetated filter strips.
3. Permeable and semi-pervious pavement.

4. Discharge of roof drains to pervious surface.
5. Extended Detention Basins for Storm Water Quality Benefits.
6. Retention ponds.
7. Detention Pond Outlet for Erosion Protection and Storm Water Quantity Benefits.
8. Subsurface treatment devices.
9. Landscaping.
10. Cluster design.
11. Preservation of existing tree canopy.
12. Other BMPs. Other BMPs and innovative designs will be considered when submitted to the city engineer with supporting calculations and references.

Sec. 27-13. Maintenance agreements.

All privately owned storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement shall be between the city and the Home Owners Association or the city and the individual land owner and will include any and all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities. If the city, in its sole discretion chooses, to accept the storm water management facility as a public improvement no maintenance agreement will be necessary.

Subchapter D. Creek Buffer Zones.

Sec. 27-14. Establishment.

All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ and shall comply with the DCDM, Section 9, “Storm Water Best Practices.”.

Sec. 27-15. Design Standards.

CBZs must be designed and designated by the requirements and standards found in this chapter and the DCDM, Section 9, “Storm Water Best Practices.”

Sec. 27-16. Designation Requirements.

(a) Preliminary plats, final plats, plans, construction and building permit applications must clearly show the limits of CBZs based on criteria in this chapter.

(b) The limits must be indicated by dashed lines and labeled “Creek Buffer Zone.”

(c) CBZ designation may be combined with other lines in cases where erosion hazard zone lines coincide with flood plain limits or other public utility easements, such as drainage easements.

(d) Properties next to natural or constructed channels with a minimum of the ratio found in the DCDM, Section 9, “Storm Water Best Practices” or flatter side slopes are not required to comply with these erosion hazard zone criteria unless, in the opinion of a licensed professional engineer, erosion hazard zone delineation is warranted. CBZs may not apply to waterways that have been engineered to convey a 1% chance storm (100-year frequency storm) and to withstand erosive forces or that have been adequately stabilized by manmade construction materials such as concrete rip-rap and concrete retaining walls. Wood timbers ties shall not be considered to adequately stabilize waterways due to their relatively short life span of service.

Sec. 27-17. Exception Process.

(a) It is the expressed intent of this chapter that all sections and parts should be complied with except in those instances when the provisions of this section are not applicable. It is further the intent of this chapter that the granting of an exception shall not be a substitute for the amending of this chapter.

(b) The city engineer may recommend to the city council an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the city council shall prescribe such conditions that it deems necessary or desirable in the public interest.

In making the findings required in subsection (c) below, the city council would consider the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect of such exception and upon the public health, safety, convenience and welfare in the vicinity.

(c) No exception shall be granted unless the city council finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land; and

2. That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(d) Such findings of the city council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

(f) The city engineer as well as the Development Standards Advisory Board may recommend to council changes to amend the DCDM, Section 9, "Storm Water Best Practices."

Sec. 27-18. Licensed Professional Engineer's Responsibilities.

(a) It is the developer or land owner's licensed professional engineer's responsibility to adhere to these criteria when preparing preliminary plats, plans or building permit applications.

(b) The licensed professional engineer shall recognize these criteria as the minimum standards such that unique or site specific geological, topographical, or other factors may require detailed study during design. Adjustments from these minimum standards are allowed based on the findings from engineering analysis and engineering judgment.

(c) It is the licensed professional engineer's responsibility for determining and providing CBZs delineation on preliminary plats, final plats, plans, construction and building permit applications based on engineering judgment and best practices.

Subchapter E. Construction Inspection of Storm Water Facilities.

Sec. 27-19. Inspection.

Storm water facility inspections shall comply with all requirements found within DCDM, Section 9, "Storm Water Best Practices" and the following:

(a) The city engineer or designated agent may make inspections as hereinafter described and either shall approve that portion of the work completed or shall notify the landowner or agent wherein the work fails to comply with the SWMP as approved. To obtain inspections, the landowner applicant or developer shall notify the city engineer at least two working days before the following:

1. Start of construction;
2. Installation of post construction; and
3. Final acceptance of public infrastructure, or prior to issuance of certificate of occupancy dependent upon respective development stage.

(b) For all privately owned and maintained storm water maintenance facilities the landowner or agent shall make regular inspections of all BMPs. The purpose of such inspections will be to determine the overall effectiveness of the SWMP and the need for additional control measures. All inspections shall be documented in

written form and kept on file available for viewing upon request.

(c) The city engineer or its designated agent may enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under section (b).

Subchapter F. Maintenance and repair of Storm Water Facilities.

Sec. 27-20. Maintenance easement.

Prior to the final plat or issuance of a building or construction permit, whichever comes first, the applicant, owner, or developer of the site must execute a maintenance easement that shall be binding on all subsequent owners of land served by the storm water management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the city, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement shall be recorded in the land records.

Sec. 27- 21. Maintenance covenants.

(a) Maintenance of all storm water management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the city and recorded into the land record prior to final plat, or building or construction permit approval, whichever comes first. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

(b) The city, at its sole discretion, in lieu of a maintenance covenant, may accept dedication of any existing or future storm water management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Sec. 27-22. Minimum inspection requirements for all storm water maintenance facilities.

All storm water management facilities must undergo, at a minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance. Repair and maintenance needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the city, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water management facility.

Sec. 27-23. Inspection programs for storm water facilities.

Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water treatment practices.

Sec. 27-24. Right-of-entry for inspection.

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

Sec. 27-25. Records of installation and maintenance activities.

Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.

Subchapter G. Enforcement and Penalties.

Sec. 27-26. Failure to maintain storm water maintenance facilities.

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the city shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to affect maintenance and repair of the

facility in an approved manner. After proper notice, the city may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property.

Sec. 27-27. Violations.

Any land disturbing activity that is commenced or is conducted contrary to this ordinance, may be restrained by injunction or otherwise abated in a manner provided by law, including the City or its agent undertaking the necessary maintenance or apartment and assessing the cost of the work as a lien upon the property.

Sec. 27-28. Notice of violation.

When the city determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

1. The name and address of the owner or applicant;
2. The address when available or a description of the building, structure or land upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the land disturbing activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

Sec. 27-29. Stop work orders.

In the event that any person holding an approved SWMP pursuant to this ordinance violates the terms of the permit or implements land disturbing activity in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city may suspend or revoke the building or construction (for public infrastructure) permit.

Sec. 27-30. Appeals.

In the event the developer or builder does not agree with a decision of the city engineer, they may appeal to the director of public works. Appeals from the director's decision shall be automatically referred to the city manager for final decision, with due regard for the city engineer and public works directors recommendations. The city manager's decision shall be rendered as soon as possible and shall be final.

Part 2: *Criminal penalty.* Any person or persons, firm or corporation which violates any of the provisions of this chapter may be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than fifty ($50.00) dollars nor more than two thousand ($2000.00) dollars for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

Part 3: *Severability*. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

Part 4: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2012.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Planning Director

ITEM DESCRIPTION: P-FY-12-22: Consider adopting a resolution authorizing the Final Plat of West Adams Addition, a 1.620 ± acres, 1-lot, 1-block nonresidential subdivision, with developer's requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees, located at the southwest corner of West Adams Avenue and South Kegley Road.

P&Z COMMISSION RECOMMENDATION: At its June 18, 2012, meeting, the Planning and Zoning Commission voted 9/0 to recommend approval of the Final Plat of West Adams Addition, a 1.620 ± acres, 1-lot, 1-block nonresidential subdivision, with developer's requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Please refer to the Staff Report and minutes of case P-FY-12-22, from the Planning and Zoning Commission meeting on June 18, 2012. The Development Review Committee reviewed the Final Plat of West Adams Addition on May 23, 2012. It was deemed administratively complete on June 5, 2012.

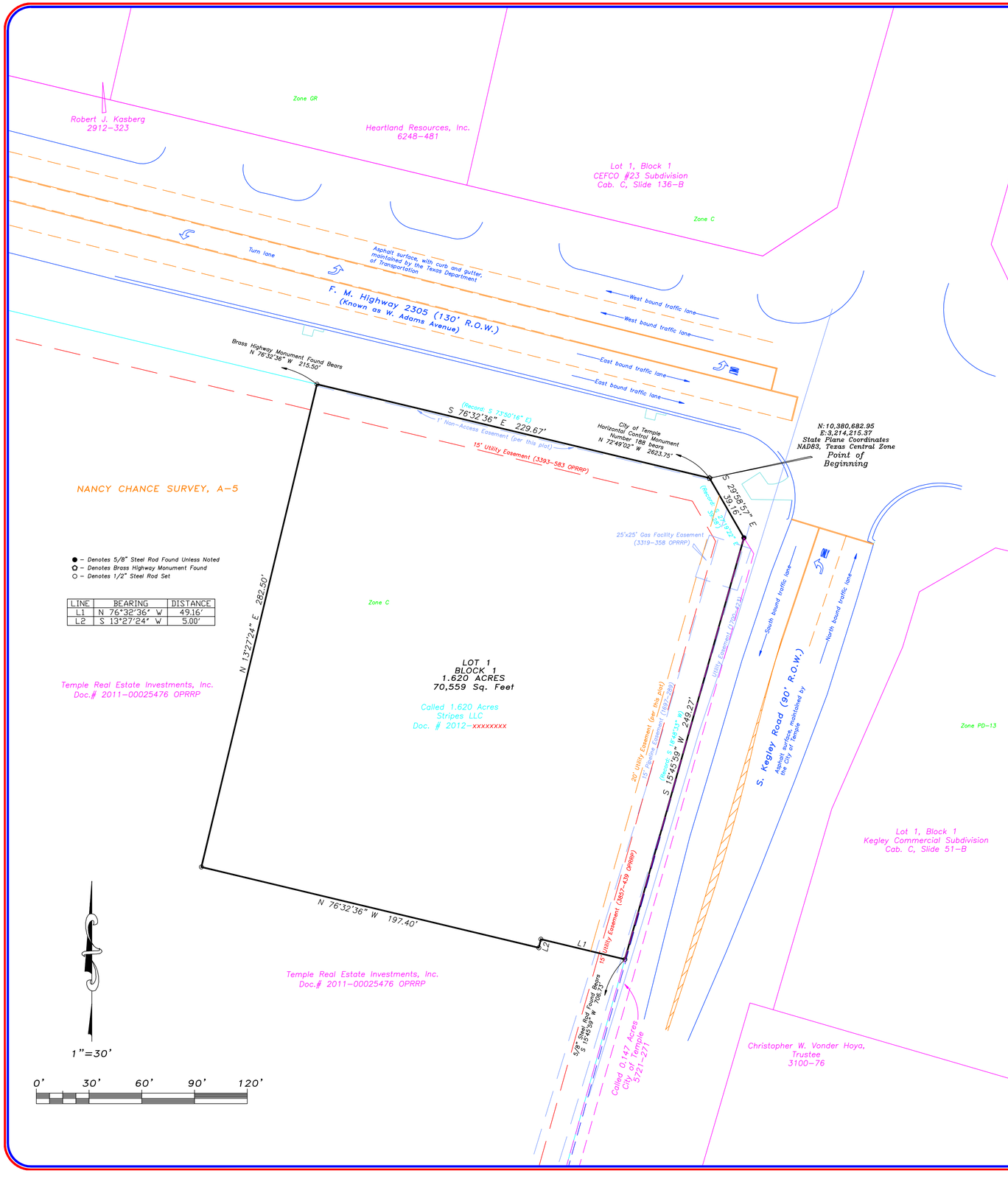
The Final Plat of West Adams Addition is a 1-lot, 1-block nonresidential subdivision located at the southwest corner of West Adams Avenue and South Kegley Road. The Thoroughfare Plan designates West Adams Avenue as a major arterial. Although the Thoroughfare Plan designates South Kegley Road as minor arterial, it is not developed to minor arterial standards.

Unified Development Code Section 8.5.1 requires perimeter street fees for South Kegley Road since it is not developed to minor arterial standards. The developer requests an exception to the required perimeter street fees for South Kegley Road as the City Streets Capital Improvement program is anticipated to address expansion and improvement of this roadway. Perimeter street fees are proposed to be eliminated as per Item #7 at this meeting.

The developer plans to upgrade the existing 2-inch water line along the west right-of-way of South Kegley Road for future development. There is an existing 18-inch sanitary sewer line along the east right-of-way of South Kegley Road. A 15-foot wide utility easement has been provided along West Adams Avenue and a 20-foot wide utility easement along South Kegley Road to accommodate future development needs. The Final Plat addresses all right-of-way width needs.

FISCAL IMPACT: The applicant estimates the perimeter street fees for 249 linear feet along South Kegley Road, a minor arterial, would be a cost of $12,464 ($50/LF each side).

ATTACHMENTS:
Plat
Request for Exception to Perimeter Street Fees
P&Z Minutes (6/18/12)
Resolution



OWNER'S STATEMENT

STATE OF TEXAS
COUNTY OF BELL

Stripes LLC, owner of the tract of land shown hereon, and designated as WEST ADAMS ADDITION, within the city limits of the City of Temple, Bell County, Texas, and whose name is subscribed hereto, hereby dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places shown hereon within the plat boundaries of this subdivision.

_____
by: E. V. Bonner, Jr., Executive Vice President
Stripes LLC
P. O. Box 9036
Corpus Christi, Texas 78469

STATE OF TEXAS
COUNTY OF NUECES

Before me, the undersigned authority, on this day personally appeared, E. V. Bonner, Jr. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this the ___ day of _____, 2012.

_____
Notary Public, State of Texas
My Commission Expires_____

This plat has been submitted to and considered by the Planning & Zoning Commission of the City of Temple, Texas, and is hereby approved by such Commission.

_____ *_____*
Chair, Planning & Zoning Commission *Attest: Secretary to the Planning & Zoning Commission*

AFFIDAVIT:

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

Dated this the _____ day of _____, 2012 A. D.

By: _____
Bell County Tax Appraisal District

This plat has been submitted to and considered by the City Council of the City of Temple, Texas, and is hereby approved by such council.
Dated this the _____ day of _____, 2012 A. D.

_____
City Secretary

Owner:
Stripes LLC
P. O. Box 9036
Corpus Christi, Texas 78469

Lots – One (1)
Blocks – One (1)
Area – 1.620 Acres

NOTES:

1. *No part of the subject tract lies within the special flood hazard area (SFHA) as scaled from F.I.R.M. Panel 480270335E, dated September 26, 2008. No elevations ran on the ground.*
2. *6' wide sidewalks will be required along West Adams Avenue and South Kegley Road.*

Recordation Information:

Plat recorded in Cabinet _____, Slide _____,
Plat Records of Bell County, Texas

Dedication recorded in Volume _____, Page _____, Official Public Records of Real Property, Bell County, Texas

Filed this the _____ day of _____, 2012.

STATE OF TEXAS
COUNTY OF BELL

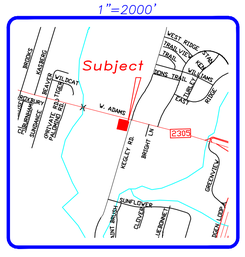
I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify, to the best of my knowledge and belief, that this plat is true and correct, that it was prepared from an actual survey of the property made under my supervision on the ground, and that all necessary survey monuments are correctly shown thereon.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

Harold Alexander Taylor
Registration No. 6176

Date Surveyed: April 12, 2012

VICINITY MAP
1"=2000'



FINAL PLAT
WEST ADAMS ADDITION
Lot 1, Block 1, within the city limits of the City of Temple, Bell County, Texas (BEING part of the Nancy Chance Survey, Abstract Number 5, and being part of that called 29.548 acres of land described in a deed to Temple Real Estate Investments, Inc., recorded in Document Number 2011-0025476 of the Official Public Records of Real Property of Bell County, Texas)

Address:S. Kegley Road and W. Adams Avenue
No Schedule "B" Provided
Drawn By: hat
Vannoy Job No.: 4539

PREPARED FOR:
Stripes LLC

Vannoy & Assoc., Inc.
Surveyors/Planners
7111 Bosque Boulevard, Suite 101
Waco, Texas 76710 (254)751-1934

VANNOY & ASSOC., INC. surveyors planners www.vannoyinc.com

Tammy Lyerly

From: Bock, Joel R. [Joel.Bock@jacobs.com]
Sent: Wednesday, May 30, 2012 4:44 PM
To: Tammy Lyerly; 'Alex Taylor'
Cc: Waters, Brandy; 'Mike Harp'; 'Aaron McMillan'; Kim Foutz
Subject: RE: TEMPLE SWC Kegley & Adams Stripes Revised Site Plan and Survey

Tammy,
To put it in writing, we would like to request the City not require the perimeter roadway fee from us for this project.

Thank you,

JB

-----Original Message-----
From: Tammy Lyerly [mailto:tlyerly@templetx.gov]
Sent: Wednesday, May 30, 2012 4:16 PM
To: Bock, Joel R.; 'Alex Taylor'
Cc: Waters, Brandy; 'Mike Harp'; 'Aaron McMillan'; Kim Foutz
Subject: RE: TEMPLE SWC Kegley & Adams Stripes Revised Site Plan and Survey

Thanks, Joel!

Tammy A. Lyerly
Planner
City of Temple Planning Department
254.298.5273

-----Original Message-----
From: Bock, Joel R. [mailto:Joel.Bock@jacobs.com]
Sent: Wednesday, May 30, 2012 3:06 PM
To: Tammy Lyerly; 'Alex Taylor'
Cc: Waters, Brandy; 'Mike Harp'; 'Aaron McMillan'; Kim Foutz
Subject: RE: TEMPLE SWC Kegley & Adams Stripes Revised Site Plan and Survey

Tammy,
Thanks for the info - see attached exhibit for this site showing the following:

-Regarding this UDC item #1: existing ROW as surveyed is 90' which meets the Minor Arterial width, so I would maintain that zero ROW will need to be dedicated by this plat

-Regarding this UDC item #2: Assume $200/lf to build a minor arterial roadway for a full section. With existing pavement width present along this site I would maintain that a cost savings would be achieved so to reuse it so only curb and gutter and storm drainage would be needed and therefore this cost would go to $100/lf. For half a road (neighber covers the other half) the fee would then be $50/lf.

Please confirm and call anytime,

Joel Bock, PE

Jacobs

Project Manager | Land Development

PROJECT NAME: Perimeter Street Fee for Kegley Road
Engineer's Cost Estimate - May 29, 2012

ITEM	DESCRIPTION	QUANTITY	UNIT	AVERAGE UNIT PRICE	TOTAL CONTRACT
A. STREET IMPROVEMENTS					
A.1	Minor Arterial Curb & Gutter and Stormsewer, $100/LF for Full Section, $50/LF for each side	249	LF	$ 50	**$ 12,464**
	SUBTOTAL STREET IMPROVEMENTS				**$ 12,464**

	Total Costs:
A. STREET IMPROVEMENTS	$ 12,464
Total	$ 12,464

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 18, 2012

ACTION ITEMS

Item 3: P-FY-12-22 - Consider and take action on the Final Plat of West Adams Addition, a 1.620 ± acres, 1-lot, 1-block nonresidential subdivision, with developer's requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees, located at the southwest corner of West Adams Avenue and South Kegley Road. (Applicant: Vannoy & Associates on behalf of Temple Real Estate Investments.)

Ms. Lyerly stated the developer was requesting exceptions to UDC Section 8.5.1 requiring perimeter street fees and would therefore go to City Council for review.

The subject property is located at West Adams Avenue and south Kegley Road. The plat was deemed administratively complete by DRC on June 5, 2012. The property is zoned Commercial (C) and fronts West Adams Avenue and south Kegley. Kegley is classified as a minor arterial although not built to minor arterial standards and requires perimeter street fees.

There is a two inch water line and 18 inch sewer line available and located in the south Kegley right-of-way. The developer proposes to increase the two inch water line. The plat requires a 15 foot wide utility easement along West Adams Avenue and a 20 foot wide utility easement along south Kegley Road to accommodate future development needs.

Staff recommends approval of the final plat of West Adams Addition subject to City Council approval of developer's requested exceptions to UDC Section 8.5.1 requiring perimeter street fees for south Kegley Road.

Ms. Lyerly stated drive approach standards do exist and the developer would have to abide by them.

Commissioner Rhoads asked about possible widening of Kegley Road. Ms. Kim Foutz, Assistant City Manager and Acting Planning Director, stated Kegley is on the proposed Capital Improvement Program that is currently under consideration by City Council. It does call for improvements and widening along with sidewalks and other features. The timing is uncertain due to a Certificate of Obligation and this is a large streets program. Kegley is one of the greatest needs identified.

Ms. Lyerly stated the developer had 90 feet of right-of-way and for a minor arterial only 70 feet of right-of-way was needed.

Commissioner Sears made a motion to approve Item 3, **P-FY-12-22**, as presented by Staff and Commissioner Talley made a second.

Motion passed: (9:0)

RESOLUTION NO._____

(PLANNING NO. P-FY-12-22)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FINAL PLAT OF WEST ADAMS ADDITION, AN APPROXIMATELY 1.62 ACRE, 1-LOT, 1-BLOCK, NON-RESIDENTIAL SUBDIVISION, WITH DEVELOPER'S REQUESTED EXCEPTION TO SECTION 8.5.1 OF THE UNIFIED DEVELOPMENT CODE REQUIRING PERIMETER STREET FEES, LOCATED AT THE SOUTHEAST CORNER OF WEST ADAMS AVENUE AND SOUTH KEGLEY ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 18, 2012, the Planning and Zoning Commission approved the final plat of the West Adams Addition, an approximately 1.62 acre, 1-lot, 1-block, non- residential subdivision, located at the southwest corner of West Adams Avenue and South Kegley Road, with the developer's requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees;

Whereas, the Staff recommends approval of the final plat of West Adams Addition with the developer's requested exception to the Unified Development Code; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of the West Adams Addition.

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

Part 1: The City Council approves the final plat of West Adams Addition, an approximately 1.62 acre, 1-lot, 1-block, non- residential subdivision, located at the southwest corner of West Adams Avenue and South Kegley Road, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, with the developer's requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees;

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

PASSED AND APPROVED this the **5th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:
David Blackburn, City Manager
Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2012-2013 budget for August 2, 2012 and August 30, 2012 at 5:00 p.m. in the City Council Chambers.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution will comply with the City Charter requirement that the date, time and place of the public hearing on the proposed budget be set at the first regular Council meeting after the budget is filed. The public hearing is scheduled for the August 2, 2012 Regular Council meeting, to be held at 5:00 p.m. in the Council Chambers, to receive citizen comments on the operating budget. The resolution will also indicate that a supplemental public hearing on the proposed budget will be conducted at the August 30, 2012 Special Council meeting, just prior to the scheduled adoption of the budget.

Additional public hearings for the FY 2012-2013 Proposed Budget may be scheduled relating to statutory requirements for adoption of a tax rate.

FISCAL IMPACT: N/A

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE DATE, TIME, AND PLACE OF THE PUBLIC HEARINGS ON THE PROPOSED FY2012-2013 BUDGET FOR AUGUST 2, 2012 AND AUGUST 30, 2012, AT 5:00 P.M. IN THE CITY COUNCIL CHAMBERS; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE SETTING FORTH THE TIME AND PLACE THEREOF; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council directs that public hearings on the budget for the City of Temple Fiscal Year 2012-2013 shall be held at meetings of the City Council at 5:00 p.m. on **August 2, 2012**, and **August 30, 2012**, in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas.

Part 2: The City Council directs the City Secretary to cause the publication of notice of said hearings setting forth the time and place thereof in a newspaper of general circulation within the City.

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 **5th** day of **July**, 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

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 $7,336,269.

ATTACHMENTS:
Budget Amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
July 5, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS Debit	APPROPRIATIONS Credit
110-2011-521-2516		Judgments & Damages (Police)	$ 1,801	
110-1500-515-6531		**Contingency Judgments & Damages**		**$ 1,801**
		Settlement of a claim filed when a semi allegedly ran over spike strips thrown by TPD during a high speed chase through Temple blowing all 4 semi tires.		
110-3500-552-2516		Judgments & Damages (Parks)	$ 460	
110-1500-515-6531		Contingency Judgments & Damages		$ 460
		Settlement of claim filed against the City seeking reimbursement for alleged damages to a "stage snake" when a City truck ran over the cable.		
430-5700-580-7550		Payment to refunding escrow agent (Finance)	$ 7,241,682	
430-5700-580-7312		Bond issuance costs	$ 31,677	
430-5700-580-7314		Original issue discount	$ 39,949	
430-5700-580-7211		Bond interest	$ 14,532	
430-0000-315-1500		**Reserved for Debt Service**	**$ 6,168**	
430-0000-461-0112		Accrued interest		$ 16,234
430-0000-490-1575		Refunding bond proceeds		$ 6,245,000
430-0000-490-1518		Bond premium		$ 1,072,774
		To appropriate the 2012 General Obligation Refunding Bonds - Debt Service Portion - bond proceeds were received on 06/07/2012. This budget adjustment accounts for the revenue received from the bond issue and the amount paid to the refunding escrow agent.		
		TOTAL AMENDMENTS	**$ 7,336,269**	**$ 7,336,269**

GENERAL FUND

Beginning **Contingency** Balance	$ -
Added to Contingency Sweep Account	$ -
Carry forward from Prior Year	$ -
Taken From Contingency	$ -
Net Balance of Contingency Account	$ -
Beginning **Judgments & Damages** Contingency	$ 80,000
Added to Contingency Judgments & Damages from Council Contingency	$ -
Taken From Judgments & Damages	$ (37,852)
Net Balance of Judgments & Damages Contingency Account	$ 42,148
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	**$ 42,148**
Beginning Balance **Budget Sweep** Contingency	$ -
Added to Budget Sweep Contingency	$ -
Taken From Budget Sweep	$ -
Net Balance of Budget Sweep Contingency Account	$ -

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
July 5, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS Debit	APPROPRIATIONS Credit
		WATER & SEWER FUND		
		Beginning **Contingency** Balance		$ 50,000
		Added to Contingency Sweep Account		$ -
		Taken From Contingency		$ (32,247)
		Net Balance of Contingency Account		$ 17,753
		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		**$ 21,837**
		HOTEL/MOTEL TAX FUND		
		Beginning **Contingency** Balance		$ 79,303
		Added to Contingency Sweep Account		$ -
		Carry forward from Prior Year		$ -
		Taken From Contingency		$ (34,444)
		Net Balance of Contingency Account		$ 44,859
		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		**$ 44,859**
		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 **5th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting ordinances authorizing a rezoning from Agricultural District (AG) to Light Industrial District (LI) on:

(A) Z-FY-12-46A: 8.273± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305, and 7325 Pegasus Drive.

(B) Z-FY-12-46B: 15.345± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive.

P&Z RECOMMENDATION: At its June 18, 2012 meeting, the Planning and Zoning Commission voted 9/0 in accordance with Staff recommendation (not applicant's request) to recommend approval of rezonings of:

- 8.273± acres, a part of the S. Bottsford Survey, Abstract Number 118 from Agricultural District (AG) **to Commercial (C)**; and
- 15.345± acres, a part of the S. Bottsford Survey, Abstract Number 118 from Agricultural District (AG) **to Commercial (C).**

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for July 19, 2012.

Staff recommends denial of the rezoning from AG to LI but recommends approval from AG to C District for the below reasons. This item has been posted for LI District, therefore Council may approve the LI District zoning or any other lower zoning district including "C" district.

1. The LI request does not comply with the Future Land Use and Character Map. C District zoning, in combination with the existing I-35 overlay does comply. Please see below information regarding allowed uses in "LI" vs. "C" in combination with the Overlay.
2. The request and staff recommendation complies with the Thoroughfare Plan.

3. Public water facilities are available to subject property and wastewater is not available at this time. Septic system may be present or will need to be installed upon development.

The applicant, Lamar Billboards on behalf of A.C. Boston, has indicated support for the staff recommended “C” Commercial District zoning.

ITEM SUMMARY: These properties under consideration for rezoning were annexed into the city limits several years ago. At that time, the property was/is used for commercial and light industrial uses, however the property was zoned Agricultural at that time. The owner has initiated these requests for rezoning to allow for the relocation of three billboard signs which are currently located on the properties. These signs are being affected by the I-35 TXDOT expansion project. In order to acquire State approval to relocate the billboards, State law requires that property be zoned as a "commercial" district if located inside the city limits.

SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Developed land – various uses	Please see attachment – multiple pictures
North	Troy ETJ-No Zoning	Building and roof sales (I-35 Overlay now requires a CUP for this use)	

Direction	Zoning	Current Land Use	Photo
South	AG	RV Park (not an allowed use in I-35 overlay)	

Direction	Zoning	Current Land Use	Photo
East, across I-35	LI	Undeveloped Land	
West	AG	Undeveloped Land	

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	N *
CP	Map 5.2 - Thoroughfare Plan	Y*
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	N*
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Y*

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character Plan (FLUP) (CP Map 3.1)
The future land use and character map designates both properties as Suburban Commercial. **Uses that are allowed in LI and the I-35 Overlay District and are not allowed in "C" district (as recommended by P&Z and staff) are:** animal shelter by CUP, asphalt/concrete batch plant; compost/landfill operations; recycling inside building; slaughterhouse; mining and storage; petroleum storage/collection; cleaning plant; helistop; and sewage treatment plant. This applicant's request is not in compliance with the comprehensive plan. However, a rezoning to C District would be in compliance.

Thoroughfare Plan (CP Map 5.2)
The Thoroughfare Plan designates North General Bruce as an Expressway, which is appropriate for commercial and industrial development. Pegasus Drive is classified as a Collector street, which is most appropriate for commercial development. The rezoning request is compatible with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)
A 10" water line is located along Pegasus Drive adjacent to the property. There is no public sewer available to the property.

Temple Trails Master Plan Map and Sidewalks Ordinance
Pegasus Drive and North General Bruce Drive are not on the Trails Master Plan. Pegasus is a collector street and will require a 4' wide sidewalk when development occurs.

DEVELOPMENT REGULATIONS: The purpose of the Light Industrial zoning district is to allow light industrial uses. Residential uses are not allowed except boarding or rooming houses. This district acts as a transition from other commercial or retail uses to industrial uses. This district is intended to be located away from areas of low and medium density residential development. The location should be carefully selected to avoid or reduce environmental impacts to residential areas. A sample of uses allowed in this district and the I-35 Overlay are:

Animal shelter
Home for the aged
Boarding or rooming house
Greenhouse/nursery
Building material sales
Paint, plumbing, welding, or machine shop
Heavy machinery sales, storage, and repair
Mining and storage
Outdoor parts sales
Hotel/Motel
Compost/landfill operations
Recycling inside building
Slaughterhouse
Asphalt/concrete batch plant
Petroleum storage/collection

PUBLIC NOTICE: Six notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of case Z-FY-12-46A, as required by State law and City Ordinance. As of Tuesday, June 26, 2012 at 11:00 AM, no notices were returned in favor of and no notices were returned in opposition to the request.

Three notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of case Z-FY-12-46B, as required by State law and City Ordinance. As of Tuesday, June 26, 2012 at 11:00 AM, no notices were returned in favor of and no notices were returned in opposition to the request. One courtesy notice was sent to a property owner outside the city limits.

The newspaper printed notice of the two Planning and Zoning Commission public hearings on June 7, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

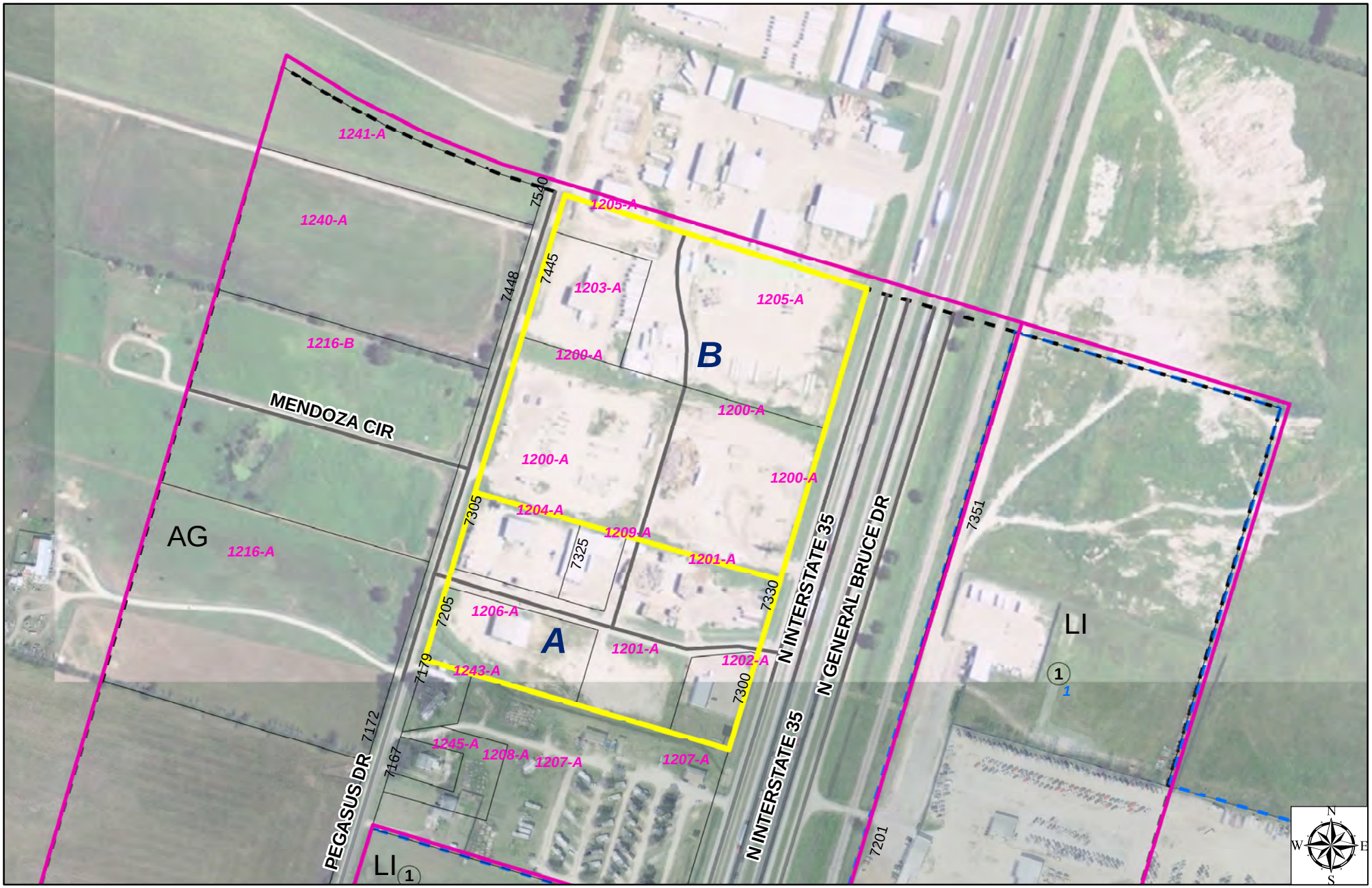
ATTACHMENTS:
Zoning and Location Map
Pictures of Subject Property
Future Land Use and Character map
Notice Map: Z-FY-12-46A
Notice Map: Z-FY-12-46B
Thoroughfare, Sidewalk, and Trails Plan Map
Utility Map
Notice Responses
P&Z Minutes
Ordinances

Z-FY-12-46-A/B

Location and Zoning Map

AG To LI

7200 - 7500 Block
Pegasus Drive



Case
Temple City Limits
Zoning
Subdivisions
1234-A Outblocks
1234 Addresses
1 Blocks
1 Lots

0 100 200 400 Feet

6/1/2012
City of Temple GIS


Subject Property


254-231-6800
254-939-3036
MECHANICAL
&
TIRE
SERVICE
CUSTOM
ROADSIDE SERVICE
24
HRS


HUSKY TRAILER & PARTS CO


DIESEL SALES

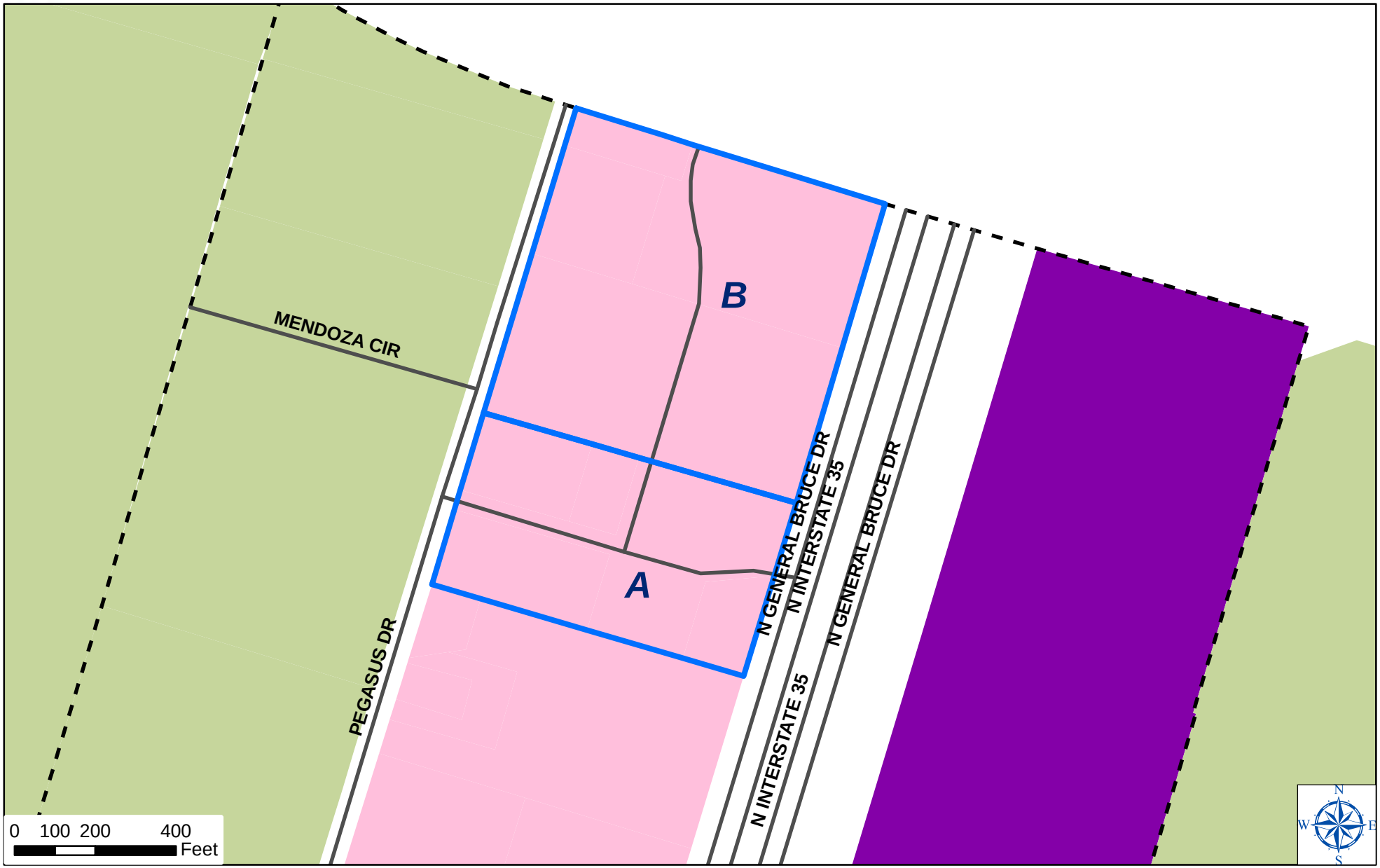

EXXON
LUCKY'S TRUCK STOP
OPEN 24
7 DAYS
LUCKY'S TRUCK STOP
R.V. PARK


PEANUTS
END
ROAD WORK
CHEVROLET

Z-FY-12-46-A/B

AG To LI

7200 - 7500 Block
Pegasus Drive



Future Land Use

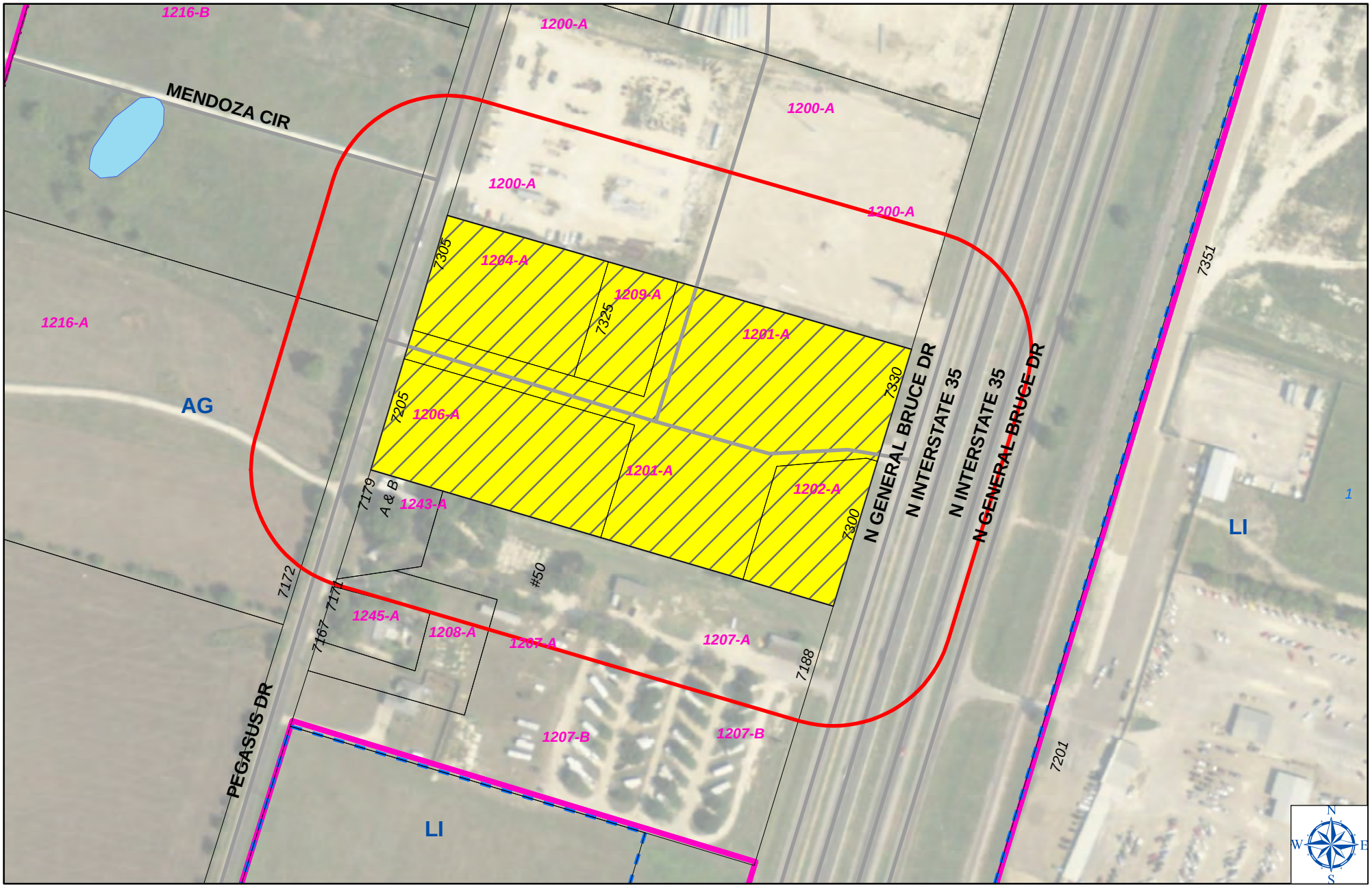
- Neighborhood Conservation
- Estate Residential
- Suburban Residential
- Auto-Urban Residential
- Auto-Urban Multi-Family
- Auto-Urban Mixed Use
- Auto-Urban Commercial
- Suburban Commercial
- Urban Center
- Temple Medical Education District
- Industrial
- Business Park
- Public Institutional
- Parks & Open Space
- Agricultural/Rural

6/1/2012
City of Temple GIS

Z-FY-12-46-A

AG To LI

7200 - 7300 Block
Pegasus Dr.



Case
200' Buffer
Zoning
Subdivision
1234-A Outblock Number
1234 Address
① Block Number
1 Lot Number

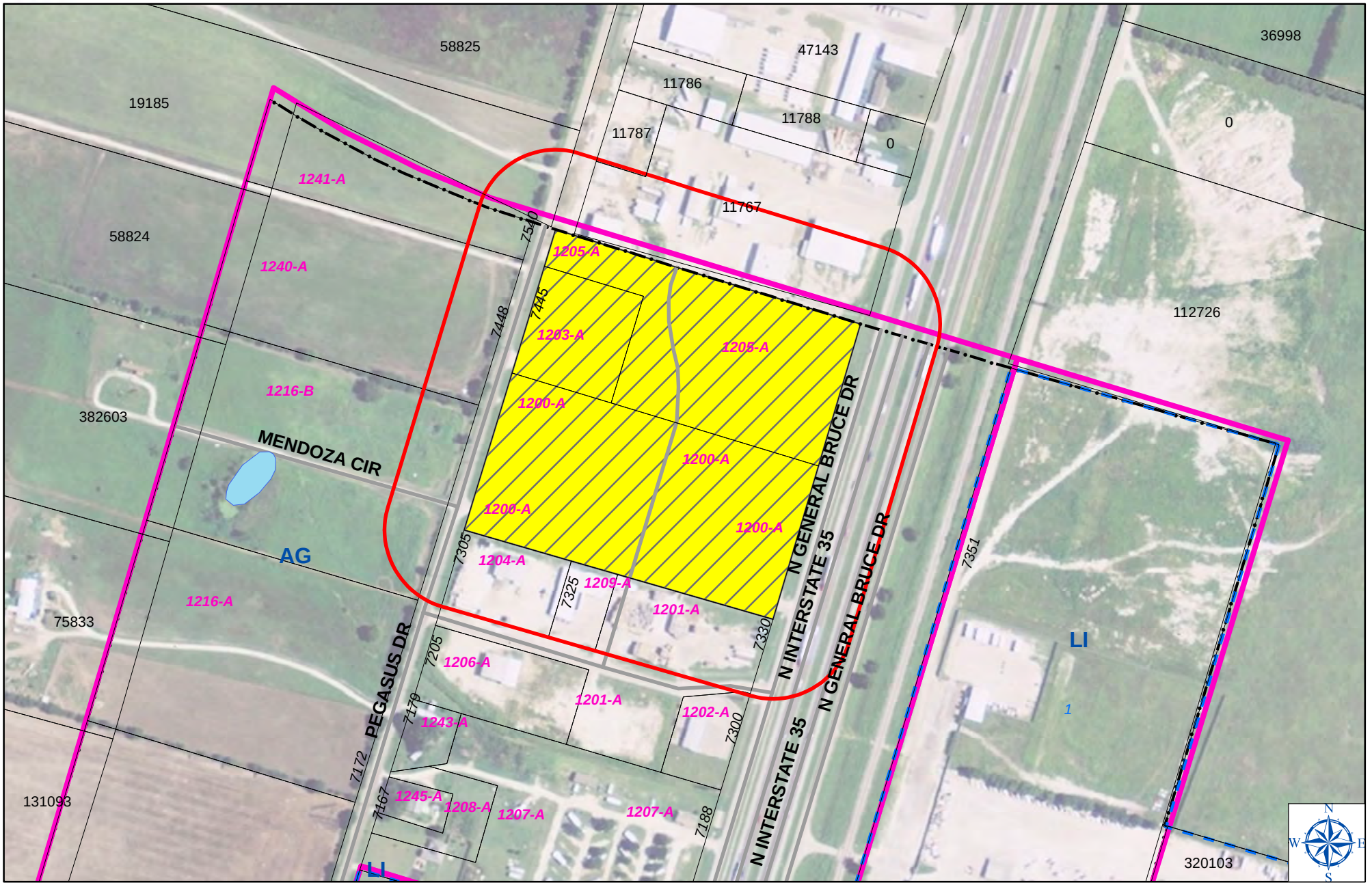
0 100 200
Feet

5/22/2012
City of Temple GIS
gkeith

Z-FY-12-46-B

AG To LI

7400 - 7500 Block
Pegasus Dr.



Case
200' Buffer
Zoning
Subdivision
1234-A Outblock Number
1234 Address
① Block Number
1 Lot Number

0 200 400
Feet

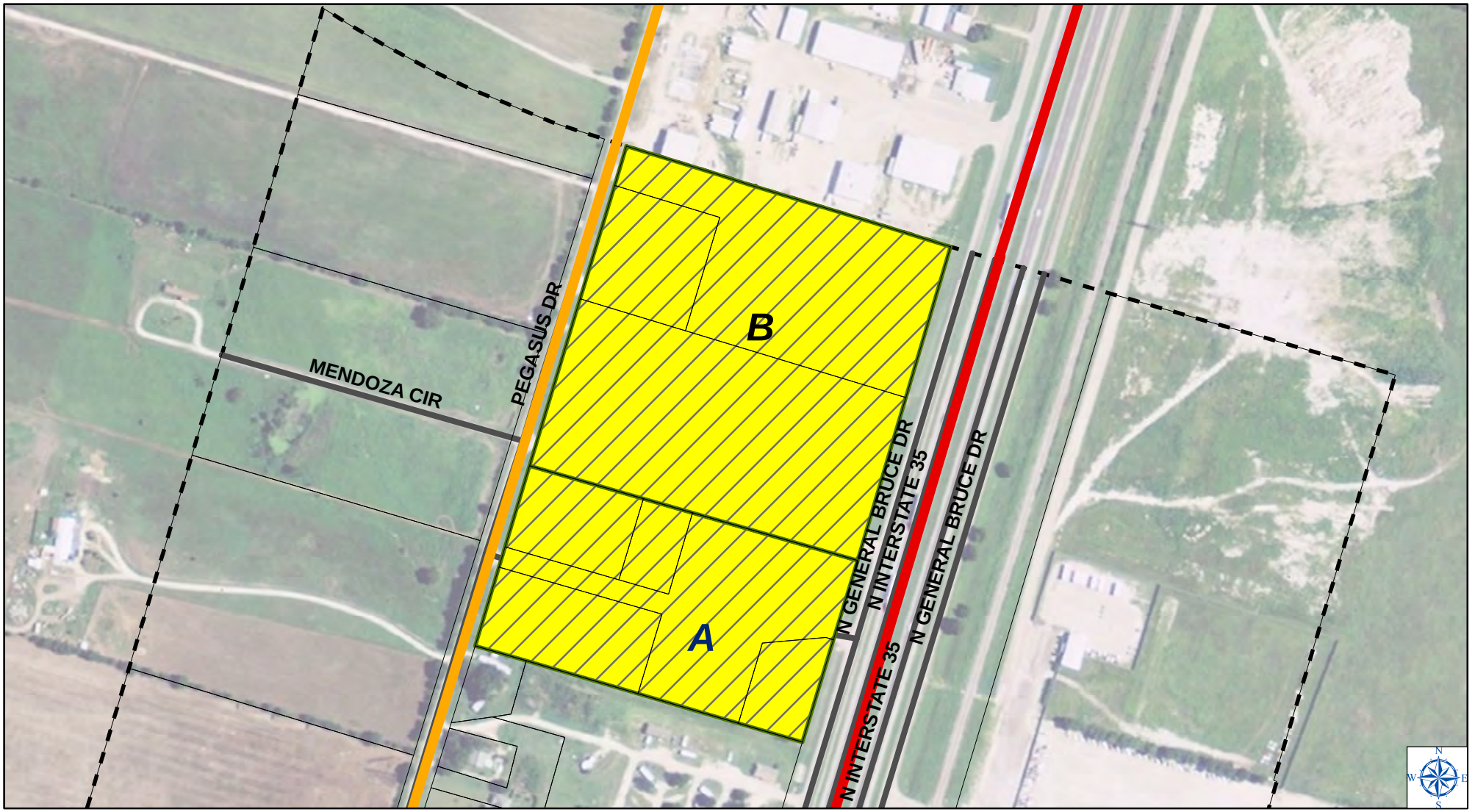
5/25/2012
City of Temple GIS
gkeith

Z-FY-12-46-A/B

Thoroughfare, Trails and Sidewalks Map

AG To LI

7200 - 7500 Block
Pegasus Drive



Trails

- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail
- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

Thoroughfare

- Expressway
- Major Arterial
- Proposed Major Arterial
- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector

6/1/2012
City of Temple GIS
gkeith

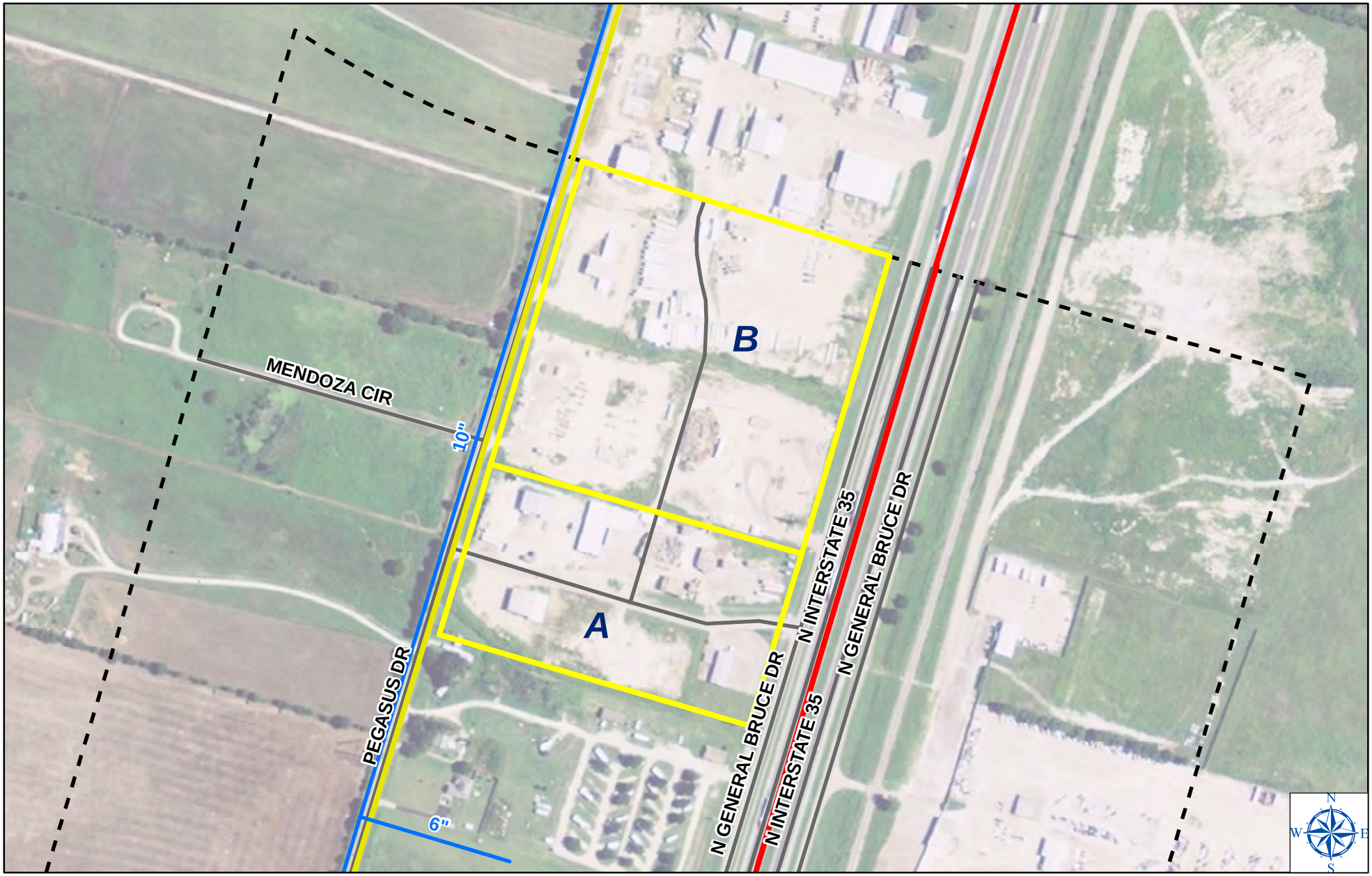
0 200 400
Feet

Z-FY-12-46-A/B

Utility Map

AG To LI

7200 - 7500 Block
Pegasus Drive



Case
Fire Hydrant
Sewer Line
Water Line
Expressway
Major Arterial
Proposed Major Arterial
Proposed K-TUTS
Minor Arterial
Proposed Minor Arterial
Collector
Conceptual Collector
City Limits

0 100 200 400
Feet

6/1/2012
City of Temple GIS

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 18, 2012

ACTION ITEMS:

Item 5: **Z-FY-12-46-A** - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Light Industrial District (LI) on 8.273± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305 and 7325 Pegasus Drive. (Teresa Lange-Lamar Advertising for A.C. Boston)

Z-FY-12-46-B - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Light Industrial District (LI) on 15.345 ± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive. (Teresa Lange-Lamar Advertising for A.C. Boston)

Ms. Kim Foutz stated this is a two-part consideration since the properties are adjacent to one another but the submission and data for field notes came in as two separate considerations and have been combined for purposes of the agenda and presentation.

The properties were annexed into the City several years ago and at that time it was utilized for industrial and commercial type uses and continues to be so. The current zoning has not been changed and is still Agricultural (AG).

A picture montage of businesses are shown that are contained on the subject properties which have various commercial uses in addition to vacant land.

The owner is requesting rezoning in order to relocate three billboard signs located on the property. The signs are affected by the I35 expansion project and in order to receive the state permit required to have billboards relocated, it must have commercial zoning. The owner chose to rezone the entire property since it was zoned AG.

The property is located on Temple's north I-35 area right at the City limits line, an RV park is to the south side, and the property has frontage on Pegasus Road.

Surrounding properties include the Mueller building to the north in the Troy ETJ and an RV park to the south which is currently under redevelopment. This particular use is no longer allowed in the I35 Overlay but this park has been grandfathered. Across the highway is vacant land zoned Light Industrial (LI) and the west side has vacant land zoned AG. The frontage is the expressway of I35 and on the other side is Pegasus, a collector road. This area is not on the Trails Master Plan.

The Future Land Use and Character Map designate the area as Suburban-Commercial.

There is a 10 inch water line adjacent to the property but there is no sewer service to the property at this time.

Ms. Foutz gives some of the uses allowed in LI and the Overlay but not in C. LI acts as a transition from other commercial or retail uses and intended to be far away from low to medium density residential.

Staff recommendation is denial for Light Industrial (LI) but does recommend Commercial (C) zoning for this property.

Six notices for Tract A were mailed with zero responses returned in favor or in opposition. Three notices for Tract B were mailed with zero responses returned in favor or in opposition.

Staff recommendation is denial from AG to LI because the request does not meet the intent of the land use and there is no public sewage on site. Staff would support approval for C zoning.

Staff spoke with the applicant, Lamar Advertising, and they indicated C zoning was acceptable. They also indicated on behalf of the owner that C zoning is acceptable; however, no confirmation from the owner has been received.

It was determined that one public hearing for both items would be sufficient and Chair Martin included and read the description of Z-FY-12-46-B for the record.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Chair Martin reopened the public hearing to hear from applicant.

Mr. Mat Naegele, Vice President and General Manager of Lamar Advertising, 5110 N. General Bruce Drive, Temple, Texas came to the podium for questions.

Chair Martin asked Mr. Naegele if the rezoning from LI to C was agreeable with Lamar Advertising and Mr. Naegele responded that was correct. Mr. Naegele stated Mr. Boston would prefer to have LI but is agreeable to C.

Chair Martin closed the public hearing.

Commissioner Rhoads made a motion to approve Item 5, Z-FY-12-46-A and Z-FY-12-46-B from AG to C as requested by Staff and Vice-Chair Staats made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

(PLANNING NO. Z-FY-12-46A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO LIGHT INDUSTRIAL DISTRICT (LI) ON AN APPROXIMATELY 8.273 ACRE TRACT OF LAND SITUATED IN THE S. BOTTSFORD SURVEY, ABSTRACT NUMBER 118, BELL COUNTY, TEXAS, LOCATED AT 7300 AND 7330 NORTH GENERAL BRUCE DRIVE AND 7205, 7305 AND 7325 PEGASUS DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District (AG) to Light Industrial District (LI) on an approximately 8.273 acre tract of land, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305, and 7325 Pegasus Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 5th day of **July**, 2012.

PASSED AND APPROVED on Second Reading on the **19th** day of **July**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

ORDINANCE NO. _____

(PLANNING NO. Z-FY-12-46B)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO LIGHT INDUSTRIAL DISTRICT (LI) ON AN APPROXIMATELY 15.345 ACRE TRACT OF LAND SITUATED IN THE S. BOTTSFORD SURVEY, ABSTRACT NUMBER 118, BELL COUNTY, TEXAS, LOCATED AT 7590 NORTH GENERAL BRUCE DRIVE AND 7405 AND 7445 PEGASUS DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District (AG) to Light Industrial District (LI) on an approximately 15.345 acre tract of land, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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PASSED AND APPROVED on First Reading and Public Hearing on the 5th day of **July**, 2012.

PASSED AND APPROVED on Second Reading on the **19th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-47: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for B. Dell's Fire and Ice Grill, on Lot 9, Block 2, Commerce Park Commercial Subdivision, a replat of a portion of Lots 3, 4, 5, & 7, Block 2, Commerce Park Commercial Subdivision, located at 221 S.W. HK Dodgen Loop.

P&Z RECOMMENDATION: At its June 18, 2012 meeting, the Planning and Zoning Commission voted 9/0 in accordance with Staff recommendation to recommend approval of 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 B. Dell's Fire and Ice Grill at 221 S.W. HK Dodgen Loop.

STAFF RECOMMENDATION: Conduct a public hearing and approve ordinance as presented in the item description, on first reading, and schedule second reading and final approval for July 19, 2012.
Staff recommends approval of the requested Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue in the existing building for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare, Trails, and sidewalks plans/ordinances;
3. Public facilities are available to serve the property; and
4. The CUP Criteria is met

ITEM SUMMARY: Please refer to the draft minutes of case Z-FY-12-47 from the Planning and Zoning Commission meeting on June 18, 2012. The applicant requests this Conditional Use Permit (CUP) to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for B. Dell's Fire and Ice Grill. The subject property was formerly operated as a restaurant. The interior restaurant seats a total of 178 people including a bar area of 12 seats.

This CUP request exceeds the 300-foot distance separation required from public schools, public hospitals, and places of worship. The nearest residential structure is Barrington Suites and Apartments, which is approximately 376 feet from the CUP site.

If approved, B. Dell's must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the CUP. The applicant has initiated the license process with TABC. The license is pending the approval of this CUP request. All sales staff will undergo mandatory TABC Training. The permittee bears the responsibility of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages.

B. Dell's will be open during the following dining room hours: Closed on Mondays; Tuesday through Friday from 11:00 a.m. to 10:00 p.m.; Saturday 5:00 p.m. to 10:00 p.m.; and Sunday 11:00 a.m. to 7:00 p.m. Bar hours will be as follows: Closed on Mondays; Tuesday through Friday 3:00 p.m. to 11:00 p.m.; Saturday 5:00 p.m. to 11:00 p.m.; and Sunday 12:00 p.m. to 9:00 p.m. These hours fall well within the hours also allowable by TABC without a Late Hours permit.

The CUP site plan shows adequate parking (75 provided, 59 required) and traffic circulation throughout the property. The applicant's site plan submittals will be exhibited to the ordinance for this CUP if it is approved by City Council.

SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	C	Existing building; formerly used as restaurants	
North – across the Loop	T5 (TMED)	Cactus Jack	

Direction	Zoning	Current Land Use	Photo
South	C	Vacant land	
East	C	Bum's Sports Bar and Grill	
West	C	Undeveloped Land	

COMPREHENSIVE PLAN COMPLIANCE: The proposed C.U.P. relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (Cp Map 3.1)
The Future Land Use and Character Map designates the subject property as Auto-Urban Commercial. B. Dell's Entertainment complies with this designation.

Thoroughfare Plan (CP Map 5.2)
The Thoroughfare Plan classifies SW H K Dodgen Loop as an expressway. The proposed use is appropriate for location on an expressway. The request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)
A water line runs along the north property line and are 6". A wastewater runs near the southern boundary and is 6".

Trails Master Plan Map and Sidewalks: This section of the Loop is not on the Trails Master Plan. Sidewalks are not required on Expressways.

PUBLIC NOTICE: Five notices of the Planning and Zoning Commission's public hearing were sent to surrounding property owners within the 200-foot radius surrounding the C.U.P. site. As of Thursday, June 28, 2012 at 11:00 AM, one notice from a property owner was returned in favor of the request and none were returned in opposition to the request. Additionally, four courtesy notices were sent to surrounding business operators within 300 feet of the subject property. Two courtesy notices from surrounding businesses were received in favor of the request and none were received in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 7, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Location and Zoning Map
Future Land Use and Character Map
CUP Notice Map – 200'; CUP Notice Map – 300'
CUP Site Plan
CUP Preliminary Conceptual Floor Plan
Thoroughfare, Sidewalk, and Trails Map
Utility Map
Notice Response Letter
Planning and Zoning Commission Minutes June 18, 2012
Ordinance

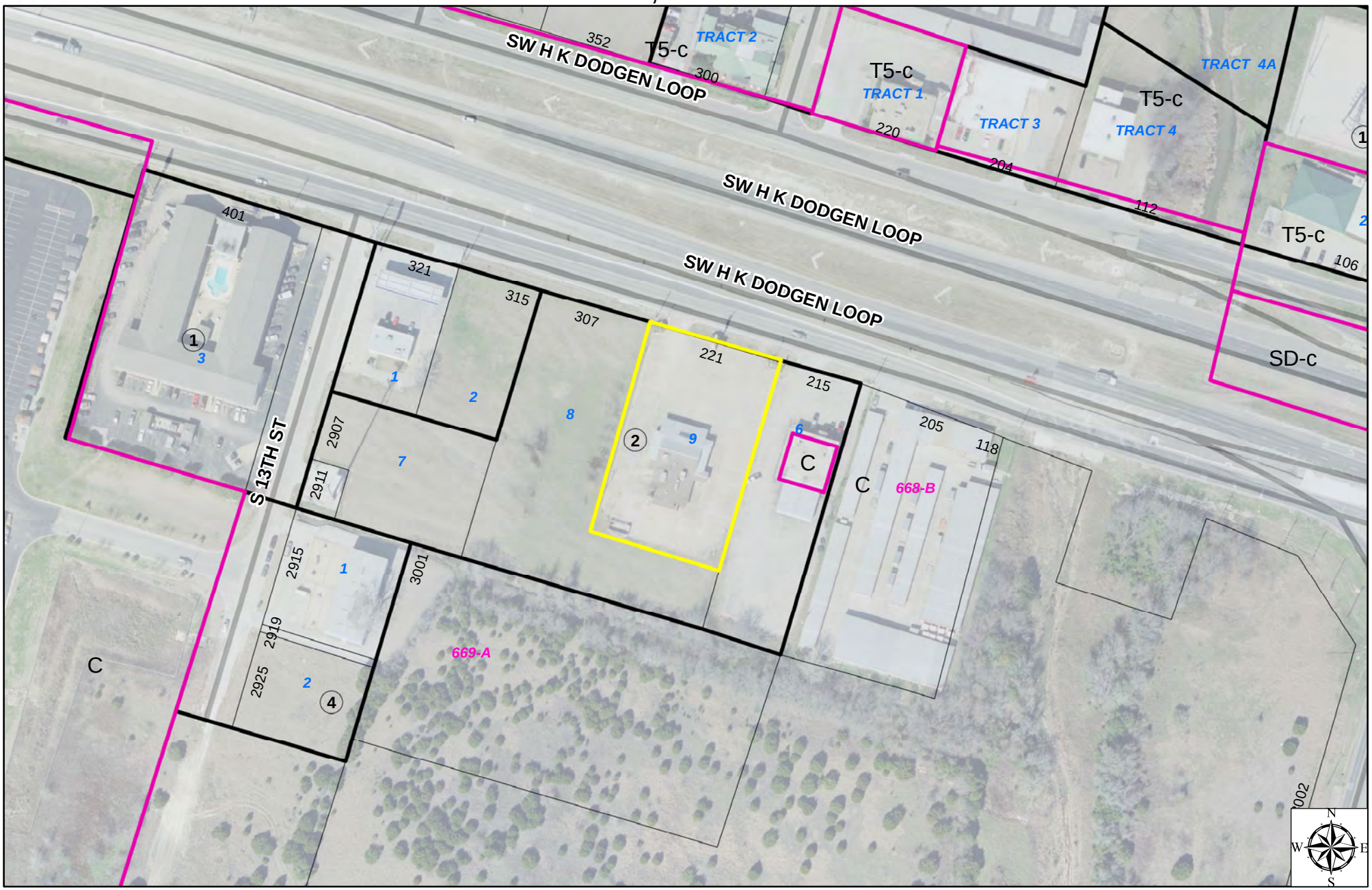
Location and Zoning Map

Z-FY-12-47

CUP

More than 50%, Less Than 75%

221 SW H K Dodgen Loop



Case
Zoning
Subdivisions
Parcel
1234-A Outblocks
1234 Addresses
1 Blocks
1 Lots

0 50 100 200 Feet

6/5/2012
City of Temple GIS

Future Land Use and Character Map

Z-FY-12-47

CUP

More Than 50%, Less Than 75%

221 SW H K Dodgen Loop

Future Land Use

- Neighborhood Conservation
- Estate Residential
- Suburban Residential
- Auto-Urban Residential
- Auto-Urban Multi-Family
- Auto-Urban Mixed Use
- Auto-Urban Commercial
- Suburban Commercial
- Urban Center
- Temple Medical Education District
- Industrial
- Business Park
- Public Institutional
- Parks & Open Space
- Agricultural/Rural

City of Temple GIS 5/18/2012

Z-FY-12-47

200' Notice Area
CUP
More Than 50%, Less Than 75%

221 SW H K Dodgen Loop

Case
200' Buffer
Zoning Boundary
Subdivision Boundary
1234 Address
① Block Number
1 Lot Number
1234-A Outblock Number

0 50 100
Feet

5/18/2012
City of Temple GIS

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

Z-FY-12-47

300' Notice Area
CUP
More Than 50%, Less Than 75%

221 SW H K Dodgen Loop

CUP
Site Plan

Preliminary Conceptual Floor Plan

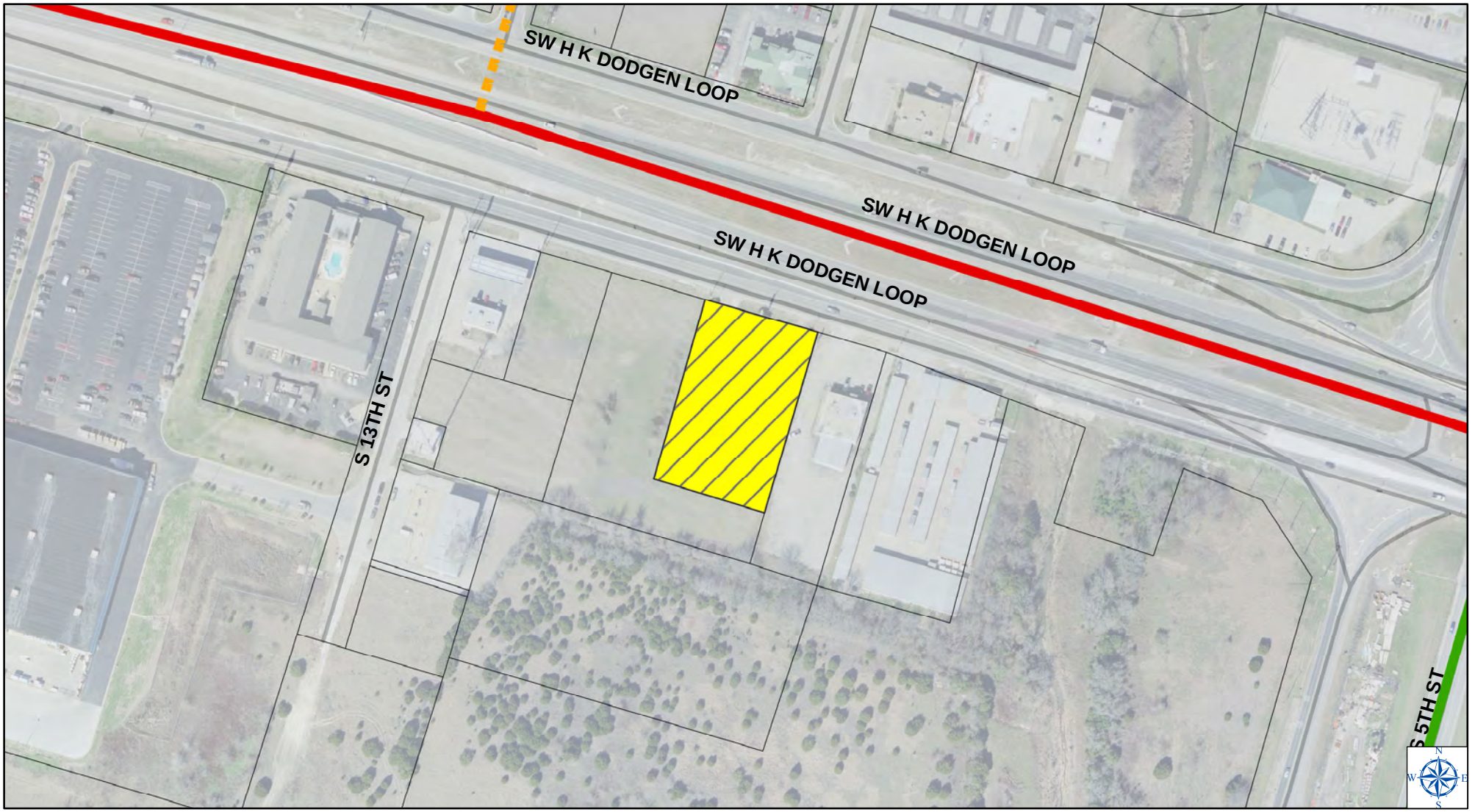
Thoroughfare, Trails, and Sidewalk Map

Z-FY-12-47

CUP

More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



Trails

- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail
- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
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Thoroughfare

- Expressway
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- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector

0 200 400

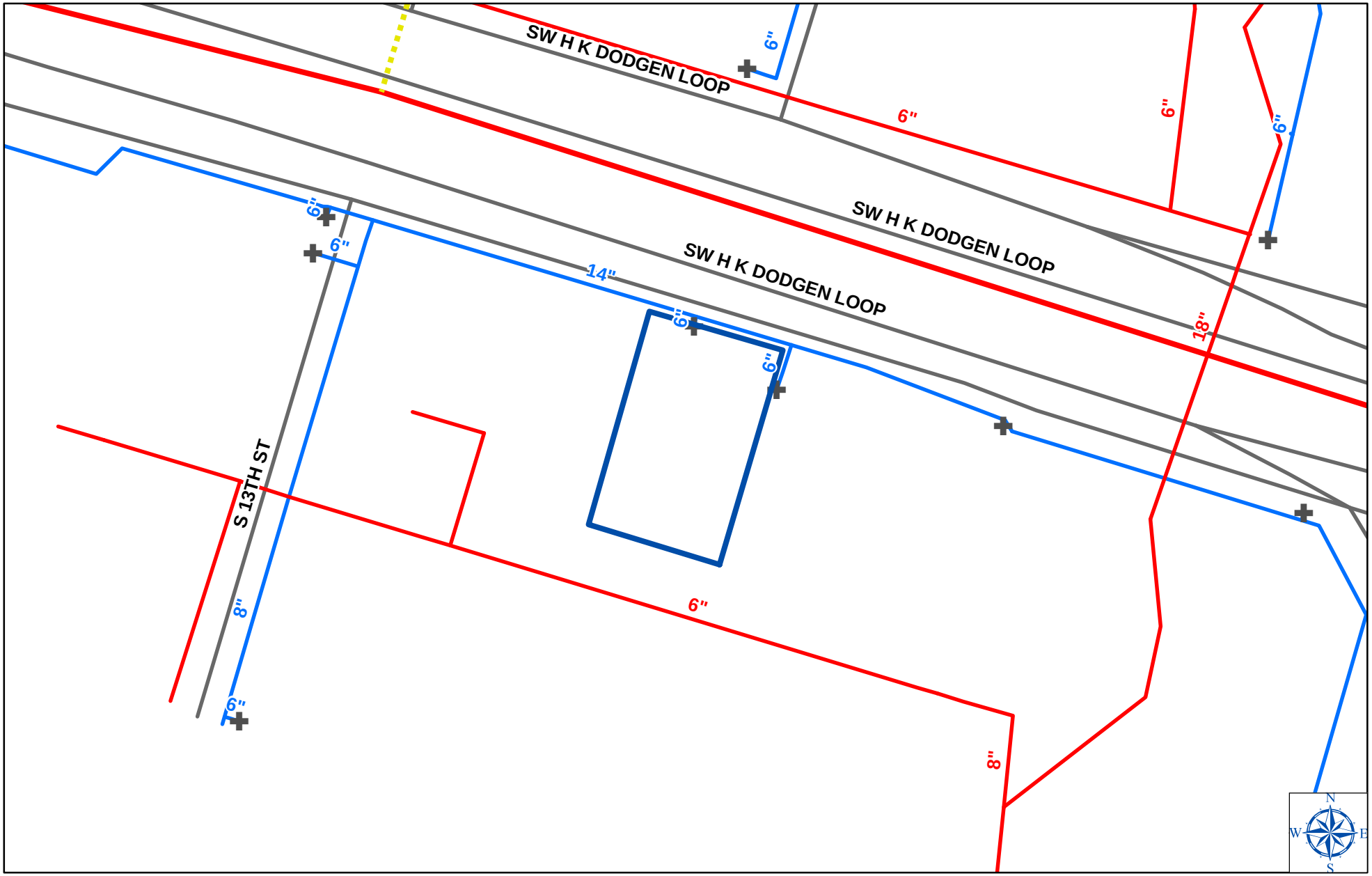
Feet

5/18/2012
City of Temple GIS
gkeith

Z-FY-12-47

Utility Map
CUP
More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



Case
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Sewer Line
Water Line
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Proposed K-TUTS
Minor Arterial
Proposed Minor Arterial
Collector
Conceptual Collector

0 50 100 200
Feet

5/18/2012
City of Temple GIS

COURTESY NOTICE
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Sung Yol Yoo
Mobile Convenience Store
321 SW H K Dodgen Loop
Temple, Texas 76502

Zoning Application Number: Z-FY-12-47 **Project Manager:** Kim Foutz

Location: 221 SW H K Dodgen Loop

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a proposed restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

(Signature)

SUNG YOO
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than June 18, 2012.

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

RECEIVED
JUN 12 2012
City of Temple
Planning & Development

Number of Notices Mailed: 4 **Date Mailed: June 7, 2012**

COURTESY NOTICE
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Crenshaw-Harris Academy
Frank Etux Sharon Harris
2915 South 13th Street
Temple, Texas 76502

Zoning Application Number: Z-FY-12-47 **Project Manager:** Kim Foutz

Location: 221 SW H K Dodgen Loop

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a proposed restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Sharon Harris
(Signature)

FRANK HARRIS
(Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 18, 2012.

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

RECEIVED
JUN 18 2012
City of Temple
Planning & Development

Number of Notices Mailed: 4 **Date Mailed: June 7, 2012**

COURTESY NOTICE
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Manager
U-Haul Moving & Storage
205 SW H K Dodgen Loop
Temple, Texas 76502

Zoning Application Number: Z-FY-12-47 **Project Manager:** Kim Foutz

Location: 221 SW H K Dodgen Loop

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a proposed restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

Wanda Hall
(Signature)

Wanda Hall
(Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 18, 2012.

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

RECEIVED
JUN 26 2012
City of Temple
Planning & Development

Number of Notices Mailed: 4 **Date Mailed: June 7, 2012**

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 18, 2012

ACTION ITEMS

Item 6: Z-FY-12-47 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow the sale of alcoholic beverages for on premise consumption more than 50% and less than 75% of the gross revenue in a restaurant, on Lot 9, Block 2, Commerce Park Commercial Subdivision, a replat of a portion of Lots 3, 4, 5, & 7, Block 2, Commercial Park Commercial Subdivision, located at 221 SW H K Dodgen Loop. (Kenny Martin for B-Dells Fire and Ice Grill)

Ms. Foutz stated the posting for this item in one aspect of the paper did not have the words "in a restaurant" and that is the correct posting. Ms. Foutz asked the Commission to make sure in any motion to please clarify that is it not specific to a restaurant use that was inaccurately printed.

This request is for more than 50% alcohol sales but less than 75% in a property zoned Commercial district for a restaurant called B-Dell's Fire & Ice Grill LP located on the Dodgen Loop. The subject property has previously been a restaurant use. The request is for on premise alcohol in conjunction with a restaurant which is anticipated to open in early July. The alcohol sales are pending the Conditional Use Permit (CUP) and also TABC approval. Seating is approximately 178 and bar seating for 12. Serving hours are typical and within state regulations.

Surrounding properties include Cactus Jack's Restaurant to the north which is zoned T5 which is in the TMED, vacant property to the south zoned C, to the east is Bum's Sports Bar zoned C and to the west is vacant property zoned C.

The existing restaurant site plan has only one addition to the property. There are 75 existing parking spaces which exceeds the requirement and an enclosed refuse area to the back of the property. The applicant is proposing a new continuous hedge of bushes in the very front of the property. The limited amount of landscaping is due to little or no land that is not located in the state right-of-way.

The CUP criteria include the following:

> The conditional use is compatible with and not injurious to the enjoyment of the surrounding property, and does not significantly diminish or property values within the immediate vicinity;
>
> The establishment of the conditional use does not impede the orderly development and improvement of surrounding vicinity;
>
> The design, location and arrangement of all driveways and spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;

Adequate nuisance prevention measures have been taken to control offensive odors, fumes, dust, noise and vibration; and

Directional lighting is provided so as not to disturb or adversely neighboring properties.

Two sets of notices were sent out with the first being the 200 foot notices. Five notices were sent and zero responses were received in favor of or in opposition.

The second set of notices included the 300 foot range which had two responses returned in favor of the proposal.

Staff recommends approval of the CUP for the sale of alcoholic beverages for on premise consumption at more than 50% and less than 75% of the gross revenues.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Rhoads made a motion to approve Item 6, Z-FY-12-47, as presented by Staff, and Commissioner Sears made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-47]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION, MORE THAN 50% AND LESS THAN 75% OF THE TOTAL GROSS REVENUE FOR B. DELL'S FIRE AND ICE GRILL, LOCATED AT 221 S.W. HK DODGEN LOOP; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the establishment at 221 S.W. HK Dodgen Loop, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption, more than 50% and less than 75% of the total gross revenue, for B. Dell's Fire and Ice Grill at 221 S.W. HK Dodgen Loop, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

(a) The sale and consumption of alcoholic beverages shall occur only within the designated area, in accordance with the site plan attached as Exhibit B.

(b) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.

(c) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.

(d) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.

(e) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.

(f) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.

(g) The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.

(h) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

(i) The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.

(j) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.

(k) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 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 **5th** day of **July**, 2012.

PASSED AND APPROVED on Second Reading on the **19th** day of **July**, 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

DEPT. / DIVISION SUBMISSION & REVIEW:

Beverly M. Zendt AICP, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-49: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 3,5,7, and 8 of the Unified Development Code to add requirements for Site Plan and establish review procedures and submission standards related to such requirement; clarify language related to requirement for enclosure of Major Vehicle Repair; clarify language related to Access and Circulation standards; add requirement for Curb and Gutter for off-street parking and landscaping; amend required size of subdivision Water and Wastewater Mains; and eliminate developer cost participation requirements on certain streets adjacent to subdivisions.

P&Z COMMISSION RECOMMENDATION: At its June 18, 2012 meeting, the Planning and Zoning Commission voted 9/0 to approve proposed amendments to Ordinance 2010-4412, Temple Unified Development Code.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for July 19, 2012.

ITEM SUMMARY: Staff has prepared the following text amendments to provide correction to and clarification of certain sections of the Unified Development Code. Other proposed amendments have been included in order to facilitate the responsiveness, effectiveness, and accuracy of the development review process.

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

1. Add/clarify a requirement that a Site Plan be submitted and approved before a Building Permit may be issued;
2. Clarify language related to Major Vehicle Repair – eliminating unneeded language related to garage bay doors;
3. Clarify language related to Access and Circulation – eliminating the term advisory guide;
4. Add a requirement for curb and gutter for non-residential off-street parking around landscape islands and around perimeter of parking areas;
5. Amend the size requirement for water and wastewater mains for new subdivisions; and
6. Eliminate the developer cost participation requirements for certain streets adjacent to subdivisions.

SITE PLAN REQUIREMENT (ATTACHMENT 1): This proposed amendment modifies Article 3 of the UDC. The proposed amendment requires the submittal of a site plan with an application for a building permit for non-residential or multiple family uses. Although the UDC provides detailed Site Plan

submittal requirements for the TMED and I-35 Overlay Districts, the new requirement will extend this requirement to other commercial and multiple family projects reviewed by staff. This amendment allows a site plan to be submitted either concurrently or in advance of a building permit at the applicant's discretion. Additionally, this amendment provides standards for submittal and a process for staff review. The requirement for a site plan will assist staff in determining if the proposed project conforms to development standards in a more timely and efficient manner. This amendment provides predictability for the developer and prevents delays related to incomplete or insufficient submittals.

MAJOR VEHICLE REPAIR ENCLOSURES (ATTACHMENT 2): This proposed amendment modifies Article 5 of the UDC. The proposed amendment eliminates unnecessary and inconsistent language allowing for "bay doors to be left open" on buildings enclosing major vehicle repair.

ELIMINATION OF THE WORD ADVISORY GUIDE FROM ACCESS AND CIRCULATION 3): This proposed amendment modifies Article 7 of the UDC. The proposed amendment eliminates the word "advisory guide" and clarifies that Access and Circulation standards are required, not advisory, in the determination of drive approaches in the City of Temple.

CURB AND GUTTER FOR OFF-STREET PARKING (ATTACHMENT 4): This proposed amendment modifies Article 7 of the UDC. The proposed amendment adds a requirement for curb and gutter around the perimeter of parking areas and landscaped parking islands for commercial and multi-family off-street parking. This requirement is currently in place for both the TMED and I-35 Overly Districts. By adding this requirement, the City will establish a consistent standard for off-street parking city wide. At the June 22, 2012, City Council Workshop, staff was asked to extend the curb and gutter requirement to adjacent public streets. Staff supports this objective and anticipates bringing forward an additional text amendment requiring the installation of curb and gutter along the adjacent public street (for commercial and multi-family projects) with the next set of text amendments. At the same workshop, staff was asked to consider removing the requirement for curb and gutter in areas not accessible to the public. Staff supports this proposed change and has added language eliminating the requirement for curb and gutter in areas not accessible or visible to the public.

WATER AND WASTEWATER MAINS SIZE REQUIREMENTS (ATTACHMENT 5): This proposed amendment modifies Article 8 of the UDC. The current standard is not consistent with previous subdivision standards which set a typical, rather than mandatory, standard of 8" for wastewater mains and allowed for smaller water mains to be considered based on the unique circumstances of the project. The proposed amendment establishes a consistent minimum size of 6" for water mains and wastewater mains while providing a mechanism to require larger mains when needed.

PERIMETER STREET FEES (ATTACHMENT 6): This proposed amendment modifies Article 8 of the UDC. The proposed amendment would eliminate the requirement that developers pay improvement/construction costs for Perimeter Streets adjacent to subdivisions. The existing requirement to dedicate right-of-way when the adjacent street has not been built according to design standards, for the classification identified on the Thoroughfare Plan, remains in place with only some

clarification provided. One additional change calls for the extension of this requirement to future streets identified on the Thoroughfare Plan. The proposed elimination of perimeter street fees will be counterbalanced by new requirements and standards for submittal of a Preliminary Plat for larger multi-phased development projects. The new requirement will be included in the next set of text amendments.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:
Attachment 1: Article 3 – Building Permit
Attachment 2: Article 5 – Major Vehicle Repair
Attachment 3: Article 7 – Access and Circulation
Attachment 4: Article 7 – Off-Street Parking and Loading
Attachment 5: Article 8 – Water and Wastewater
Attachment 6: Article 8 – Perimeter Street Fees
Attachment 7: TABA Letter of Support
P&Z Minutes (June 18, 2012)
Ordinance

Sec. 3.13. Building Permit

3.13.1 Applicability

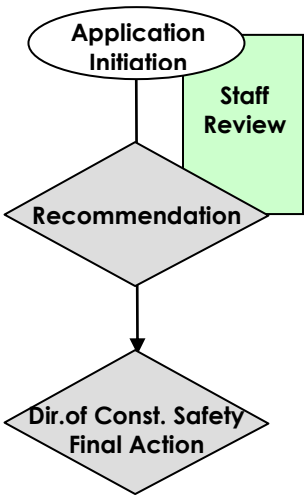
~~A.~~ A Building Permit may not be issued for any property until one of the following events has occurred.

~~1.~~A. Approved Plat

The lot appears on an approved plat of record filed in the plat records of Bell County.

~~2.~~B. Development Plan Approval

The property is all or part of a Development Plan that the City Council has officially approved in a Planned Development district in accordance with Sec.3.4.2. The Development Plan must provide all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including designation of building areas. Such easements, alleys and streets must have been properly dedicated and the necessary public improvements provided.



~~3.~~C. Unplatted Property

A Building Permit for only one principal building may be issued without requiring Final Plat approval in accordance with Section 3.6 where the property faces upon a publicly dedicated street and the last division of the property from other land occurred prior to:

~~a.~~1. **September 1st, 1983;**

~~b.~~2. **City annexation; or**

~~c.~~3. **Extension of the City's extraterritorial jurisdiction.**

~~B. Exceptions to this requirement apply when lot lines are shifted parallel to the original lot line shown on a plat of record in compliance with the Amending Plat provisions in Sec. 3.8.~~.

3.13.2 Site Plan Required with Building Permit for Nonresidential or Multiple Family Uses

A. Applicability

1. In addition to the above requirements, a Building Permit may not be issued for any nonresidential or multiple family property until a Site Plan has been submitted for review and approval by the Planning Director.

2. Site Plan submission and review for projects in the Temple Medical and Educational (TMED) Overlay District will be conducted in accordance with Sec.3.11.

3. Site Plan submission and review for projects in the I-35 Corridor Overlay District will be conducted in accordance with Sec 6.7.4.

B. The applicant must submit a legible Site Plan together with a Site Plan check list certified for completeness with the applicant's signature.

C. The Site Plan may be submitted in advance or concurrently with the building permit application.

D. The Site Plan must be drawn to scale, dimensioned and labeled. The site plan must include the following information:

1. Existing and proposed condition of lot or lots;
2. Adjacent development;
3. Lot dimensions;
4. Uses;
5. Sidewalks;
6. Curb cuts and drive approaches;
7. Curb and gutter locations;
8. Off-street parking and loading spaces;
9. Drive aisles;
10. Fire Hydrants;
11. Easements;
12. Access and circulation;
13. Utilities;
14. Drainage area locations
15. Building locations, heights, and gross floor area;
16. Setbacks from property lines;
17. Location of signs;
18. Refuse containers and compactors;
19. Outdoor storage and display areas;
20. Location and material of fences;
21. Screening and buffering;
22. Lighting;
23. Mechanical equipment location;
24. Existing and proposed pole locations;
25. Public open space, parks, and playgrounds;
26. Landscaping areas;
27. North arrow;
28. Any other information reasonable required to make an informed judgement about the conformance with development standards.

~~3.13.2~~3.13.3 Review Process

A. Planning Director Review

~~The Planning Director must review the submitted application and make a recommendation to the Director of Construction Safety.~~

1. The Planning Director must determine whether a Site Plan is complete and satisfies the submittal requirements.
2. If the Site Plan is determined incomplete, the Planning Director must notify the applicant in writing. The notification must list all missing or incomplete items.
3. The Planning Director may request additional information that is required for the accurate review of the proposal.
4. Upon receipt of the complete Site Plan, the Planning Director must review the Site Plan and the submitted Building Permit application for compliance with development standards and make a recommendation to the Director of Construction Safety.

B. Director of Construction Safety Final Action

The Director of Construction Safety must approve, approve with conditions or deny the Building Permit.

5.3.22 Major Vehicle Repair

A major vehicle repair facility may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

A. Vehicle repair must be conducted within a building. ~~However, the building may not necessarily be completely enclosed at all times, as bay doors may need to be left open to provide ventilation.~~

B. All buildings must be set back a minimum of 20 feet from:

1. Residentially zoned or developed property; and
2. Public property such as a school or park.

C. Vehicle parts, wrecked vehicles, commodities, materials and equipment may be stored behind a building in the rear area if screened from public view from any street, residentially developed or zoned property, or adjacent or opposite public property such as a school or park. Such storage may not occupy more than 10 percent of the lot or tract. A solid wooden or masonry fence, a minimum of one foot higher than the stored items, must screen such storage area.

D. There is no size limit for vehicles being repaired.

5.3.23 Minor Vehicle Servicing

A minor vehicle servicing establishment may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

A. Vehicle servicing must be conducted completely within an enclosed building.

B. Vehicles being serviced may not exceed one and one-half tons.

C. All buildings must be set back a minimum of 25 feet from:

1. The public street right-of-way;
2. Residentially zoned or developed property; and
3. Public property such as a school or park.

D. No outside storage or display of any kind is permitted.

E. No parking of damaged motor vehicles is permitted, except on a temporary basis not to exceed 72 hours.

Sec. 7.2. Access and Circulation

7.2.1 Applicability

A. The following access and circulation standards must be utilized ~~serve as an advisory guide~~ in the determination of drive approaches in the City of Temple. These standards address factors including curb cut placement, width, angle, number of approaches per tract and other elements as appropriate to provide adequate and safe access between private property and the public street system in the City.

7.4.5 Off-Street Parking Design Standards

A. Dimensional and Access Standards

1. A typical 90 degree parking space must be striped and measure nine feet by 18 feet.

2. Off-street parking spaces and areas must be designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley. This provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.

B. Curb and Gutter

Curb and gutter six inches in height is required around the perimeter of the parking area and all landscaped parking islands. An alternative design may be proposed by a design engineer to be considered for approval by the Planning Director. This requirement does not extend to areas not accessible or visible to the public.

~~B.~~C. Material Standards

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

~~C.~~D. Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed in the table in paragraph 7.4.4B, the Planning Director may apply the parking requirements of a similar use to the use in question.

~~D.~~E. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to paragraph A above, the minimum off-street parking requirements are established by the same process as provided in Sec.5.2 for classifying new and unlisted uses.

8.2.7 Water and Wastewater

A. Size of Water Mains

Water mains must be a minimum of six inches in diameter. The following items will be taken into account in determining if a larger water main is needed: ~~. Water mains smaller than six inches, but not less than three inches may be constructed to serve blocks with a maximum of six dwelling units, taking into account:~~

1. The recommendation of the design engineer for the developer;
2. Peak demands for domestic and irrigation use of water;
3. Fire protection and hydrant coverage; and
4. Growth and development possibilities for the area.

B. Size of Wastewater Mains

Wastewater mains must be a minimum of six ~~eight~~ inches in diameter The following items will be taken into account in determining if a larger water main is needed:

1. The recommendation of the design engineer for the developer;
2. Peak demands; and
3. Growth and development possibilities for the area.

Sec. 8.5. City Participation

8.5.1 Perimeter Streets

A. Local and Collector Streets

Where a subdivision is adjacent to an existing street or future street classified as a local or collector street on the Thoroughfare Plan and ~~such~~ the existing street is not built according to the design standards for such street classification or the future street is not yet constructed, the developer must ~~must:~~ dedicate the additional right-of-way for the existing street or future street. The developer must dedicate one-half of the land required for an existing street to be upgraded or one half of the land required for a future street to be constructed.

~~1. Dedicate land for one-half of the required public street right-of-way of an adjacent local and collector street; and~~

~~2. Pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage.~~

B. Arterial and Larger Streets

Where a subdivision is adjacent to an existing street or future street classified as a major or minor arterial street on the Thoroughfare Plan and ~~such~~ the existing street is not built according to the design standards for such street classification or the future street is not yet constructed, the developer must ~~must:~~ dedicate the additional right-of-way for the existing street or future street. The developer must dedicate a proportional share of the land required for an existing street to be upgraded or a proportional share of the land required for a future street to be constructed.

~~1. Dedicate a proportional share of the public street right-of-way for arterial and larger streets; and~~

~~2. Pay the improvements costs for or build a proportional share of the required street width for arterial and larger streets, including curbs, gutters and storm drainage, not to exceed the amount that would be required for one-half of a collector street.~~

~~C. Designated County, State or Federal Roadways~~

~~Where a subdivision is adjacent to a county, state or federal roadway classified as a collector street, arterial street or major thoroughfare on the Thoroughfare Plan and such street is not built according to the design standards for such street, a financial contribution is not required other than dedication of public street right-of-way.~~

~~D. Construction and Funding~~

~~A letter of credit, escrow account or other means approved by the Director of Public Works may secure the developer's obligations to build or fund streets.~~

8.5.2 Internal Streets

The developer must pay all costs for the installation of streets in a subdivision, including those streets, special access arrangements and related drainage structures required because:

A. A substantial amount of traffic will be generated from, to or through the subdivision because of existing or future conditions; or

B. The -Comprehensive Plan indicates a need for certain major thoroughfares through or adjacent to the subdivision.

TEMPLE AREA BUILDERS ASSOCIATION

June 13, 2012

Temple Planning and Zoning Commission
2 N. Main St
Temple, TX 76501

RE: June 2012 UDC Text Amendments

Honorable Commissioners,

On behalf of our 250+ members and their workforce of 8,000+ people strong, thank you for the opportunity to provide written comments regarding changes to the City of Temple UDC text amendments.

- Article 3 Development Site Plan Requirement – adding requirement for Site Plan and establishing review procedures and submission standards related to such requirement. Specifically sections 3.13.1 Applicability, 3.13.2 Site plan required with building permit for nonresidential or multifamily uses and 3.13.3 Review Process; and
- Article 7 Access and Circulation - clarifying language related to Access and Circulation standards; specifically section 7.2.1 Applicability; and
- Article 7 Off-Street Parking – adding a requirement for curbing for off-street parking and landscaping; Specifically section 7.4.5 (B) Curb and Gutter; and
- Article 8 Water and Wastewater Mains - amending the required size of subdivision water and wastewater mains; Specifically section 8.2.7 (A) Size of Water Mains and 8.2.7 (b) Size of Wastewater mains; and
- Article 8 Perimeter Street Fees – eliminating developer cost participation requirements on certain streets adjacent to subdivisions. Specifically section 8.5.1 Perimeter Streets;

We have met with planning staff and other city representatives to provide input into these and other revisions to the city's Unified Development Code. We believe the proposed amendments will provide needed corrections and clarification to certain sections of the Unified Development Code and will facilitate both development and the development review process.

Additionally, we anticipate an additional text amendment, to be brought forward at a later date, requiring that a preliminary plat be submitted with development projects of 50 lots or more. While we have not seen the initial proposal, we do look forward to working with the city on this issue as part of the comprehensive package of UDC text amendments.

12 N. 5th Street ◆ P.O. Box 2002 ◆ Temple, Texas 76503 ◆ Phone 254-773-0445 ◆ Fax 254-774-7273

Please do not hesitate to contact me directly if you have any further questions. We thank you for the opportunity to comment and appreciate your commitment to the City of Temple.

Sincerely,

Blair Anderson
Government Affairs Director
TABA

Cc: David Blackburn, Temple City Manager; Kim Foutz, Deputy City Manager, Temple Planning Department

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 18, 2012

ACTION ITEMS

Item 8: Z-FY-12-49 – Hold a public hearing to consider and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 3, 5, 7, and 8 of the Unified Development Code to: 1) add requirement for Site Plan and establish review procedures and submission standards related to such requirement; 2) clarify language related to requirement for enclosure of Major Vehicle Repair; 3) clarify language related to Access and Circulation standards; 4) add requirement for Curb and Gutter for off-street parking and landscaping; 5) amend required size of subdivision Water and Wastewater Mains; and 6) eliminate developer cost participation requirements on certain streets adjacent to subdivisions.

Ms. Zendt stated the first amendment was the requirement to submit a site plan for multi-family and commercial projects. Currently, the UDC requires the submission of a site plan for Conditional Use Permits (CUPs), in the TMED Overlay District, and the I-35 Overlay District. Additionally, the UDC calls for a site plan requirement be submitted with Access and Circulation Plans. This does not always happen and creates many unnecessary additional hours of work to make sure they meet the standards. A site plan would greatly facilitate or expedite the development review process.

A site plan would include, but not limited to, having the following components submitted:

Sidewalks
Curb cuts
Utilities
Landscaping
Building Locations
Heights
Gross floor area
Refuse containers
Screening
Parking and Loading Spaces
Adjacent development

In addition to other requested items.

This proposed amendment would establish a review process whereby the Planning Director would determine if the application is complete. The Planning Director would notify the applicant in writing if the application is not complete to request additional required information. Once complete, the site plan would be reviewed for City regulation compliance then make a recommendation to the Director of Construction Safety. This site review would be tied to the building permit process and would fall along that time requirement.

The applicant would be required to sign a checklist certifying all of the elements are present on the site plan. The site plan may be submitted concurrently with the building permit or ahead of time to allow Staff to review it.

This amendment would assist Staff in determining if the project conforms to land use policies and regulations Citywide, if it allows compatibility of the project with adjacent land uses, it would allow more timely and efficient review which would prevent delays related to incomplete or insufficient submittals, and reinforce clarification of existing requirements for site plans.

Amendment Two relates to Major Vehicle Repair and the amendment would eliminate unnecessary and inconsistent language allowing for “bay doors to be left open” on buildings enclosing major vehicle repair.

Amendment Three is the elimination of the language “advisory guide” and clarifies that Access and Circulation standards are required, not advisory, in the determination of drive approaches in the City.

Amendment Four calls for curb and gutter in the TMED Overlay and off-street parking in I-35. There is no requirement for curb and gutter for off-street parking for other general development. This amendment would allow curb and gutter be added for all off-street parking, and require six inches of curb and gutter around the perimeter of the parking area and all landscaped islands. This would present a clean and protected landscape area and define the parking areas more.

Amendment Five relates to water and wastewater mains and clarifies the minimum size of water mains and wastewaters mains and makes the language more consistent with previous subdivision standards. This would allow the language to be consistent and concise with the needed flexibility for larger mains.

Amendment Six regarding perimeter street fees would eliminate the requirement that developers pay improvement/construction costs for perimeter streets adjacent to subdivisions. This does retain the right-of-way dedication requirement when the adjacent street has not been built according to design standards, for the classification identified on the Thoroughfare Plan to remain in place with some clarification provided. One additional change calls for the extension of this requirement to future streets identified on the Thoroughfare Plan (the developer must pay for all internal streets). The proposed elimination will be counterbalanced by a new requirement to submit a Preliminary Plat for all development projects of 50 lots or greater.

The Temple Area Builders Association (TABA) is in full support of all of these proposals.

Chair Martin opened the public hearing.

Mr. Pat Patterson, 4212 S. 5th Street, Temple, Texas stated several meetings have taken place regarding these amendments between TABA and Staff. TABA is in agreement with all of the proposals and would answer any questions on behalf of TABA.

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

Commissioner Talley made a motion to approve Item 8, Z-FY-12-49, and Commissioner Sears made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE "UNIFIED DEVELOPMENT CODE," ARTICLES 3, 5, 7 AND 8, TO ADD REQUIREMENTS FOR SITE PLANS AND ESTABLISH REVIEW PROCEDURES AND SUBMISSION STANDARDS RELATED TO SUCH REQUIREMENT; CLARIFY LANGUAGE RELATED TO REQUIREMENTS FOR ENCLOSURE OF MAJOR VEHICLE REPAIR; CLARIFY LANGUAGE RELATED TO ACCESS AND CIRCULATION STANDARDS; ADD REQUIREMENTS FOR CURB AND GUTTER FOR OFF-STREET PARKING AND LANDSCAPING; AMEND REQUIRED SIZE OF SUBDIVISION WATER AND WASTEWATER MAINS; AND ELIMINATE DEVELOPER COST PARTICIPATION REQUIREMENTS ON CERTAIN STREETS ADJACENT TO SUBDIVISIONS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, at its June 18, 2012 meeting, the Planning and Zoning Commission voted to amend the UDC to amend Articles 3, 5, 7 and 8 which requests City Council to add requirements for site plans and establish review procedures and submission standards related to such requirement; clarify language related to requirements for enclosure of major vehicle repair; clarify language related to access and circulation standards; add requirements for curb and gutter for off-street parking and landscaping; amend required size of subdivision water and wastewater mains; eliminate developer cost participation requirements on certain streets adjacent to subdivisions, and establish definitions related to such standards;

Whereas, the proposed amendment to Article 3 of the UDC will require the submittal of a site plan with an application for a building permit for non-residential or multiple family uses and will allow a site plan to be submitted either concurrently or in advance of a building permit at the applicant's discretion, as outlined in Exhibit A attached;

Whereas, the proposed amendment to Article 5 of the UDC will eliminate unnecessary and inconsistent language allowing for "bay doors to be left open" on buildings enclosing major vehicle repair, as outlined in Exhibit B attached;

Whereas, the first proposed amendment to Article 7 of the UDC will eliminate the word "advisory guide" and will clarify that Access and Circulation standards which are required, not advisory, in the determination of drive approaches in the City of Temple, as outlined in Exhibit C attached;

Whereas, the second proposed amendment to Article 7 of the UDC will add a requirement for curb and gutter around the perimeter of parking areas and landscaped parking islands for commercial and multi-family off-street parking, as outlined in Exhibit D attached;

Whereas, the first proposed amendment to Article 8 will establish a consistent minimum size of 6" for water mains and wastewater mains while providing a mechanism to require larger mains when needed, as outlined in Exhibit E attached;

Whereas, the second proposed amendment to Article 8 will eliminate the requirement that developers pay improvement/construction costs for perimeter streets adjacent to subdivisions and preserve the requirement that developers dedicate right-of-way when the adjacent street has not been built according to design standards, for the classification identified on the Thoroughfare Plan, and extend this requirement to future streets identified on the Thoroughfare Plan, as outlined in Exhibit F attached;

Whereas, the Staff recommends amending the Unified Development Code to address the above-referenced amendments to Articles 3, 5, 7 and 8; and

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

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

Part 1: The City Council approves an amendment to Ordinance No. 2010-4413, the "Unified Development Code," by amending Articles 3, 5, 7 and 8, to add requirements for site plans and establish review procedures and submission standards related to such requirement; clarify language related to requirements for enclosure of major vehicle repair; clarify language related to access and circulation standards; add requirements for curb and gutter for off-street parking and landscaping; amend required size of subdivision water and wastewater mains; eliminate developer cost participation requirements on certain streets adjacent to subdivisions, and, said amendments being more fully described in the exhibits attached hereto for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **July**, 2012.

PASSED AND APPROVED on Second Reading on the **19th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans as follows:

(A) Appropriating $65,000 to the Friar's Creek Hike and Bike Trail Project and recognizing $65,000 in revenue from additional property taxes received in FY 2012.

(B) Appropriating $800,000 to the Bioscience Park Service Road and Utility Extensions Project, $112,840 in FY 2012 and $687,160 in FY 2013; recognizing $112,840 in revenue from additional property taxes received in FY 2012; recognizing $400,000 in revenue from developer's contribution and reallocating funds from Pepper Creek Trail Extension in the amount of $287,160 in FY 2013.

(C) Appropriating $30,250 to professional services and recognizing $30,250 in revenue from contributions from Temple Economic Development Corporation of $10,000 and from Bioscience District of $20,250 in FY 2012.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading and schedule second reading and final adoption for July 19, 2012.

ITEM SUMMARY: The Reinvestment Zone No. 1 Board met on June 27, 2012, to recommend to Council amendments to the Financing and Project Plans. The detail for the required amendments is shown below.

(A) Friar's Creek Hike and Bike Trail, Line 455 (Project Plan):

The current Project Plan, Line 455, has $1,430,453 allocated for this project. After funding the design of the project, $1,055,778 remains to fund the construction and other costs associated with the project. Bids were received on June 12, 2012. The total recommended construction contract award is $1,107,512.50.

A Financing Plan amendment is presented to allocate $65,000 to the project from additional property taxes received in FY 2012 to fund the amount needed for the construction contract and for other costs associated with the project.

(B) Bioscience Park Service Road and Utility Extensions, Line 205 (Project Plan):

Potential occupants of the Bioscience Park have communicated site specific proposals for construction within the park. Additional public improvements and platting are required to accommodate the plans for build out of the properties. The current opinion of probable cost for this project is $800,000.

The current Project Plan has no funding for this project and an amendment to the plan is required. Line 205 has been added to the Project Plan in the amount of $800,000 in FY 2012 and 2013. $112,840 is available in additional property taxes received in FY 2012 to fund the engineering required for this project in FY 2012. The remaining $687,160 for construction will be funded by a developer contribution in the amount of $400,000 and by reallocating $287,160 from the Pepper Creek Trail Extension, line 155. This will bring the amount of funding in the current Financing Plan to $800,000.

(C) Professional Services, Line 50 (Project Plan):

There are two professional service agreements on the agenda totaling $50,500. Temple Economic Development Corporation has agreed to fund $10,000 towards these agreements. The balance of $40,500 will be split equally between the Reinvestment Zone No. 1 and the Bioscience District. There are sufficient funds in Professional Services, Line 50, to cover the RZ #1's share of $20,250.

A Financing Plan amendment is presented allocating $30,250 to professional services and recognizing $30,250 in revenue from the contributions from TEDC of $10,000 and from the Bioscience District of $20,250 in FY 2012.

FISCAL IMPACT: The proposed amendments reallocate funding within the FY 2012 and FY 2013 Financing/Project Plans on Lines 4, 14, 50, 155, 205, and 455 as described above. A summary of the proposed amendments is shown below.

Project	Funding Source-Unrecognized Increment Tax	Funding Source-Contributions from Others	Funding Source-Project Reallocation	Totals
(A) Friar's Creek Hike and Bike Trail	$65,000	$0	$0	$65,000
(B) Bioscience Park Service Road and Utility Extensions	$112,840	$400,000	$287,160	$800,000
(C) Professional Services	$0	$30,250	$0	$30,250
Totals	**$177,840**	**$430,250**	**$287,160**	**$895,250**

There will be no change to the previously reported unreserved fund balance at the end of FY 2012 of $830,812 or at the end of FY 2013 of $765,393.

ATTACHMENTS:
Financing Plan
Summary Financing Plan with Detailed Project Plan
Ordinance

City of Temple, Texas
TIF Reinvestment Zone #1 Financing Plan
Financing Plan - 06/27/12 to Zone Board

FINANCING PLAN

	DESCRIPTION	Revised FY 2012 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	**"Taxable Increment"**	*$ 132,020,000*	*$ 139,995,945*	*$ 143,080,007*	*$ 145,017,763*	*$ 202,529,247*	*$ 220,811,496*	*$ 224,519,611*	*$ 228,264,807*	*$ 231,297,455*	*$ 234,360,430*	*$ 236,704,034*
1	**FUND BALANCE, Begin**	$ 7,979,748	$ 830,812	$ 765,393	$ 1,861,709	$ 1,200,316	$ 704,753	$ 675,702	$ 723,882	$ 821,179	$ 869,733	$ 953,754
2	Adjustments to Debt Service Reserve	462,707	1,761,865	1,765,643	-	-	-	-	-	-	-	-
3	**Fund Balance Available for Appropriation**	**$ 8,442,455**	**$ 2,592,677**	**$ 2,531,036**	**$ 1,861,709**	**$ 1,200,316**	**$ 704,753**	**$ 675,702**	**$ 723,882**	**$ 821,179**	**$ 869,733**	**$ 953,754**
	SOURCES OF FUNDS:											
4	Tax Revenues	4,528,451	4,337,625	4,400,312	4,449,698	6,049,648	6,531,300	6,602,434	6,674,282	6,737,970	6,802,296	6,858,393
6	Allowance for Uncollected Taxes	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
8	Interest Income-Other	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds	300,000	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	205,250	400,000	-	-	-	-	-	-	-	-	-
16	P.I.L.O.T.	1,300,000	-	-	-	-	-	-	-	-	-	-
20	**Total Sources of Funds**	**$ 6,304,046**	**$ 4,706,824**	**$ 4,368,351**	**$ 4,416,566**	**$ 6,015,334**	**$ 6,495,791**	**$ 6,565,719**	**$ 6,626,348**	**$ 6,688,805**	**$ 6,741,888**	**$ 6,776,730**
25	**TOTAL AVAILABLE FOR APPROPRIATION**	**$ 14,746,501**	**$ 7,299,501**	**$ 6,899,387**	**$ 6,278,275**	**$ 7,215,650**	**$ 7,200,544**	**$ 7,241,421**	**$ 7,350,230**	**$ 7,509,984**	**$ 7,611,621**	**$ 7,730,484**
	USE OF FUNDS:											
	DEBT SERVICE											
26	2003 Bond Issue {$11.740}	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
27	2008 Bond Issue {$16.010 mil}	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	1,786,960	1,787,292	1,784,972
28	2009 Bond Refunding	1,473,669	1,474,569	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
29	2008 Bond Issue-Taxable {$10.365 mil}	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
30	Issuance Costs	-	-	-	-	-	-	-	-	-	-	-
31	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-	-
32	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-	-
33	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	**Subtotal-Debt Service**	**3,785,799**	**3,786,425**	**3,793,479**	**3,811,092**	**3,819,319**	**3,820,846**	**3,800,620**	**3,798,573**	**3,895,544**	**3,898,232**	**3,898,664**
	OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	205,250	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
54	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	274,575	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	158,826	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	165,000	181,500	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Reimbursement for expenses incurred for participation in Zone	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
65	**Subtotal-Operating Expenditures**	**1,002,724**	**755,802**	**774,183**	**794,382**	**816,579**	**828,995**	**841,919**	**855,478**	**869,707**	**884,636**	**900,403**
70	**TOTAL DEBT & OPERATING EXPENDITURES**	**$ 4,788,523**	**$ 4,542,227**	**$ 4,567,662**	**$ 4,605,474**	**$ 4,635,898**	**$ 4,649,841**	**$ 4,642,539**	**$ 4,654,051**	**$ 4,765,251**	**$ 4,782,868**	**$ 4,799,067**
80	**Funds Available for Projects**	**$ 9,957,978**	**$ 2,757,274**	**$ 2,331,725**	**$ 1,672,801**	**$ 2,579,753**	**$ 2,550,702**	**$ 2,598,882**	**$ 2,696,179**	**$ 2,744,733**	**$ 2,828,754**	**$ 2,931,417**
	PROJECTS											
150	North Zone/Rail Park	58,800	250,000	250,000	250,000	-	-	-	-	-	-	-
200	Airport Park	125,000	337,840	-	-	-	-	-	-	-	-	-
250	Bio-Science Park	842,840	687,160	-	-	-	-	-	-	-	-	-
300	Outer Loop [from Wendland Rd to IH-35 North]	36,105	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	899,350	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	88,900	-	-	-	-	-	-	-	-	-	-
450	Downtown	692,227	216,881	220,016	222,485	-	-	-	-	-	-	-
500	TMED	4,363,023	500,000	-	-	-	-	-	-	-	-	-
501	Major Gateway Entrances	50,000	-	-	-	-	-	-	-	-	-	-
505	Airport Corporate Hangar Development	1,970,921	-	-	-	-	-	-	-	-	-	-
600	Bond Contingency	-	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	-	-	-	-	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
	Subtotal-Projects	9,127,166	1,991,881	470,016	472,485	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
	TOTAL USE OF FUNDS	$ 13,915,689	$ 6,534,108	$ 5,037,678	$ 5,077,959	$ 6,510,898	$ 6,524,841	$ 6,517,539	$ 6,529,051	$ 6,640,251	$ 6,657,868	$ 7,546,062
700	**FUND BALANCE, End**	**$ 830,812**	**$ 765,393**	**$ 1,861,709**	**$ 1,200,316**	**$ 704,753**	**$ 675,702**	**$ 723,882**	**$ 821,179**	**$ 869,733**	**$ 953,754**	**$ 184,422**

TIF Reinvestment Zone #1

Summary Financing Plan with Detailed Project Plan

PROJECT PLAN

Project Plan - 06/27/12 - to Zone Board

SUMMARY FINANCING PLAN

		Revised FY 2012	FY 2013	FY 2014	FY 2015
1	**Beginning Available Fund Balance, Oct 1**	**$ 7,979,748**	**$ 830,812**	**$ 765,393**	**$ 1,861,709**
20	Total Sources of Funds	6,304,046	4,706,824	4,368,351	4,416,566
2	Adjustments to Debt Service Reserve	**462,707**	**1,761,865**	**1,765,643**	**-**
25	**Net Available for Appropriation**	**14,746,501**	**7,299,501**	**6,899,387**	**6,278,275**
50/52	General Administrative Expenditures	206,450	176,200	176,200	176,200
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000
54	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000
56	Rail Maintenance	274,575	100,000	100,000	100,000
58	Road/Signage Maintenance	158,826	100,000	100,000	100,000
60	Contractual Payments (TEDC - Marketing)	165,000	181,500	199,650	219,615
62	TISD - Joint Use Facilities [look at contracts and calculation]	22,873	23,102	23,333	23,567
26	Debt Service - 2003 Issue {$11.740 mil}	868,235	870,255	871,055	870,130
27	Debt Service - 2008 Issue {$16.010 mil}	201,960	201,960	201,960	201,960
28	Debt Service - 2009 Issue {Refunding}	1,473,669	1,474,569	1,479,969	1,499,769
29	Debt Service - 2008 Taxable Issue {$10.365 mil}	1,241,935	1,239,641	1,240,495	1,239,233
30	Issuance Costs	-	-	-	-
31	Refunding Bond Proceeds	-	-	-	-
32	Payment to Refunding Bond Agent	-	-	-	-
70	**Total Debt & Operating Expenditures**	**4,788,523**	**4,542,227**	**4,567,662**	**4,605,474**
80	**Funds Available for Projects**	**$ 9,957,978**	**$ 2,757,274**	**$ 2,331,725**	**$ 1,672,801**

PROJECT PLAN

		Revised FY 2012	FY 2013	FY 2014	FY 2015
	NORTH ZONE/RAIL PARK (including Enterprise Park):				
100	Railroad Spur Improvements	8,800	-	-	-
102	Elm Creek Detention Pond	-	-	-	-
103	ROW Acquisition - Public Improvements	-	-	-	-
104	Extension of Rail Service	-	-	-	-
105	BN Trans-Load NE Site Phase I - **[$850K total project cost]**	-	-	-	-
106	Wendland Road Improvements	-	-	-	-
107	Wendland Property Roadway Phase I - **[$1.87M total project cost]**	-	-	-	-
110	Public Improvements in North Zone	50,000	250,000	250,000	250,000
150	**Total North Zone/Rail Park (including Enterprise Park)**	***58,800***	***250,000***	***250,000***	***250,000***
	AIRPORT PARK:				
151	Airport Park Infrastructure Construction	-	-	-	-
155	Pepper Creek Trail Extention Phase I - **[$750K total project cost]**	125,000	337,840	-	-
200	**Total Airport Park**	***125,000***	***337,840***	**-**	**-**
	BIO-SCIENCE PARK:				
201	Greenbelt Development along Pepper Creek	-	-	-	-
202	Outer Loop Phase II (from Hwy 36 to FM 2305)	-	-	-	-
203	Bio-Science Park Phase 1	-	-	-	-
204	Pepper Creek Trail Connection to S&W	730,000	-	-	-
205	Bioscience Park Service Road & Utility Extensions	112,840	687,160	-	-
250	**Total Bio-Science Park**	***842,840***	***687,160***	**-**	**-**
300	**Outer Loop (from Wendland Rd to IH-35 North) - [$15.5M total project cost]**	***36,105***	**-**	**-**	**-**
350	**Northwest Loop 363 Improvements (TxDOT commitment)**	***899,350***	**-**	**-**	**-**
	SYNERGY PARK:				
351	Lorraine Drive (Southeast Industrial Park) - **[$1.5M total project cost]**	88,900	-	-	-
400	**Total Synergy Park**	***88,900***	**-**	**-**	**-**
	DOWNTOWN:				
401	Downtown Improvements [look at 1999 Ordinance]	604,077	216,881	220,016	222,485
402	Rail Safety Zone Study	3,150	-	-	-
403	Lot Identification & Signage	80,000	-	-	-
404	Santa Fe Plaza Study	5,000	-	-	-
405	Santa Fe Plaza Parking Lot - **[$1.3M total project cost]**	-	-	-	-
450	**Total Downtown**	***692,227***	***216,881***	***220,016***	***222,485***
	TMED:				
451	TMED - 1st Street @ Temple College - **[$2.9M total project cost]**	466,633	-	-	-
452	Master Plan Integration 2010	1,550	-	-	-
453	Monumentation Identification Conceptual Design	1,617	-	-	-
454	TMED - 1st Street @ Loop 363 Design/Construction - **[$2.5M city project cost]**	2,086,120	500,000	-	-
455	TMED - Friars Creek Trail 5th Street to S&W Blvd. - **[$1.9M total project cost - DOE Grant of $400K]**	1,495,453	-	-	-
456	Avenue R - S&W Blvd, Ave R - 19th Intersections	35,500	-	-	-
457	Ave U from S&W Blvd to 1st St & the 13th to 17th connector from Ave R to Loop 363	276,150			
500	**Total TMED**	***4,363,023***	***500,000***	**-**	**-**
	OTHER PROJECTS:				
501	Gateway Entrance Projects	50,000	-	-	-
505	Airport Corporate Hangar Development	1,970,921	-	-	-
550	**Total Other Projects**	**2,020,921**	**-**	**-**	**-**
600	Undesignated Funding - Bonds	**-**	**-**	**-**	**-**
610	Undesignated Funding - Public Improvements	**-**	**-**	**-**	**-**
	Total Planned Project Expenditures	**9,127,166**	**1,991,881**	**470,016**	**472,485**
700	**Available Fund Balance at Year End**	**$ 830,812**	**$ 765,393**	**$ 1,861,709**	**$ 1,200,316**

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO APPROPRIATE $65,000 TO THE FRIARS CREEK HIKE AND BIKE TRAIL PROJECT A, RECOGNIZING $65,000 IN REVENUE FROM ADDITIONAL PROPERTY TAXES RECEIVED; TO APPROPRIATE $800,000 TO THE BIOSCIENCE PARK SERVICE ROAD AND UTILITY EXTENSIONS PROJECT; $112,840 IN FY2012 AND $687,160 IN FY2013; RECOGNIZING $400,000 IN REVENUE FROM DEVELOPER'S CONTRIBUTION AND REALLOCATING FUNDS FROM PEPPER CREEK TRAIL EXTENSION IN THE AMOUNT OF $287,160 IN FY2013; TO APPROPRIATE $39,250 TO PROFESSIONAL SERVICES AND RECOGNIZING $30,250 IN REVENUE FROM CONTRIBUTIONS FROM TEMPLE ECONOMIC DEVELOPMENT CORPORATION OF $10,000 AND FROM BIOSCIENCE DISTRICT OF $20,250 IN FY2012; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002;

Ordinance No. 2003- 3888 on February 20, 2003;Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4371 on the 19th day of August, 2010; Ordinance No. 2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on March 17, 2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; Ordinance No. 2012-4540 on June 7, 2012; and Ordinance No. 2012-____;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

Whereas, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing and Project Plans are necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; and

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans are feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple.

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

Part 1: Findings. The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

Part 2: Reinvestment Zone Financing and Project Plans. The amendments to the Tax Increment Financing Reinvestment Zone No. One Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, are hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibits A and B. This expenditure requires an amendment to the 2011-2012 budget, a copy of which is attached hereto, as Exhibit C.

Part 3: Plans Effective. The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing and Project Plans to each taxing unit that taxes real property located in the Zone.

Part 5: Economic Development Program. The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

Part 6: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since

the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 7: Effective Date. 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 8: Open Meetings. 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 Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **July**, 2012.

PASSED AND APPROVED on Second Reading on the **19th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Michael C. Newman, PE, CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Drainage Criteria and Design Manual by replacing Section 9 "Sediment and Erosion Control," with a revised section titled "Storm Water Best Management Practices."

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on first reading, with second reading and final adoption set for July 19, 2012.

ITEM SUMMARY: Staff recommends approval of language to replace Section 9 "Sediment and Erosion Control," of the City's Drainage Criteria and Design Manual with a revised section titled "Storm Water Best Management Practices."

The EPA has implemented a body of regulations ("Phase II Storm water Rules") involving storm water that applied to cities under 100,000 (prior regulations had just applied to cities > 100,000). In the State of Texas, TCEQ has implemented the Phase II regulation by requiring cities with a population of less than 100,000 to adopt several new ordinances as a part of the best management practices (BMP) mandated in the City of Temple's Storm Water Management Program. These ordinances include erosion and sedimentation during construction, post construction after construction, illicit discharge to streams and illegal dumping.

Council adopted the erosion and sedimentation ordinance as well as the illicit discharge ordinance on July 21, 2011, and is considering the adoption of the proposed post construction language. The addition of design criteria and schematic drawings to the drainage design manual is necessary to provide developers and engineers the proper design considerations and construction techniques of all best management practices required in Chapter 27 "Storm Water Management."

City staff discussed proposed ordinance language with Temple Area Builders Association (TABA) review committee on August 9, 2010, September 19, 2011, and November 15, 2011 and provided a presentation to the governmental affairs committee on April 28, 2010 and April 21, 2011. City staff provided a workshop presentation to City Council on May 17, 2012. First reading and public hearing for the post construction ordinance was held on June 21, 2012.

The City Council is the final authority to approve language changes to the Drainage Criteria Design Manual.

FISCAL IMPACT: No fiscal impact to City funds. Requirements for review, inspection and enforcement activities will increase city staff work load. Such workload increases are believed to be absorbed with existing positions. However, as development increases, and as future stated unfunded mandates are implemented this issue may need to be revisited.

ATTACHMENTS:

Proposed Chapter 27 Storm Water Management – Post Construction
Temple Area Builders Association – Governmental Affairs Committee Letter of Support
Ordinance

SECTION 9

STORM WATER BEST MANAGEMENT PRACTICES

LIST OF TABLES

LIST OF FIGURES

9.1 STORM WATER MANAGEMENT PLANS

9.1.1 Purpose. In accordance with Chapter 27, Article II of the City of Temple's Code of Ordinances (Post Construction Storm Water Runoff Control Ordinance), proposed new development and significant redevelopment of one (1) or more acres or any land situated along a creek will be required to submit Storm Water Management Plans (SWMP) that propose structural, non-structural or vegetative controls to reduce pollutants in storm water runoff. Approval requirements for SWMPs are outlined in Sec. 27-5 of City Code.

9.1.2 Plan Requirements. The SWMP should contain a site description, planned controls, and procedures for maintenance and inspection. The contents of a SWMP are described below and in Sec. 27-6 of City Code.

9.1.2.1 Site Description.

a. Site location.
b. Names, addresses, and phone numbers of owner and contact person.
c. Type of development or redevelopment.
d. Nature of activities.
e. Any existing NPDES storm water permit numbers or provide a copy of the General Permit Notice of Intent (NOI) or NPDES permit application.
f. Estimates of the total site area and the total area affected by the development.
g. Site map(s).
    1. Vicinity map.
    2. Areas of development.
    3. Areas not to be developed.
    4. Drainage areas and their acreage, patterns and proposed grading plan.
    5. Wetlands and surface waters.
    6. Locations and listing of activities which may generate pollutants and potential discharge, including hazardous materials treatment, storage or disposal facilities, parking areas, loading areas, etc.
    7. Location and listing of structural controls, and non-structural controls as applicable, that are identified in the plan.
    8. Locations where storm water is discharged to the MS4 and the name of the MS4 operator.
h. Natural Resource Inventory.
    1. Soil conditions.
    2. Forest cover.
    3. Topography.
    4. Wetlands.
    5. Other native vegetative areas on the site.

9.1.2.2 Controls.

a. Non-Structural Controls – Describe non-structural best management practices (BMPs) and how they will be used at the site.
b. Structural Controls – Structural BMPs should be shown on construction drawings. Supporting data (specifications, calculations, etc.) should be provided upon request.

9.1.2.3 Maintenance.

A maintenance plan meeting the requirements of Sec. 27-6 of City Code developed by the design engineer and acceptable to the City of Temple will be required prior to approval of the SWMP. The following information should be included in the proposed maintenance plan.

a. Specification of routine and non-routine maintenance activities to be performed.
b. A schedule for maintenance activities.
c. Provision for access to the tract by the City of Temple or other designated inspectors.
d. Name, qualifications and contact information for the party(ies) responsible for maintaining the BMP(s).
e. The plan should be signed and dated by the party responsible for maintenance.

General maintenance items and frequencies are listed below. Some items will not be applicable to all BMPs.

a. Sediment removal – at least twice per year or when the depth reaches 3-inches.
b. Erosion Control – side slopes and embankment may periodically suffer from slumping and erosion and should be repaired as soon as problems are identified.
c. Irrigation areas – maintain in natural state to greatest extent possible such that spray from sprinkler heads is not impeded; tree and shrub trimmings and larger debris should be removed immediately.
d. Mowing – grass areas should be mowed at least twice per year to limit vegetation height to 18-inches; more frequent mowing is required for aesthetic appeal in landscaped areas; mowing should be done either with a mulching mower or by capturing and removing grass clippings with a bagger or by raking.
e. Debris and litter removal – perform at least twice per year, usually in conjunction with mowing, or more frequently as needed.
f. Structural repairs – damage to structural elements (pipes, concrete drainage structures, retaining walls, etc.) should be identified and repaired immediately. These repairs should include patching of cracked concrete, sealing of voids, and removal of vegetation from cracks and joints.
g. Pest management – an Integrated Pest Management (IPM) Plan should be developed for vegetated areas. This plan should specify how problem insects and weeds will be controlled with minimal or no use of insecticides or herbicides.

Maintenance of BMPs frequently requires disposal of accumulated sediment and other material. These materials are normally classified as special wastes when disposed of in municipal landfills. Special waste is a waste that requires special handling at a Type I Municipal Solid Waste (MSW) landfill. The process to obtain authorization to dispose of a special waste begins with a request for approval called the "Request for Authorization for Disposal of Special Waste TCEQ Form 0152." The request is completed by the generator and submitted to the MSW permits section of the TCEQ for Executive Director review/approval. The MSW permits section performs the review described in 30 TAC 330.136 or most current applicable subsection of 30 TAC. A maintenance plan developed by the design engineer and acceptable to the City of Temple will be required prior to approval of the SWMP. The following information should be included in the proposed maintenance plan.

9.1.2.4 Inspections.

BMP facilities must be inspected at regular intervals, preferably during or immediately after a period of wet weather, to evaluate facility operation. Below is a list of frequencies for inspections for various BMP facilities.

a. Grassy Swales – At least 2 times per year.
b. Vegetated Filter Strips – At least 2 times per year.
c. Permeable and Semi-Pervious Pavement – At least 2 times per year.
d. Extended Detention Basins, Retention Ponds, Detention Ponds – At least 2 times per year.
e. Irrigation Systems, Pumps – Every 2 months.
f. Subsurface Treatment Devices – After rain events.
g. Preserved Tree Canopies – At least 2 times per year.

During each inspection, erosion areas inside and downstream of the BMP must be identified and repaired or revegetated immediately. With each inspection, any damage to the structural elements of the system (pipes, concrete drainage structures, retaining walls, etc.) must be identified and repaired immediately. Cracks, voids and undermining should be patched/filled to prevent additional structural damage. Trees and root systems should be removed to prevent growth in cracks and joints that can cause structural damage.

Irrigation systems and pumps should be inspected for functionality. Broken or 'frozen' sprinkler heads should be replaced immediately. Pumps shall be inspected and maintenance performed to the manufacturer's specifications.

Subsurface treatment devices should be inspected for larger debris captured during rain events which could plug openings in the device as well as sediment accumulation.

Inspections of tree canopies should include identification of sick/dying/dead trees to be removed from the canopy area.

9.1.3 Bibliography.

1. Barrett, M., Texas Commission on Environmental Quality, *Edwards Aquifer Technical Guidance Manual*. June 2005.

2. Houston, City of, Harris County, Harris County Flood Control District, *Stormwater Quality Management Guidance Manual*. 2001 Edition.

9.2 CONSTRUCTION (TEMPORARY) BEST MANAGEMENT PRACTICES

9.2.1 Introduction. Sedimentation involves three basic processes: erosion, transportation, and deposition. These are natural geologic phenomena which have been in continuous operation since the beginning of time. Man's land development activities, however, have initiated severe, highly undesirable, and damaging alterations in the natural sedimentation cycle by drastically accelerating the erosion-sedimentation process.

9.2.1.1 Erosion.

This term includes all of the processes by which soil or rock material is loosened and removed, that is, weathering, solution, downcutting, and transportation. Soil erosion is usually caused by the force of water falling as raindrops and by the force of water flowing in rills and streams. The raindrops falling on bare or sparsely vegetated soil particles but have little capacity for transporting them. Water running in a sheet on the surface of the ground picks up these particles and carries them along as it flows downhill towards a stream system. As the runoff gains in velocity and concentration, it detaches more soil particles, cuts rills and gullies into the surface of the soil, and adds to its sediment load. Coalescing rivulets produce streams which have a larger volume and usually increased velocity; hence, a greater capacity to remove sediment and transport it downstream. The greater the distance the water runs uncontrolled, the greater its erosive force and the greater the resultant damage. Moreover, control becomes increasingly more difficult as the distance and volume increase.

9.2.1.2 Factors Influencing Erosion.

The erosion potential of a site is principally determined by the erodibility of the soil, vegetative cover, topography, climate and season. Although the factors are interrelated as determinants of erosion potential, they are discussed separately for ease of understanding.

The vulnerability of a soil to erosion is known as erodibility. The soil structure, texture, and percentage of organic matter influence it erodibility. The most erodible soils generally contain high proportions of silt and very fine sand. The presence of clay or organic matter tends to decrease soil erodibility. Clays are sticky and tend to bind soil particles together. Organic matter helps maintain stable soil structure.

There are several ways in which vegetation protects soil from the erosive forces of raindrop impact and runoff scour. The top growth shields the soil surface from raindrop impact while the root mass holds soil particles in place. Grass buffer strips can be used to filter sediemtn from the surface runoff. Grasses slow the velocity of runoff which results in sedimentation, and also helps maintain the infiltration capacity of the soil. The establishment and maintenance of vegetation can be most effective in minimizing erosion during development.

Slope length and steepness are key influences on both the volume and velocity of surface runoff. Long slopes deliver more runoff to the base of slopes and steep slopes increase runoff velocity; both conditions enhance the potential for erosion to occur.

Erosion potential is also affected by the climate of the area. Rainfall characteristics, such as frequency, intensity, and duration directly influence the amount of runoff that is generated. As the frequency of rainfall increases, water has less chance to drain through the soil between storms. The soil will remain saturated for longer periods of time and storm water runoff volume may be potentially greater. Therefore, when rainfall events are frequent, intense, or lengthy, erosion risks are high.

Seasonal variation in wind, humidity, temperature and rainfall defines periods of high erosion potential during the year. A high erosion potential may exist in the spring when the surface soil first thaws and the ground underneath remains frozen. A low intensity rainfall may cause substantial erosion as infiltration is impossible because of the frozen subsoil. The erosion potential is also high during the summer months because of more frequent, intensity rainfall.

9.2.2 Standards for Erosion and Sediment Control.

The principles of reducing erosion and sedimentation from developing areas are:

A. Plan the development to fit the particular topography, soils, waterways, and natural vegetation at the site.

   Initially, this is best achieved through adoption of a general land-use plan based upon a comprehensive inventory of soil, water, and related resources.

   Slope length and gradient are key elements in determining the volume and velocity of the runoff and its associated erosion. As both slope length and steepness increase, the rate of runoff increases and the potential for erosion is magnified. Where possible, steep slopes should be left undisturbed. By limiting the length and steepness of the designed slopes, runoff volumes and velocities can be reduced and erosion hazards minimized.

   Soils which contain a high proportion of silt and very fine sand are generally the most erodible. The erodibility of these soils is decreased as the percentage of clay organic matter content increases. Well-drained and well-graded gravel-sand mixtures with little silt are the least erodible soils. By reducing the length and steepness of a given slope, even a highly erodible soil may show little evidence of erosion. Long steep slopes should be broken by benching, or constructing diversion structures.

The natural vegetative cover is extremely important in controlling erosion since it: 1) shields the soil surface from the impact of falling rain; 2) increases infiltration of water into the soil; 3) reduces the velocity of the runoff water; and 4) holds soil particles in place while filtering surface runoff.

B. Keep disturbed areas small.

When earthwork is required and the natural vegetation is removed, keep the area and the duration of exposure to a minimum. Plan the phases or stages of development so that only the areas which are actively being developed are exposed. All other areas should have a good cover of temporary or permanent vegetation or mulch. Grading should be completed as soon as possible after it is begun. Minimizing grading of large or critical areas during the season of maximum erosion potential (May or October) reduces the risk of erosion.

C. Protect disturbed areas from storm water runoff.

This principle requires practices that control erosion on a site to prevent excessive sediment from being produced. Practices which keep soil covered as much as possible with temporary or permanent vegetation or with various mulch materials are best. Special grading methods such as roughening a slope on the contour or tracking with a cleated dozer may be used. Immediately after grading is complete, permanent vegetative cover should be established in the area. As cut slopes are made and as fill slopes are brought up to grade, these areas should be revegetated as the work progresses. Other practices include diversion structures to divert surface runoff from exposed soils and grade stabilization structures to control surface water.

Gross erosion in the form of gullies must be prevented by these control devices. Lesser types of erosion such as sheet and rill erosion should be prevented. When erosion is not adequately controlled, sediment control is more difficult and expensive.

D. Retain sediment within the site boundaries.

This principle relates to using practices that control sediment once it is produced and prevents it from leaving the site. Diversion ditches, sediment traps, vegetative filters, and sediment basins are examples of practices to control sediment. Vegetative and structural sediment control measures can be classified as either temporary or permanent depending on whether or not they will remain in use after development is complete. Generally, sediment can be retained by two methods: 1) filtering runoff as it flows through an area

and 2) impounding the sediment-laden runoff for a period of time so that the soil particles are deposited. The best way to control sediment, however, is to prevent erosion.

E. Implement a thorough maintenance and follow-up program.

This principle is vital to success. A site cannot be effectively controlled without thorough, periodic checks of the control practices. An example of applying this principal would be to start a routine "end-of-day check" to ensure all control practices are working properly.

These five principles are integrated into a system of vegetative and structural measures, along with management techniques, to develop a plan to prevent erosion and provide sediment control. In most cases, a combination of limited grading, limited time of exposure, and a judicious selection of erosion control practices and sediment-trapping facilities will prove to be the most practical method of controlling erosion and the associated production and transport of sediment.

After the development process begins, effective erosion and sedimentation control depends upon careful, accurate installation in a timely fashion, and sufficient maintenance to ensure the intended results.

9.2.3 The Sediment Control Plan.

The required Sediment Control Plan is a plan for controlling erosion and sediment during construction in compliance with the laws, ordinances, and these Standards. This plan shall be a part of the total site development plan and prescribes all the steps necessary, including scheduling, to assure erosion and sediment control during all phases of construction including final stabilization.

Planning for sediment control should begin with the conceptual plan and its preparation. Such features as soils and topography should be considered for the conceptual plan as well as any requirements for sediment control or storm water management.

Planning for sediment control should also begin with first-hand knowledge of the site by the designer. The plan shall be based on a sufficiently accurate topographic map that reflects the existing topography and site conditions. Adjacent areas affecting the site or affected by the site and its development shall be shown on the plans in sufficient detail to accomplish the need. Examples of this would be areas draining onto the site or areas where storm runoff leaves the site and travels to a stream or drainage system.

The Sediment Control Plan will consist of the best selection of erosion control practices and sediment-trapping facilities, in conjunction with an appropriate schedule, to accomplish an

adequate level of control. Particular attention must be given to concentrated flows of water, either to prevent its occurrence or to provide conveyance devices according to the Standards to prevent "major" or "gross" erosion. Sediment-trapping devices will usually be required at all pointes of egress of sediment-laden water. The plan must include permanent structures for conveying storm runoff, final site stabilization, removal of temporary sediment control features such as sediment basins, and finally, stabilization of the sites where temporary features were removed. Plans showing improvements or construction to be done outside the property line for the site will generally not be approved unless a plan is accompanied by an appropriate legal easement for the area in which the work is to be done.

The standardization of sediment control plans makes them easier to study and review. The List of Standard Symbols (Figure 2-1) was developed to facilitate plan review. The symbols should be bold and easily identifiable on the plans. Unless otherwise approved, one of the following scales shall be used for the detailed sediment control plans for urban development sites: 1″=20′, 1″=30′, 1″=40′, or 1″=50′. The contour interval for these plans shall be 2 feet or smaller.

The Sediment Control Plan shall include the existing and proposed topography. Existing topography can be either from actual field survey obtained from approved photogrammetric methods or from information obtained from responsible agencies. No proposed slopes will exceed 2H:1V. All slopes steeper than 3H:1V will require low-maintenance stabilization.

The existing and proposed improvements shall be shown on the sediment control plan and will include all buildings, roads, storm drains, etc. Proposed removal or alterations of existing facilities shall be indicated on the plan.

9.2.3.1 Sediment Control Practices.

All sediment control practices must be identified on the Sediment Control Plan. These practices will be shown in sufficient detail to facilitate implementation. All permanent sediment control structures will be labeled on the plan as PERMANENT. All temporary stabilization practices will be labeled on the plan as TEMPORARY. The location and methods of stabilization will be indicated on the Plan.

A schedule, or sequence, of operations will be included on the Sediment Control Plan. Special emphasis will be placed on the scheduled start of clearing and/or grading, sequence or installation of sediment control and storm water management facilities, duration or exposure, and the scheduled start and completion dates of stabilization measures (both temporary and permanent).

9.2.3.2 Drainage Plan.

A Drainage Plan shall be provided as per Section 1. Based on this Plan, indicate the velocity for: 1) pipe outfall, 2) outfall structure, and 3) natural or designed channel below outfall

structures to point to entry into existing system or natural stream. On the Sediment Control Plan show the proposed method of stabilizing the outfall, consistent with computed velocities.

9.2.4 Standards For Structural Practices.

This section describes several control measures which are available for use in controlling erosion and sedimentation. The designer is encouraged to review the Soil Conservation Service publications, Erosion and Sediment Control Guidelines in Developing Areas in Texas[4] and Texas Engineering Handbook Section 17, Erosion Control Practices[5] for additional control measures.

9.2.4.1 Straw Bale Barrier

Definition

A temporary barrier of straw or similar material may be used to intercept sediment laden runoff from small drainage areas of disturbed soil. Figure 9-2 is a typical straw bale barrier.

Purpose

The purpose of a straw bale barrier is to reduce velocity and effect deposition of the transported sediment load. Straw bale barriers are to be used to intercept and detain small amounts of sediment from unprotected areas of less than 1/2 acre.

Application

The straw bale barrier is used where:

A. Contributing area is approximately 1/2 acre, or less.

B. There is no concentration of water in a channel or other drainage way above the barrier.

C. Erosion would occur in the form of sheet or rill erosion.

D. Length of slope above the straw bale dike shall not exceed 100 feet.

Straw bales must not be used on high sediment producing areas above "high risk" areas, where water concentrates, or where there would be a possibility of a washout.

Design Criteria

A design is not required. All bales shall be placed on the contour and shall be either wire bound or nylon-string tied. Bales shall be laid with the cut edge adhering to the ground and staked in place. At least two wooden or metal stakes shall be driven through each bale and

into the ground at least one foot. The first stake shall be angled toward the previously placed bale and driven through both the first and second bale. Stakes shall be driven flush with the bale.

The possibility of piping failure shall be reduced by setting the straw bales in a trench excavated to a depth of at least four (4) inches and by firmly tamping the soil along the upstream face of the barrier.

9. 2.4.2 Silt Fence

Definition

A silt fence is a temporary barrier made of geotextile fabric which is water-permeable but will trap water-borne sediment from small drainage areas of disturbed soil, as shown in Figure 2-3.

Purpose

The purpose of a silt fence is to reduce runoff velocity and effect deposition of transported sediment load. Limits imposed by ultraviolet stability of the fabric will dictate the maximum period the silt fence may be used.

Application

A silt fence may be used subject to the following conditions:

A. Maximum allowable slope lengths contributing runoff to a silt fence are listed in the Table 9-1.

TABLE 9-1 Silt Fence Slope Criteria

Constructed Slope	Maximum Slope Length (feet)
2H:1V	25
2.5H:1V	50
3H:1V	75
3.5H:1V	100
4H:1V	125
Flatter than 5H:1V	200

B. Maximum drainage area for overland flow to a silt fence shall not exceed 0.5 acre per 100 feet of fence.

C. Erosion would occur in the form of sheet erosion.

D. There is no concentration of water flowing to the barrier.

Design Criteria

Design computations are not required for a silt fence design. All silt fences shall be placed as close to the contour as possible. The filter fence shall be placed and constructed in such a manner that runoff from a disturbed upland area shall be intercepted, the sediment trapped, and the surface runoff allowed to percolate through the structure. The bottom of the fabric should be buried in a 6 inch by 6 inch trench. When a trench cannot be constructed, rock and soil shall be placed over the bottom of the fabric in such a manner as to prevent underflow.

A detail of the silt fence shall be shown on the plan, and contain the following minimum requirements:

A. The type, size, and spacing of fence posts;

B. the size of woven wire support fence;

C. the type of filter cloth used;

D. the method of anchoring the filter cloth; and

E. the method of fastening the filter cloth to the fencing support.

Where ends of filter cloth join they shall be overlapped, folded and stapled to prevent sediment bypass.

A. Silt Fence Fabric

The fabric shall meet the specifications in Table 9-2. Type W fabric is a Type 1 self-supported fence. Type NW is a nonwoven fabric which is used in a Type 2 net-reinforced fence or Type 3 triangular filter dike. Either fabric may be manufactured from polyester, polypropylene or polyamide and shall be resistant to ultraviolet degradation, mildew or rot. The edges of woven fabric shall be sealed or salvaged to prevent raveling.

TABLE 9-2 Silt Fence Fabric Criteria

Fabric Properties	Minimum Acceptable Value		Test Method
	Type W	Type NW	
Tensile Strength, lb	100	90	ASTM D4632
Elongation at Yield, %	10-40	100 Max	ASTM D4632
Trapezoidal Tear, lb	50	35	ASTM D4533
Permittivity, 1/sec	0.1	1.0	ASTM D4491
Apparent Opening Size	20-50	50-80	ASTM D4751
Ultraviolet Stability, %	80	80	ASTM D4355

B. Fence Reinforcement Materials

Silt fence reinforcement shall be one of the following systems.

1. Type 1: Self-Supported Fence

This system consists of fence posts, spaced no more than 8 1/2 feet apart, and Type W fabric without net reinforcement. Fence posts shall be a minimum of 42 inches long, embedded at least 1 foot, and constructed of either wood or steel. Soft wood posts shall be at least 3 inches in diameter or nominal 2 x 4 inches and essentially straight. Hardwood posts shall have minimum dimensions of 1.5 x 1.5 inches. Fabric attachment may be by staples or locking plastic ties at least every 6 inches, or by sewn vertical pockets. Steel posts shall be T or L shaped with a minimum weight of 1.3 pounds per foot. Attachment shall be by pockets or by plastic ties if the posts have suitable projections.

2. Type 2: Net-Reinforced Fence

   This system consists of fence posts, spaced no more than 8-1/2 feet apart, and Type NW fabric with an attached reinforcing net. Net reinforcement shall be galvanized welded wire mesh of at least 12.5-gauge wire with maximum opening size of 4 inches square. The fabric shall be attached to the top of the net by crimping or cord at least every 2-feet, or as otherwise specified.

3. Type 3: Triangular Filter Dike

   This system consists of a rigid wire mesh, at least 6-gauge, formed into an equilateral triangle cross-sectional shape with sides measuring 18 inches, wrapped with Type NW silt fence fabric. The fabric shall be continuously wrapped around the dike, with a skirt extending at least 12 inches from its upslope corner.

C. Prefabricated Units

   Envirofence or approved equal may be used in lieu of the above method providing the unit is installed per manufacturer's instructions.

9. 2.4.3 Stabilized Construction Entrance

Definition

A stabilized pad of aggregate located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk, or parking area.

Purpose

The purpose of a stabilized construction entrance is to reduce or eliminate the tracking or flowing of sediment onto public rights-of-way or streets.

Application

A stabilized construction entrance applies to all points of construction ingress and egress.

Design Criteria

A design is not required for a stabilized construction entrance, however, the following criteria in Table 9-3 shall be used.

TABLE 9-3 Stabilized Construction Entrance Design Criteria

Aggregate:	Use 2 inch stone, or reclaimed or recycled concrete equivalent
Thickness:	Not less than six (6) inches
Width:	Not less than full width of all points of ingress and egress Twenty (20) foot minimum
Length:	As required, but not less than 50 feet

Maintenance

The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way or streets. This may require periodic top dressing with additional aggregate as conditions demand. All sediment spilled, dropped, washed, or tracked onto public rights-of-way must be removed immediately.

When necessary, wheels must be cleaned to remove sediment prior to entrance onto public right-of- way. When washing is required, it shall be done on an area stabilized with crushed stone which drains into an approved sediment trapping device. All sediment shall be prevented from entering any storm drain, ditch, or watercourse.

9.2.4.4 Sediment Basin

Definition

A sediment basin is constructed across a waterway or at other suitable locations to collect and store debris or sediment.

Purpose

The purpose of a sediment basin is to preserve the capacity of reservoirs, ditches, canals, diversions, waterways, and streams; to prevent undesirable deposition on bottom lands and developed areas; to trap sediment originating from construction sites; and to reduce or abate pollution by providing basins for deposition and storage of silt, sand, gravel, stone, agricultural wastes, and other detritus.

Application

This practice applies where physical conditions, land ownership or other restrictions preclude the treatment of a sediment source by the installation of erosion-control measures to keep soil and other material in place, or where a sediment basin offers the most practical solution to the problem.

Design Criteria

A. Compliance with Laws and Regulations

Design and construction shall comply with state and local laws, ordinances, rules, and regulations. The designer is cautioned that water impounding structures higher than six (6) feet may be considered dams and is encouraged to contact the Texas Natural Resource Conservation Commission regarding applicable rules.

B. Location

The sediment basin should be located to obtain the maximum storage benefit from the terrain and for ease of cleanout of the trapped sediment. It should be located to minimize interference with construction activities and construction of utilities.

C. Size of the Basin

The capacity of the sediment basin, as measured from the bottom of the basin to the elevation of the crest of the principal spillway, shall equal or exceed the trapped volumes of debris or sediment expected to be trapped at the site during the planned useful life of the structures or improvements it is designed to protect. The minimum capacity provided shall be in accordance with criteria in Texas Engineering Handbook, Erosion Control Practices, Section 17[5]

The Universal Soil Loss Equation (USLE) can be used to determine the size of the sediment basin. The USLE determines the gross sheet and rill erosion (tons/ac./yr). The actual sediment yield at the point of concern (sediment basin) is the gross erosion minus the sediment deposited enroute. The ratio of sediment yield to gross erosion can be estimated from relationships discussed in the SCS publication NEH-Chapter 3, Sedimentation.

The USLE equation is defined by six (6) factors. The designer should consult the Soil Conservation Service's Technical Release No. 51[1] and USDA Handbook No. 537, for the proper tables and figures. The Universal Soil Loss Equation is defined by Equation 2-1.

$$A = RKLSCP \qquad (2\text{-}1)$$

where:

A = sediment yield, in tons per acre per year

R = rainfall factor, R = 300 for Temple, Texas

K = soil erodibility factor, 0.05 = K = 0.41

L = slope length factor

S = slope gradient factor

C = cropping management factor, 0.001 = C = 0.99

P = erosion control practice factor, 0.10 = P = 1.0

Sediment basins shall be cleaned out when the capacity as described above is reduced by sedimentation to 60% full, except in no case shall the sediment level by permitted to build up higher than one (1) foot below the principal spillway crest. At this elevation, cleanout shall be performed to restore the original design volume to the sediment basin. The elevation corresponding to the maximum allowable level shall be determined and shall be stated in the design data as a distance below the top of the riser and shall be clearly marked on the riser.

The basin dimensions necessary to obtain the required basin volume as stated above shall be clearly shown on the plans to facilitate plan review, construction, and inspection.

The Sediment Basin Plan shall indicate the method(s) of disposing of the sediment removed from the basin. The sediment shall be placed in such a manner that it will not erode from the site. The sediment shall not be deposited downstream from the basin or adjacent to a stream or floodplain.

The sediment basin plans shall also show the method of disposing of the sediment basin after the drainage area is stabilized, and shall include the stabilizing of the sediment basin site. Water lying over the trapped sediment shall be removed from the basin by pumping, cutting the top of the riser, or other appropriate methods prior to removing or breaching the embankment. Sediment shall not be allowed to flush into the stream or drainageway.

D. Entrance of Runoff into Basin

Points of entrance of surface runoff into excavated sediment basins shall be protected to prevent erosion. Diversions, grade stabilization structures or

other water control devices shall be installed as necessary to ensure direction of runoff and protect points of entry into the basin.

E. Principal Spillways

A pipe spillway is recommended on all basins. The pipe spillway shall consist of a vertical pipe riser or box riser joined to a conduit which will extend through the embankment and outlet below the downstream toe of the fill.

The pipe spillway shall be proportioned to convey not less than 0.2 cfs per acre of drainage area without causing flow through the emergency spillway. The minimum size pipe shall be 4 inches in diameter. The vertical pipe riser or box riser shall have a cross-sectional area at least 1.5 times that of the pipe.

One anti-seep collar shall be installed around the pipe when any of the following condition exist:

1. The settled height of the dam exceeds 15 feet;

2. the conduit is of smooth pipe larger than 8 inches in diameter; or,

3. the conduit is of corrugated metal pipe larger than 12 inches in diameter.

The anti-seep collars and their connection to the pipe shall be watertight. Protection against scour at the discharge end of the spillway shall be provided. Trash racks shall be installed where needed.

F. Earth Emergency Spillways

All debris basins shall have an earth emergency spillway unless the peak flow from the major storm is carried through a pipe spillway or other mechanical spillway. The earth spillway shall be excavated in undisturbed earth or compacted fill. The spillway shall be designed to be stable for the major storm flow.

Peak discharges for design of the emergency spillway shall be computed using an accepted method and shall be based on the soil and anticipated cover conditions in the drainage area during the expected life of the structure.

The crest of the emergency spillway shall be at least 0.5 feet above the crest of the principal spillway. For debris basins, the combined capacities of pipe and

emergency spillways shall be sufficient to convey the peak discharge from the major storm. The top of a dam for all debris basins shall be at least 0.5 feet higher than the stage reached by the major storm.

The crest elevation of the emergency spillway will be determined by the head required on the principal spillway. The minimum top width shall be as per Table 9-4.

TABLE 9-4 Minimum Top Width Embankment (Earth Fill)

Height of Dam	Top Width
10 feet or less	6 feet
10-14	8 feet
14-20	9 feet

Source: Soil Conservation Services Erosion and Sediment Control Guidelines for Developing Areas in Texas.[4]

G. Safety

Sediment basins are attractive to children and can be very dangerous. Therefore they shall be fenced or otherwise secured unless this is deemed unnecessary due to the remoteness of the site or other circumstances. In any case, local ordinances and regulations regarding health and safety must be adhered to.

9. 2.4.5 Diversion

Definition

A drainageway of parabolic or trapezoidal cross section that is constructed across the slope, perpendicular to the direction of flow. The drainageway should be equipped with a supporting ridge on the lower side.

Purpose

The purpose of a diversion is to intercept and convey runoff to stable outlets at non-erosive velocities. Temporary diversions are installed as an interior measure to facilitate some phase of construction and usually have a life expectancy of 1 year or less. A permanent diversion is an integral part of an overall water disposal system and remains for protection of property.

Application

Diversions are used where:

A. Runoff from higher areas is or has potential for damaging properties causing erosion or interfering or preventing the establishment of vegetation on lower areas.

B. Surface and shallow subsurface flow caused by seepage is damaging sloping upland.

C. The length of slopes need to be reduced so that soil loss will be kept to a minimum.

D. Required as a part of a pollution abatement system.

E. To control erosion and runoff on urban or developing areas and construction sites.

Design Criteria

The design procedures for trapezoidal channels are provided in Section 6 of the City of Temple Drainage Criteria and Design Manual.

A. Location

Diversion location shall be determined by considering outlet conditions, topography, land use, soil type, length of slope, and the layout of the proposed development. Avoid locations in or immediately below unstable or highly erosive soils, unless special treatment or stabilization measures are previously applied.

B. Capacity

Peak runoff values used in determining the capacity requirements shall be determined as outlined in Section 2 of the City of Temple Drainage Criteria and Design Manual. The minimum design 24-hour storm frequencies and freeboard shall comply with criteria in Table 9-5.

Diversions designed to protect urban area, buildings and roads, and those designed to function in connection with other structures, shall have enough capacity to carry the peak runoff expected from a storm frequency consistent with the hazard involved.

TABLE 9-5 Diversion Frequency and Freeboard

Diversion Type	Typical Areas of Protection	Design Frequency (Years)	Freeboard Required (Feet)
Temporary	Construction roads; land areas, etc.	2	0.0
	Building Sites	5	0.0
Permanent	Land areas; playfields, recreation areas, etc.	25	0.3
	Homes, schools, industrial bldg., etc.	50	0.5

Source: Soil Conservation Service, Erosion and Sediment Control Guidelines for Developing Areas in Texas.[4]

C. Velocity and Grade

Channel grades may be uniform or variable. Maximum permissible velocities of flow for the stated conditions of stabilization are shown in Tables 9-6 and 9-7.

TABLE 9-6 Selection of Vegetal Retardance

Average Length of Vegetation (inches)	Retardance	
	Good Stand	Fair Stand
11-24	B	C
6-10	C	D
2-6	D	D

Source: Soil Conservation Service, Erosion and Sediment Control Guidelines for Developing Areas in Texas.[4]

TABLE 9-7 Permissible Velocities

Soil Texture	Bare Channel	Channel Vegetation Retardance	Permissible Velocity (fps) Poor	Fair	Good
Sand, silt		B		3.0	4.0
Sandy loam	1.5	C	1.5	2.5	3.5
Silty loam		D		2.0	3.0
Silty clay loam		B		4.0	5.0
Sandy clay loam	2.0	C	2.5	3.5	4.5
		D		3.0	4.0
Clay		B		5.0	6.0
	2.5	C	3.0	4.5	5.5
		D		4.0	5.0

Source: Soil Conservation Service, Erosion and Sediment Control Guidelines for Developing Areas in Texas.[4]

D. Cross Section

The channel may be parabolic, V-shaped or trapezoidal in shape. The diversion is to be designed to have stable side slopes. The side slopes for permanent diversions should not be steeper than 3H:1V for maintenance purposes and preferably 4H:1V. The back slope of the ridge is not to be steeper than 3H:1V and preferably 4H:1V. In determining the cross section on temporary diversions, consideration should be given to soil type, frequency and type of equipment that is anticipated to be crossing the diversion. In no case should side slopes be steeper than 1H:1V.

E. Outlets

Each diversion must have an adequate outlet. The outlet may be a grassed waterway, vegetated or paved area, grade stabilization structure, stable watercourse, or tile outlet. In all cases the outlet must convey runoff to a point where outflow will not cause damage. Vegetative outlets shall be installed prior to, and have vegetation established before diversion construction.

Underground outlets consist of an inlet and underground conduit, and the release rate when combined with storage is to be such that the design storms will not encroach on the design freeboard of the diversion ridge.

All areas where vegetation has been disturbed during construction and all other earth construction where vegetation is included in design, shall be seeded following completion of construction.

9. 2.4.6 Grassed Waterway or Outlet

Definition

A natural or man-made drainageway or parabolic or trapezoidal cross section that is below adjacent ground level and is stabilized by suitable vegetation for the safe disposal of runoff or water.

Purpose

The purpose of a grassed waterway or outlet is to convey runoff from terraces, diversions, or from natural concentrations without causing damage from erosion or flooding.

Application

Grass waterways and outlets are used on sites where added capacity or vegetative protection, or both, are required to control erosion resulting from concentrated runoff. In short reaches of the grassed waterways or outlet where vegetation is not suitable for non-erosive disposal of runoff, other linings may be used to control erosion.

Grassed waterways are used where added channel capacity or stabilization is required to control erosion resulting from concentrated runoff and where such control can be achieved by this practice along or in combination with others.

Design Criteria

A. Compliance with Laws and Regulations

Planning and construction shall be in compliance with state and local laws and regulations. Such compliance is the responsibility of the landowner or developer.

B. Capacity

The minimum capacity is to be that required as stated in Section 6 of the City of Temple Drainage Criteria and Design Manual for open channels. Channel dimensions may be determined from Section 6.

C. Velocity

The design velocity is to be based upon soil, duration of flow, and type and quantity of vegetation. The maximum design velocity should be 4.0 feet per second for vegetation established by seeding and 6.0 feet per second for that established by sodding.

D. Cross Section

The cross section may be parabolic, trapezoidal, or triangular in shape. The bottom width of trapezoidal waterways or outlets shall not exceed 100 feet unless multiple or divided waterways are provided to control meandering of low flows.

The minimum depth of a waterway receiving water from diversions or tributary channels is to be that required to keep the design water surface in the waterway or outlet at or below the design water surface elevation in the diversion or other tributary channel at their junction. To provide for loss in channel capacity due to vegetal matter accumulation, sedimentation, and normal seedbed preparation, the channel depth and width should be increased proportionally to maintain the hydraulic properties of the waterway. In parabolic channels, this may be accomplished by adding 0.3 foot to the depth and 2 feet to the top width of the channel. This is not required on waterways located in natural watercourses.

Where a paved bottom is used in combination with vegetated side slopes, the paved section is to be designed to handle the base flow or runoff from a one-year frequency storm, whichever is greater. The flow depth of the paved section shall be a minimum of 0.5 foot.

E. Outlets

Each waterway shall have a stable outlet. The outlet may be another waterway, a stabilized open channel, or a grade stabilization structure.

In all cases, the outlet must discharge in such a manner as not to cause erosion. Outlets shall be constructed and stabilized prior to the operation of the waterway.

F. Drainage

In areas with high water table, seepage problems or prolonged low flows, the designer shall provide for a subsurface drain, lined pilot channel, or other subsurface drainage methods. An open joint storm drain or lined pilot channel may be used to serve the same purpose and also handle frequently occurring storm runoff, base flow, or prolonged flow. The storm drain should be designed to handle base flow or the runoff from a one-year frequency storm, whichever is greater.

9. 2.4.7 Lined Waterway or Outlet

Definition

A waterway or outlet with an erosion resistant lining of concrete, stone, or other permanent material. The lined section extends up the side slopes to designed depth. The earth above the permanent lining may be vegetated or otherwise protected.

Purpose

The purpose of a lined waterway or outlet is to provide for safe disposal of runoff from other conservation structures or from natural concentrations of flow, without damage by erosion or flooding, in situations where lined or grassed waterways would be inadequate. Properly designed linings may also control seepage, piping, and sloughing or slides.

Application

This practice applies where the following or similar conditions exist.

A. Concentrated runoff is such that lining is required to control erosion.

B. Steep grades, wetness due to prolonged base flow, seepage, or piping would cause erosion.

C. The location is such that damage from use by people or animals preclude use of vegetated waterways or outlets.

D. High value property or adjacent facilities warrant the extra cost to contain design runoff in a limited space.

E. Soils are highly erosive or other soil or climatic conditions preclude using vegetation.

Design Criteria

A. Capacity

The minimum capacity shall be adequate to carry the peak rate of runoff. Capacity shall be computed using Manning's formula.

B. Velocity

Maximum design velocity shall be as stated in Section 6.0 for the appropriate channel type. Velocities exceeding critical velocity will be restricted to straight reaches. Waterways or outlets with velocities exceeding critical velocity shall discharge into an energy dissipator to reduce velocity to less than critical.

C. Cross Section

The cross section shall be triangular, parabolic, or trapezoidal. Monolithic concrete may be rectangular.

D. Freeboard

The minimum freeboard for lined waterways shall be as stated in Section 6 for the appropriate channel type.

E. Side Slopes

Steepest permissible side slopes shall be according to Table 9-8.

TABLE 9-8 Permissible Side Slopes for Lined Waterway

Non-Reinforced Concrete	Permissible Side Slope
Hand-placed, formed concrete:	
Height of lining 1.5 feet or less	Vertical
Hand-placed, screened concrete or in-place mortared flagstone:	
Height of lining less than 2 feet	1H:1V
Height of lining more than 2 feet	2H:1V
Slip form concrete:	
Height of lining less than 3 feet	1H:1V
Rock Riprap	2H:1V

F. Lining Thickness

Minimum lining thickness shall be as follows:
Concrete - 4 inches
Rock riprap - maximum stone size plus thickness of filter or bedding
Flagstone - 4 inches including mortar bed

G. Filters or Bedding

Filters or bedding are utilized to prevent piping. Drains shall be used to reduce uplift pressure, and to collect water as required. Filters, bedding, and drains shall be designed in accordance with Soil Conservation Service Standards. Weep holes and drains will be provided as needed.

H. Concrete

Concrete used for lining shall be so proportioned that it is plastic enough for thorough consolidation and stiff enough to stay in place on side slopes. A dense durable product will be required.

9. 2.4.8 Riprap

Definition

A layer of loose rock or aggregate placed over an erodible soil surface.

Purpose

The purpose of riprap is to protect the soil surface from the erosive forces of water.

Application

This practice applies to soil-water interfaces where the soil conditions, water turbulence and velocity, expected vegetative cover, and groundwater conditions are such that the soil may erode under the design flow conditions. Riprap may be used, as appropriate, at such places as storm drain outlets, channel banks and/or bottoms, roadside ditches, drop structures, and shorelines. Broken concrete is not suitable as riprap.

Design Criteria

The minimum design discharge for channels and ditches shall be the peak discharge. See Section 6 of the City of Temple Drainage Criteria and Design Manual for further design criteria.

9. 2.5 Standards For Vegetative Practices For Critical Area Stabilization

Definition

Critical area stabilization is planting short-term vegetation on critical areas.

Purpose

The purpose of critical area planting is to stabilize the soil, reduce damage from sediment and runoff to downstream areas, improve wildlife habitat, and enhance beauty of the area.

Application

Critical area stabilization is used on sediment-producing, highly erodible or severely eroded areas, such as dikes, levees, cuts, fills, and denuded or gullied areas where vegetation is difficult to establish with usual seeding or planting methods.

Design Criteria

A. Site Preparation

1. If necessary, divert outside water away from the critical area. This may require a permanent diversion, or in other instances, a temporary measure that will be effective during the period of establishment.

2. Where practical, grade to permit use of conventional equipment for seedbed preparation, seeding, mulch application and anchoring. (Cabling of equipment may be necessary on steep slopes.)

3. On construction sites where the exposed and underlying soil material will not maintain adequate vegetation, a topsoil dressing of six (6) inches will be applied as part of construction.

4. Where slopes must be steeper than 2H:1V use some means other than vegetation to stabilize the slope.

B. Seedbed Preparation

1. The seedbed, immediately before seeding, shall be firm but not so compact as to prohibit covering the seed. Tillage implements shall be used as necessary to provide approximately a three (3) inch depth of firm but friable soil that is free of large clods.

2. If fertilizer is to be applied, work this in during final seedbed preparation.

C. Fertilizing

1. Unless soil fertility is known to be adequate, refer to the City of Temple for appropriate fertilizer application rates.

D. Seeding

1. Method of Seeding

The proper amount of seed must be evenly distributed, placed at the proper depth (1" or less), and packed so that the seed is in contact with the soil. This may be done by one of the following methods.

a. Drilling

Drilling is the preferred method and should be used when possible. Drill must be equipped with seed hoppers that will properly meter out the kind of seed being planted. This may require a special drill for fluffy seeds. The drill should have double disk furrow openers with depth bands to obtain proper depth of placement. The drill should be equipped with packer wheels or the seeded area should be packed with a land roller immediately after drilling.

b. Broadcasting

This method is to be used only on areas that are inaccessible to a grass drill. The seeding rates shall be increased by one and one half (1-1/2) times when the seed is broadcasted. Seed must be evenly distributed. The seed must be covered and this can be done by light dicing, cultipacking, harrowing or raking by hand. If at all possible, the seeded area should then be packed.

c. Hydro-seeding

Where hydro-seeding equipment is used, seed, fertilizer, and wood-fiber mulch materials are mixed into a slurry with water. Care should be used to spread the mixture evenly and soon after the mixture is made. Keep the mixture well agitated when seeding.

E. Mulching

1. Where to Use

Mulch is essential on critical areas and slopes greater than 3H:1V. Mulch should be used on all treated critical areas where the goal is to attain a grass stand as soon as possible and where there is danger of damaging erosion occurring during the period of establishment.

2. Material

Mulch shall consist of clean cereal grain straw, grass hay, wood chips, long fibered wood cellulose or gravel.

3. Rate

Mulch shall be applied uniformly at a rate of 3,000 pounds minimum to 4,000 pounds maximum per acre of hay or straw. For long fibered wood cellulose the rate will be 1,500 pounds minimum to 2,500 maximum per acre.

4. Anchoring

a. Anchor mulch with a dull disk or other suitable machine. The operation should be across the slope. The mulch should be anchored a minimum of two inches in the soil and the disks spaced not more than 12 inches apart. Where it is impossible to use such a machine the mulch should be anchored by hand with a square point spade.

b. In some cases, properly anchored mulch netting may be used to hold the mulch in place.

9. 2.6 Bibliography

1. Soil Conservation Service, US Department of Agriculture, Technical Release No. 51 Procedure for Computing Sheet and Rill Erosion on Project Areas, US Government Printing Office, Washington, D.C., September 1977.

2. Environmental Protection Agency, Storm Water Pollution Prevention for Construction Activities, April, 1992.

3. Pitt, Robert and Roger Bannermann, Management Alternatives for Urban Stormwater, EPA/et. al. Nonpoint Pollution Abatement Symposium, pp. TIIH 1 - TIIH 16, April 1985.

4. Soil Conservation Service, Erosion and Sediment Control Guidelines in Developing Areas in Texas, 1976.

5. Soil Conservation Service, Texas Engineering Handbook, Section 17, Erosion Control Practices.

9.3 POST CONSTRUCTION (PERMANENT) BEST MANAGEMENT PRACTICES

9. 3.1 Required Permanent BMPs. To preserve the existing natural resources in Temple and promote sustainable development, demonstration of compliance with the following permanent BMPs, where applicable, are required in the SWMP of all land disturbing activities.

9. 3.1.1 Site Layout.

Each SWMP is required to show the site layout as well as the placement of the selected BMPs.

9. 3.1.2 Creek Buffer Zone.

All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a creek buffer zone. When a property is located within a creek buffer zone, the developer, builder, or owner must comply with the techniques found within this manual.

9. 3.1.2a Establishment of Creek Buffer Zones

The city code establishes that all property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is deemed to be within a creek buffer zone (CBZ); and shall comply with the DCDM and SWBMPM. For definitions of most terms used in this design criteria refer to the city code.

The following are four methods of establishing creek buffer zones (CBZ):

1. Method A - Property outside of FEMA Mapped Floodplain
2. Method B - Property located inside FEMA Zone AE
3. Method C - Property located inside FEMA Zone AE and Floodway
4. Method D - Property located inside FEMA Zone A

Method A – Property outside of FEMA Mapped Floodplain.

a. Includes all property located outside FEMA mapped flood plain.
b. Requirements:
    i. None,
    ii. Unless property is adjacent to or encompasses a crest of slope steeper than the ratio shown in Figure 1.

Method B – Property located inside FEMA Zone AE.

a. Includes all property located inside of FEMA Zone AE.

b. Requirements:
   i. Chapter 13 Flood Damage Prevention Ordinance applies,
   ii. Flood plain development permit required,
   iii. If encroachment into floodway is proposed see Zone C, and
   iv. If adjacent to or encompasses a crest of slope steeper than the ratio shown in Figure 1.

Method C – Property located inside FEMA Zone AE and Floodway.

a. Includes all property located inside of FEMA Zone AE and Floodway.
b. Requirements:
   i. Chapter 13 Flood Damage Prevention Ordinance applies,
   ii. Flood plain development permit required,
   iii. Engineering study required,
   iv. No rise certificate,
   v. Letter of map change required, and
   vi. If adjacent to or encompasses a crest of slope steeper than the ratio shown in Figure 1.

Method D – Property located inside FEMA Zone A.

a. Includes all property located inside of FEMA Zone A.
b. Requirements:
   i. Chapter 13 Flood Damage Prevention Ordinance applies,
   ii. Flood plain development permit required,
   iii. Engineering study required, and
   iv. If adjacent to or encompasses a crest of slope steeper than the ratio shown in Figure 1.

9. 3.1.2b Creek Buffer Zone Restrictions

a. Occupied Structures. No occupied structure shall be allowed in CBZ; unless engineered by a professional engineer and approved by the City, or existing at the time of passage of the ordinance.
b. Private amenity structures or private amenities. Property owners with private amenity structures or private amenities assume responsibility for all risks associated with erosion, including but not limited to full replacement cost if loss or damage occurs due to active erosion. City assumes no responsibility for loss or damage to private amenities or private amenity structures that may occur from creek erosion.

9. 3.1.2c Design Standards for Creek Buffer Zones

Creek Buffer Zones must be designed and designated by the requirements and standards found in the city code and this manual.

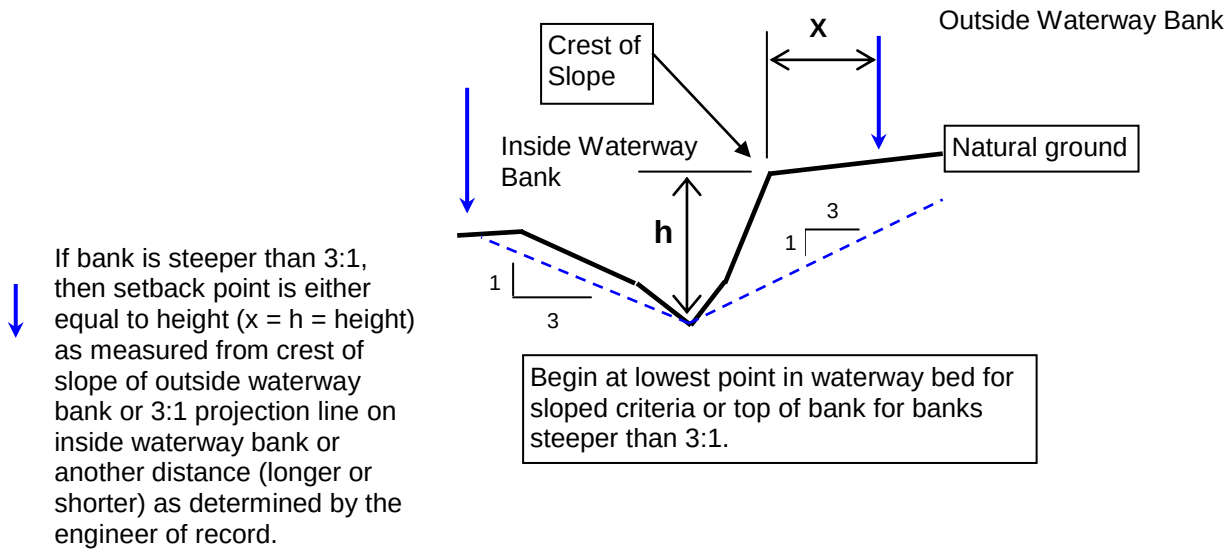
9. 3.1.2d Creek Buffer Zone Designation Requirements

a. Preliminary plats, final plats, plans, construction and building permit applications must clearly show the limits of creek buffer zones based on criteria in this chapter.
b. The limits must be indicated by dashed lines and labeled "Creek Buffer Zone."
c. Creek Buffer Zone designation may be combined with other lines in cases where erosion hazard zone lines coincide with flood plain limits or other public utility easements, such as drainage easements.
d. Properties next to natural or constructed channels with a minimum of the ratio found in Figure1 or flatter side slopes are not required to comply with these erosion hazard zone criteria unless, in the opinion of a licensed professional engineer, erosion hazard zone delineation is warranted. Creek Buffer Zones may not apply to waterways that have been engineered to convey a 1% chance storm (100-year frequency storm) and to withstand erosive forces or that have been adequately stabilized by manmade construction materials such as concrete rip-rap and concrete retaining walls. Wood timbers ties shall not be considered to adequately stabilize waterways due to their relatively short life span of service.

9. 3.1.2e Licensed Professional Engineer's Responsibilities

a. It is the licensed professional engineer's responsibility to adhere to these criteria when preparing preliminary plats, plans or building permit applications.
b. The licensed professional engineer shall recognize these criteria as the minimum standards such that unique or site specific geological, topographical, or other factors may require detailed study during design. Adjustments from these minimum standards are allowed based on the findings from engineering analysis and engineering judgment.
c. It is the licensed professional engineer's responsibility for determining and providing creek buffer zones delineation on preliminary plats, final plats, plans, construction and building permit applications based on engineering judgment and best practices.

Figure 1. Creek Buffer Zone Design Standard



9.3.2 Required Permanent BMP Credit Point Requirements. In addition to the required BMPs, the following number of BMPs shall be provided based on the size of the project:

Table 9-9: Additional BMP Requirements

Non-Residential	
	Number of additional BMP Credits required
1 acre ≤ Disturbed Area < 5 acres	1
5 acres ≤ Disturbed Area < 10 acres	2
10 acres ≤ Disturbed Area < 20 acres	3
≥ 20 acres	4

Residential	
	Number of additional BMP Credits required
1 acre ≤ Disturbed Area < 5 acres	1
5 acres ≤ Disturbed Area < 20 acres	2
≥ 20 acres	3

Table 9-10 lists additional BMPs, basic requirements and the associated credits received for application of each BMP.

Table 9-10 - Best Management Practices Design Criteria

BMP	Requirements	BMP Credits	Relative Cost
Site Layout	**Required with each Storm Water Management Plan per ordinance.**	**Required**	
Creek Buffer Zone	**Required with each development adjacent to natural creek, waterway, channel per ordinance.**	**Required - where applicable**	
Additional BMPs	**Required to meet based on land disturbance area per ordiance.**		
1. Vegetated Swales	100' Min. Length; trapezoidal section 0.5% Min. Channel Slope, 2.5% Max. Channel Slope; maximum 2 fps for 2-yr storm Max. 3:1 Side Slopes 80% Min. Vegetative Cover	1	$
2. Vegetated Filter Strips	20' Min. Width, 72' Roadway Max. Width 20% Max. Slopes 1 ft/sec max. flow velocity for 1-year storm 80% Min. Vegetative Cover Min. 6" grass height	1	$
3. Permeable & Semi-Pervious Pavement	Max. drainage area 50 acres Vegetative buffers or sediment traps around edges to prevent clogging of pavement pores Locate away from heavy traffic areas	1	$$$
4. Roof Drain Discharge to Pervious Surface	Discharge to Vegetated Swale, Vegetated Filter Strip or retention facility	1	$$
5. Extended Detention Basins	Oversize volume by 20% to account for sed. or first 1/2" of runoff, whichever less Ratio of flowpath length to width min. 2:1 (L:W) Optimal depth 2 to 5 feet No more than 50% drawdown within first 24 hours Complete drawdown within 48 hours Treats up to 25-year storm event with ability to pass 100-year storm event	3	$$$$
6. Retention Ponds	Pond volume sufficient to capture & hold the design runoff Max. 3:1 Side Slopes Bypass structure capable of passing 100-year storm Empty Pond within 72 hours (infiltration, irrigation, or evapo-transpiration Rock riprap at inlet to pond 15' public access easement around pond Min. 1 access point into pond with max. 5:1 slope Remove sediment from pond once accumulation reaches 6-inches	3	$$$$
7. Detention Pond Outlet for Erosion Protection and Storm Water Quality Benefits	post-dev flows < pre-dev flows for the 1, 2, 5, 10 & 100 Yr Storm Events Complete drawdown within 72 hours	1	$$

Table 9-10 - Best Management Practices Design Criteria

BMP	Requirements	BMP Credits	Relative Cost
Site Layout	**Required with each Storm Water Management Plan per ordinance.**	**Required**	
Creek Buffer Zone	**Required with each development adjacent to natural creek, waterway, channel per ordinance.**	**Required - where applicable**	
8. Subsurface Treatment Devices	HS-20 Structural Design Treat 75-90% Annual rainfall runoff Remove 50-80% TSS Remove 90% floatable free oil Perform maintenance when stored volume reaches 15% of total capacity	2	$$
9. Landscaping	Document plant species to be used and maintenance schedule Details of maintenance schedule including amount, types and frequency of chemical use Must demonstrate impervious cover runoff interception and water quality treatment benefit	1	$$
10. Cluster Design	Reserve 12.5%-25.49% of available land on parcel as conservation area Reserve 25.5%-32.49% of available land on parcel as conservation area Reserve >32.5% of available land on parcel as conservation area	1 2 3	$$$
11. Preservation of Existing Tree Canopy	Min. Tree Height 6', Min. Caliper 2" (new trees), 4" (existing trees) Existing or new tree canopy shall be no greater than 25' from impervious ground surfaces to receive credit 25%-49.9% of existing canopy covering 50% or more of site 50%-65% of existing canopy covering 50% or more of site >66% of existing canopy covering 50% or more of site	1 1 2 3	$$
12. Other BMPs	Consider: bioretention, low impact development techniques, floatable exclusion systems, etc	TBD	Varies

9.3.3 Additional BMPs. The following items are acceptable permanent BMPs to be utilized when meeting the requirements of Table 1 and Table 2 based on the size of the land disturbing activity and complying with DCDM and this manual.

1. Vegetated swales.
2. Vegetated filter strips.
3. Permeable and semi-pervious pavement.
4. Discharge of roof drains to pervious surface.
5. Extended detention basins for storm water quality benefits.
6. Retention ponds.
7. Detention pond outlet for erosion protection and storm water quality benefits.
8. Subsurface treatment devices.
9. Landscaping.
10. Cluster design.
11. Preservation of existing tree canopy.
12. Other BMPs. Other BMPs and innovative designs will be considered when submitted to the City Engineer with supporting calculations and references.

9.3.3.1 Vegetated Swales.

Definition

Vegetated swales are sloped, vegetated channels or ditches that provide both conveyance and water quality treatment of storm water runoff.

Design Criteria

Vegetated swales shall be designed to have a hydraulic residence time of at least five (5) minutes for the storm flow to be treated. Below are additional design parameters which must be followed for the development of vegetated swales.

1. Minimum bottom width = 6-feet
2. Maximum bottom width = 10-feet
3. Minimum channel slope = 0.5%
4. Maximum channel slope = 2.5%
5. Maximum side slope = 3H:1V
6. Minimum vegetative cover = 80%
7. Minimum swale length = Channel velocity (ft/s) x 300 (s)

The channel velocity is calculated by dividing the peak flow rate from a storm producing a constant rainfall rate of 1.1-inch/hour by the cross-sectional area of the swale. The depth of flow in the swale shall not exceed 4-inches in a 1.1-inch/hour storm. Trapezoidal shapes are generally used for channel cross-sections, although the geometry of the channel is not critical

as long as a broad, relatively flat bottom is provided. Roadside ditches should be regarded as significant potential swale/buffer strip sites and should be utilized for this purpose whenever possible. If flow is to be introduced through curb cuts, pavement should be placed slightly above the elevation of the vegetated areas and curb cuts should be at least 12-inches wide to prevent clogging.

Maintenance

Maintenance requirements typically include activities such as irrigation, mowing, trimming, removal of invasive species, and replanting when necessary.

9.3.3.2 Vegetated Filter Strips.

Definition

Filter strips may be natural or engineered. The use of natural filter strips is limited to perimeter lots and other areas that will not drain by gravity to other BMPs on the site.

Design Criteria

Natural filter strips should extend along the entire length of the contributing area. The slope should not exceed 10%. The minimum dimension in the direction of flow for natural filter strips should be 50-feet. All of the filter strip should lie above the elevation of the 2-year, 3-hour storm of any adjacent drainage. There is no requirement for vegetation density or type.

Engineered filter strips incorporate many of the general criteria of swale design. Vegetated roadside shoulders provide one of the best opportunities for incorporating filter strips into roadway and highway design. The design goal is to produce uniform, shallow overland flow across the entire filter strip. Landscaping on residential lots is not considered to function as a vegetated filter strip because fertilizers and pesticides are commonly applied in these areas. Below is additional design criteria for engineered filter strips.

1. Maximum width in the direction of flow of the contributing impervious area = 72-feet
2. Minimum length of the filter strip in the direction of flow = 15-feet
3. Maximum slope = 20%
4. Minimum vegetative cover = 80%

The area contributing runoff to a filter strip should be relatively flat so that the runoff is distributed evenly to the vegetated area without the use of a level spreader. The area to be used for the strip should be free of gullies or rills that can concentrate overland flow. The top edge of the filter strip should be slightly lower than the pavement surface to ensure drainage

off the pavement to the filter strip. Filter strips should be established after other portions of the project are completed.

Maintenance

Maintenance requirements typically include activities such as irrigation, mowing, trimming, removal of invasive species, and replanting when necessary. The use of fertilizers and pesticides should be minimized.

9.3.3.3 Permeable and Semi-Pervious Pavement.

Definition

Permeable and Semi-Pervious Pavement can be either permeable concrete or porous asphalt. Permeable concrete consists of concrete that is made without the fine (sand) fraction. Porous asphalt, also known as pervious, permeable, "popcorn", or open graded asphalt, is standard hot-mix asphalt with reduced sand or fines and allows water to drain through it. Modular pavement blocks are an alternative to permeable concrete and porous asphalt.

Design Criteria

In permeable concrete, eliminating the sand portion of the mix design increases the permeability, but greatly reduces the strength. Additives may be applied to the mix design to increase strength to a level that is comparable to a standard concrete mix. The lack of sand also shortens the setup time for concrete which makes it difficult to get a consistent texture. Use of permeable concrete should be done only with highly detailed specifications and an experienced contractor to minimize potential problems.

Permeable pavement is not meant to treat runoff from other areas, so the placement of permeable pavement should be such that it does not receive any runoff other than what falls directly on the surface of the paved areas. Parking lots constructed with permeable pavement should utilize curbs which are configured in such a way as to store the required rainfall treatment depth (1.64-inches for a 1.1 inch/hour storm) on the surface of the parking lot in case the pavement becomes plugged. When permeable concrete is used for sidewalks or residential driveways, no edging is required. In no case should runoff from other portions of the tract, including roofs and landscaped areas, be allowed to run onto the permeable surface.

There are two possible configurations of permeable pavement: with and without an underdrain. Systems constructed with an underdrain should include a layer of sand to filter the stormwater prior to surface discharge. This type of system does not require an impermeable liner. Permeable pavement systems without an underdrain treat stormwater runoff via filtration with an appropriate soil layer located beneath the pavement.

Porous asphalt over an aggregate storage bed will reduce storm water runoff volume, rate and pollutants. When properly constructed, porous asphalt is a durable and cost competitive alternative to conventional asphalt.

Porous asphalt comprises the surface layer of the permeable pavement structure and consists of open-graded coarse aggregate, bonded together by bituminous asphalt. A typical reduced fines mix is shown in Table 9-11.

Table 9-11: Asphalt Mix (Adams, 2003)	
Sieve Size	% Passing
½ in.	100
$^{3}/_{8}$ in.	95
#4	35
#8	15
#16	10
#30	2
Percent bituminous asphalt 5.75-6.0% by weight	

Polymers can also be added to the mix to increase strength for heavy load applications. The thickness of porous asphalt ranges from 2 to 4 inches depending on the expected traffic loads. The porous asphalt should have a minimum of 16% air voids.

Modular pavement comes in pre-formed modular pavers of brick and concrete. When the brick or concrete is laid on a permeable base, water will be allowed to infiltrate. Typically, the permeable base consists of 4”-6” of crushed stone beneath 2” of sand. Grass can be planted between the pavers, allowing structural support in infrequently used parking areas. Apply in low-volume parking lots and roads, and in high activity recreational areas like basketball and tennis courts or playground lots.

The area that can be served by permeable or semi-pervious pavement is generally limited to 0.25 to 10.0 acres and generally serves only a small section of the watershed. This BMP can also accept rooftop and adjacent parking lot runoff.

Maintenance

Maintenance requirements for permeable concrete and porous asphalt include sweeping with a vacuum type street sweeper at least twice per year to remove surface accumulations of sediment and other material. Pressure washing may also prove to be effective if the resulting water is immediately vacuumed from the surface. For modular pavements, routine mowing and irrigation of the grass is required. Any accumulated silt/debris should be removed as necessary.

9.3.3.4 Discharge of Roof Drains to Pervious Surface.

Definition

Roof drains which are set up to discharge to a pervious surface can both reduce the overall amount of runoff as well as increase the time of concentration of runoff that does remain on the surface.

Design Criteria

Gravel, crushed stone, modular paving blocks or pervious paving blocks can be used in addition to vegetated or landscaped areas as surfaces in which to direct flow from roof drains. Gravel or crushed stone should be placed to a thickness of 4”-6”. The area of pervious surface should be at least equal to the drainage area of the roof drain (i.e. the area of the roof top which is served by the roof drain). The slope of the pervious surface shall not exceed 5% in any direction.

Maintenance

The pervious surface should be inspected regularly after rain events for accumulation of sediment/debris. Any accumulations should be promptly removed. If modular pavements are used for the pervious surface, maintenance of the grass shall include regular irrigation and mowing as needed.

9.3.3.5 Extended Detention Basins for Storm Water Quality Benefits.

Definition

Extended detention facilities are ponds that capture and temporarily detain the water quality volume as well as reduce maximum runoff rates. They are intended to serve primarily as settling basins for the solids fraction and as a means of limiting downstream erosion by controlling peak flow rates during erosive events.

Design Criteria

Extended detention facilities may be constructed either online or offline. They are generally best suited to drainage areas greater than 5 acres, since the outlet orifice becomes prone to clogging for small water quality volumes. In addition, extended detention basins tend to accumulate debris deposits rapidly, making regular maintenance necessary to minimize aesthetic and performance problems. They can be combined with flood and erosion control detention facilities by providing additional storage above the water quality volume.

The facility should be sized to remove 80% of the increase in total suspended solids loading resulting from development plus a 20% increase to accommodate reductions in the available storage volume due to deposition of solids in the time between full-scale maintenance

activities. A fixed vertical sediment depth marker should be installed in the basin to indicate when sediment accumulation equals 20% of the water quality volume and sediment removal is required.

The basin should be configured such that the flowpath is maximized between the entrance points and the outlets. The ratio of flowpath length to width from the inlet to the outlet should be at least 2:1 (L:W). The flowpath length is defined as the distance from the inlet to the outlet as measured at the surface. The width is defined as the mean width of the basin. Basin depths optimally range from 2 to 5 feet. The basin should include a sediment forebay to provide the opportunity for larger particles to settle out. The forebay volume should be about 10% of the water quality volume and be provided with a fixed vertical sediment depth marker to measure sediment accumulation.

Both conventional and enhanced extended detention should be designed with a dual stage configuration. Stage 1 is intended to serve primarily as a sediment forebay for larger particulates. Stage 2 is generally planted with vegetation adaptable to periodic inundation and may contain a permanent micropool for enhanced extended detention. The design depth of Stage 1 should range from 2 to 5 feet. A stabilized low flow channel is required to convey low flows through Stage 1 to Stage 2. Rock riprap should be utilized to reduce velocities and spread the flow into the Stage 2 pond. The channel should maintain a longitudinal slope of 2-5%. The lateral slope across Stage 1 toward the low flow channel should be 1.0-1.5%. The bottom of Stage 2 should be 1.5 to 3.0-feet lower than the bottom of Stage 1. The extended detention basin is optimally designed to have a gradual expansion from the inlet toward the middle of the facility and a gradual contraction toward the basin outfall.

The side slopes of the pond should be 3:1 (H:V) or flatter for grass slopes. Energy dissipation is required at the basin inlet to reduce resuspension of accumulated sediment. For the outflow structure, a reverse slope outflow pipe design is preferred if a second stage micropool is provided in the facility. Otherwise, the facility's drawdown time should be regulated by a gate valve or orifice plate located downstream of the primary outflow opening. The outflow structure should have a trash rack or other acceptable means of preventing clogging at the entrance to the outflow pipes.

The outflow structure should be sized to allow for complete drawdown of the water quality volume in 48 hours. No more than 50% of the water quality volume should drain from the facility within the first 24 hours. A valve or orifice can be used to regulate the rate of discharge from the basin.

The facility should have a separate drain pipe with a manual valve that can completely or partially drain the pond for maintenance purposes. To allow for possible sediment accumulation, the submerged end of the pipe should be protected, and the drain pipe should be sized one pipe schedule higher than the calculated diameter needed to drain the pond

within 24 hours. The valves should be located at a point where they can be operated in a safe and convenient manner. For online facilities, the principal and emergency spillways must be sized to provide 1.0 foot of freeboard and pass the flow from the 100-year storm.

The facility should be planted and maintained to provide for a full and robust vegetative cover. The following wet tolerant species are recommended for planting within the bottom stage (LCRA, 1998):

- Bushy Bluestem
- Sedges
- Cyperus
- Switch Grass
- Spike Rush
- Green Sprangletop
- Indian Grass
- Bullrush
- Scouring Rush
- Eastern Gamma
- Dropseed Iris

A plan should be provided indicating how aquatic and terrestrial areas will be stabilized. A minimum 25-foot vegetative buffer area should extend away from the top slope of the pond in all directions. Vegetation on the pond embankments should be mowed as appropriate to prevent the establishment of woody vegetation.

When the pond is designed as an offline facility, a splitter structure is used to isolate the water quality volume. The splitter box, or other flow diverting approach, should be designed to convey the 25-year storm event while providing at least 1.0 foot of freeboard along pond side slopes.

For online facilities, special consideration should be given to the facility's outfall location. Flared pipe end sections that discharge at or near the stream invert are preferred. The channel immediately below the pond outfall should be modified to conform to natural dimensions, and lined with large stone riprap placed over filter cloth. A stilling basin may be required to reduce flow velocities from the primary spillway to non-erosive velocities.

Maintenance

Maintenance requirements for extended detention basins should include mowing at least twice annually. Vegetation should be mowed so as to limit maximum height to 18-inches. During mowing operations, debris and litter should be removed from the site. After significant rain events, the facility should be inspected and any areas of erosion should be

repaired and revegetated. Similarly, any accumulations of sediment should be removed after significant rain events.

9.3.3.6 Retention Ponds.

Definition

Retention ponds are basins which capture and dispose of storm water runoff without directly releasing the captured flow into receiving streams.

Design Criteria

Capture of storm water in retention ponds can consist of virtually any kind of runoff facility ranging from a fully dry, concrete-lined to vegetated with a permanent pool. This flexibility allows for excellent aesthetic appeal. Retention ponds should have a pump and wet well system that is automated with a rainfall or soil moisture sensor to allow for irrigation only during periods when required infiltration rates can be realized.

Storage volume can be flexible as long as an appropriate pump and wet well system can be accommodated. The water quality volume should be increased by 20% to accommodate reductions in the available storage volume due to deposition of solids in the time between full-scale maintenance activities.

A reliable pump, wet well, and rainfall or soil moisture sensor system should be used to distribute the water quality volume. A pump capable of delivering 100% of the design capacity should be provided. Valves shall be located outside the wet well on the discharge side of each pump to isolate the pumps for maintenance and for throttling, if necessary. Pumps should be selected to operate within 20% of their best operating efficiency. A high/low-pressure pump shut off system should be installed in the pump discharge piping.

The pond should have an intake riser with a screen for stormwater to pass through prior to entering the wet well. This is to prevent clogging of distribution pipes and sprinklers by large debris.

The pond should be designed as an offline facility and a splitter box should also be included in the design of the pond to isolate the water quality volume. The splitter box should be designed to convey the 25-year storm event while providing at least 1.0 foot of freeboard along basin side slopes.

Detention time in the retention pond should allow for complete drawdown of the water quality volume within 72 hours. Irrigation should not begin within 12-hours of the end of rainfall so that direct storm runoff has ceased and soils are not saturated. Consequently, the length of the active irrigation period is 60 hours. The irrigation should include a cycling factor of ½, so that each portion of the area will be irrigated for only 30 hours during the total

of 60 hours allowed for disposal of the water quality volume. Continuous application on any area should not exceed 2-hours. Division of the irrigation area into two or more sections such that irrigation occurs alternately in each section is an acceptable way to meet this requirement. Irrigation should not occur during subsequent rainfall events.

The irrigation site must be pervious and on slopes of less that 10%. A geological assessment is required for proposed irrigation areas to assure that there is a minimum of 12-inches of soil cover and no geologic/sensitive features that could allow the water to directly enter the aquifer. Rocky soils are acceptable for irrigation; however, the coarse material (diameter greater than 0.5-inches) should not account for more than 30% of the soil volume. Optimum sites for irrigation include recreational and greenbelt areas as well as landscaping in commercial developments. The irrigation area should also have at least a 100-foot buffer from wells, septic systems, natural wetlands, and streams.

The irrigation rate must be low enough so that the irrigation does not produce any surface runoff (i.e. the irrigation rate shall not exceed the permeability of the soil). The minimum required irrigation area should be calculated using the following formula:

$$A = (12xV) / (Txr)$$

Where:

A = area required for irrigation (ft^2)

V = water quality volume (ft^3)

T = period of active irrigation (30 hr)

r = permeability (in/hr)

The permeability of the soils in the area should be determined using a double ring infiltrometer (ASTM D 3385-94) or from county soil surveys prepared by the Natural Resource Conservation Commission (NRCS). If a range of permeabilities is reported, the average value should be used for the calculation. If no permeability data is available, a value of 0.1 in/hr shall be used.

Vegetation in irrigated areas should consist of native vegetation or re-established native vegetation species. These areas should not receive any fertilizers, pesticides, or herbicides. Vegetation on pond embankments should be mowed as appropriate to prevent the establishment of woody vegetation.

Maintenance

Maintenance requirements for retention ponds should include mowing at least twice annually. Vegetation should be mowed so as to limit maximum height to 18-inches. During mowing operations, debris and litter should be removed from the site. After significant rain events, the facility should be inspected and any areas of erosion should be repaired and revegetated. Similarly, any accumulations of sediment should be removed after significant rain events.

9.3.3.7 Detention Pond Outlet for Erosion Protection and Storm Water Quality Benefits.

Definition

Detention pond outlets for erosion protection and storm water quality benefits include features which aid in settling sediments and reducing the energy of storm water as it exits the detention pond.

Design Criteria

Riser pipe outlets, rock riprap and micropools are several examples of ways a detention pond can be improved to also provide storm water quality benefits.

Riser pipe outlets provide an opportunity for sediments to settle out prior to draining storm water out of the pond. Riser pipes can be sized to release pre-development flow for a given storm event or they can be sized to be used in conjunction with other elements for metering out flow such as culverts and weirs.

Rock riprap placed on the downstream side of the outlet structure has the dual effect of dissipating the energy of the storm water as it leaves the outlet structure and also providing a place for sediments to settle out. Rock riprap should be sized according to the flow and velocity out of the pond for the design storm.

A micropool is a relatively shallow and undrained area at the outlet which has the purpose of concentrating finer sediment and reducing re-suspension. The micropool is normally planted with hardy wetland species such as cattails. It can be facilitated by the use of a reversed slope outlet pipe.

Maintenance

Outlet components should be inspected after significant storm events. Any accumulations of sediment or debris should be removed. Frequency of sediment and debris removal will depend on the amount of sediment accumulation that is incorporated into the pond's design as well as the nature of storm events experienced by the detention pond. Riser pipes should be checked after every significant storm to remove any debris which may cause clogging of the risers.

9.3.3.8 Subsurface Treatment Devices.

Definition

Subsurface treatment devices capture storm water and treat it in an underground facility before releasing it into a storm sewer, drainage channel or natural conveyance. Two types of subsurface treatment devices include catch basins and oil/grit separators. Typically these devices are designed as inlet devices for storm sewers. Catch basins primarily trap coarse sediments and large debris while oil and grit separators have several different designs and different removal capabilities.

Design Criteria

Catch basins are chambers or sumps installed in a storm sewer, usually at the curb, which allow surface runoff to enter the sewer. The catch basin typically has a low area below the flowline of the outlet pipe where sediment is retained. The volume of the catch basin typically ranges from 0.5 to 1.5 cubic yards. The rate at which catch basins fill, and thus require maintenance, varies depending on surrounding land uses. Cleaning should be done on at least a semi-annual basis and more frequently for areas which generate more sediment in runoff, such as areas under construction. Catch basins should not be used as stand-alone treatment devices, but instead should be incorporated into a system which includes additional forms of treatment, including non-structural controls.

Oil and grit separators are inlet devices which separate oil and sediments from storm water. These devices have chambers designed to remove sediment and hydrocarbons from urban runoff. They are normally used in areas with heavy traffic or high potential for petroleum spills such as parking lots, gas stations, roads, and loading areas. There are three general types of separators. The simple spill control (SC) separator typically used with storm water detention facilities, is effective at retaining only small spills. Diluted oil droplets are not captured in this system. More sophisticated designs for high load situations include the American Petroleum Institute (API) and Coalescing Plate Interceptor (CPI) designs. The API design uses a basin with baffles to improve hydraulic conditions for settling solids and floating oil. The CPI design improves coalescing and settling by directing the runoff through closely positioned parallel plates set at an angle. Removal efficiencies of each design are similar, but the CPI separator uses 50% to 80% less space.

Oil and grit separators are restricted to small, highly impervious drainage areas of two acres or less, and must connect to a storm sewer. They should be considered as a primary BMP only when properly sized and combined with a program of frequent inspection and maintenance.

In order to provide at least moderate sediment, oil and grease pollutant removal, oil and grit separators should be of the API-type or CPI-type sized to capture 90-micron particles, or an

equivalent. The separator should be an off-line design, capturing only the first flush of runoff and should not interfere with normal storm sewer function.

Maintenance

Each structure should be checked weekly and maintenance should be performed as necessary. Each structure should be cleaned out at least twice per year to maintain pollutant removal capabilities. Sediment should be cleaned out with a vacuum truck. Waste oil and residuals should be disposed in a manner consistent with TCEQ requirements.

9.3.3.9 Landscaping.

Definition

Landscaping as a permanent best management practice keeps landscapes visually attractive while conserving water resources, reducing pollution and protecting the environment.

Design Criteria

On slopes of more than 10%, biodegradable erosion control blankets shall be used for temporary slope protection. The erosion control blankets shall be coarse in nature so as to allow varying leaf sizes to penetrate through the blankets.

By using the proper plant selection, irrigation, fertilization, and maintenance techniques, urban landscapes can better coexist with the natural environment. The following is a list of landscaping techniques that should be followed for utilization as a best management practice.

1. Select plants that match the existing light conditions; they will grow better and require less water.
2. Match surface and soil drainage conditions to plant moisture requirements.
3. Select plants that grow well in the temperature ranges of the area.
4. Select plants that are regionally adapted to the average rainfall of the area.
5. Preserve established vegetation growing on a site where possible; it has an extensive root system and requires less irrigation water than newly planted trees and shrubs.
6. Space plants according to their mature size to reduce competition for water.
7. Concentrate seasonal color in small, high impact areas to reduce overall water requirements.
8. Avoid constructing raised beds under trees due to root competition for available water.
9. Develop a landscape plan BEFORE designing an irrigation system.
10. Incorporate shade trees into the landscape to reduce evaporative water loss.
11. Select and group plants according to their water needs and drought tolerance.
12. Divide the landscape into water-use zones.

13. Avoid small, irregular-shaped island plantings in turf grass areas because they are difficult to irrigate.
14. Consider irrigation sprinklers when designing turf grass areas and planting beds.
15. Move or eliminate plants not suited to the existing site conditions and irrigation.

Plant selection should be based on adaptability to the local region's soil and climate. Most native plants have lower water demands, fewer pest problems and less fertilizer needs than many non-adapted, exotic plants brought into the local landscape.

The use of turf in a landscape should be minimized because most turf requires substantially more water than planted beds. Strips of grass, such as those commonly used in parking islands between sidewalks and the roadway, should be eliminated to the greatest extent possible. These strips are difficult to maintain and water efficiently. Bushes, mulch, or permeable hardscape are preferable alternatives to grass in these strips.

Maintenance

Maintenance can be significantly reduced in a properly planned landscape, however, some maintenance is required with all landscapes. Prune shrubs and trees during winter months to promote blossoms and to remove dead or damaged branches, which could promote disease. Remove dead flowers prior to seed pod development. This promotes more flowers and reduces the potential for self-sown seedlings to over-run the landscape. Aeration of mulched beds and turf areas should be performed semi-annually to ensure that roots are healthy and that anaerobic areas do not develop in mulched beds. Mow turf areas frequently enough such that less than 1/3 of the blade area is removed in a single mowing. Mowing should also be done at the recommended height for each species. Turf should not be mowed when wet. Pest management includes selecting pest-resistant plants and spraying insects with organic pesticides, such as orange oil or BT bacteria. Only as a last resort should chemical pesticides or herbicides be used.

The primary benefit of BMP landscaping is savings in water usage. In order to sustain water savings, regular maintenance and evaluation of irrigation systems is required. Maintenance programs must include pre-irrigation season checks for leaks and irrigation uniformity. Timers should be adjusted monthly or run manually.

9.3.3.10 Cluster Design.

Definition

Cluster design is a form of low impact development which sets aside key natural features and concentrates development in tighter patterns on the remaining land. The principal goal of cluster design is to ensure maximum protection of the ecological integrity of the receiving water by maintaining the existing hydrologic regime. Cluster design also provides

consolidated spaces to support wetland plants and wildlife. As a result, it provides natural amenities in terms of plant and animal diversity in close proximity to human habitation.

Cluster design techniques alone do not offer flood protection. Additional flood design criteria should be reviewed to ensure flood protection is provided. Some specific planning considerations include:

1. Minimizing environmental impacts and hydrologic changes.
2. Preserve adequate open space within the development site for bio-retention, and treatment of runoff from rooftops and other impervious surfaces.

Design Criteria

To reduce development impacts and preserve the predevelopment hydrologic conditions, the following could be used as general design guidelines.

1. Minimize land clearing that requires removal of the native vegetation.
2. Minimize or avoid mass grading and utilize selective clearing.
3. Reduce impervious surface area and minimize connected impervious surfaces.
4. Increase opportunity for on-site retention, detention, and treatment.
5. Maintain predevelopment hydrologic pattern.
6. Utilize native vegetation.
7. Utilize undisturbed existing vegetation buffer strips and areas.
8. Whenever site condition permits, utilize extensive use of swales, grass filter strips, and randomly place biofilters. Direct roof and landscape open area runoff to vegetated biofilter strips and swales.
9. Preserve soils and areas with high infiltration rate.
10. Grade the site to maximize the overland sheet flow distance.
11. Grade the site to maximize the overland sheet flow distance.
12. Increase flow-paths or travel distances for surface runoff.
13. Maintain existing time of concentration and minimize impact of the runoff coefficient number.
14. Utilize cisterns, rain barrels, bioretention areas, and created seasonal or permanent wetlands.
15. Provide adequate buffers between development and natural resources, critical areas and drainage ways.
16. Handle road runoff separate from roof top and landscape area runoff.
17. Integrate low-rise and high-rise buildings, town houses, in single-family residential to reduce land consumption.
18. Utilize high points and natural topography to guide plan layout.
19. Preserve undisturbed vegetated buffer around perimeter of development.

Maintenance

Maintenance requirements associated with cluster design are generally limited to the preservation of existing natural areas since cluster design is focused around the layout of a development rather than a specific type of BMP facility. Any additional BMPs which are utilized within a cluster design shall be maintained as prescribed for that specific BMP.

9.3.3.11 Preservation of Existing Tree Canopy.

Definition

Preservation of the existing tree canopy consists of individual trees or groupings of trees which are to be permanently protected. These areas may be protected in either a natural state or by selective removal of underbrush and/or trees at the time of development plan approval.

Design Criteria

Tree Canopy Protection Areas (TCPAs) shall be clearly designated on approved development plans by location. The following are some basic requirements of a TCPA:

1. Minimum distance from edge of TCPA to nearest structure = 15-feet
2. Minimum distance from edge of TCPA to nearest street or parking lot = 10-feet
3. For selective tree removal, maximum tree caliper that may be removed = 2-inches

Maintenance

As trees are lost through natural causes, new trees shall be planted in order to maintain the minimum tree canopy as specified on the approved development plan. No clearing, grading or other land disturbing activity shall take place in a TCPA beyond pruning to improve the general health of a tree or to remove dead or declining trees may pose a public health or safety threat.

TCPAs shall be protected either by dedicated easement or other mechanism shown on the approved development plan. Subdivision deeds of restriction are used as one tool to inform future property owners of clearing restrictions.

One exception to the requirements listed above: Individual trees that are designated as TCPAs on individually owned lots within single-family residential subdivision developments may be removed as long as each removed tree is replaced with another tree of a similar type elsewhere on that lot.

9. 3.4 Bibliography

1. Adams, M., Porous Asphalt Pavement with Recharge Beds: 20 Years & Still Working. *Stormwater*. May/June 2003.

2. Houston, City of, Harris County, Harris County Flood Control District, *Stormwater Quality Management Guidance Manual*. 2001 Edition.

3. Barrett, M., Texas Commission on Environmental Quality, *Edwards Aquifer Technical Guidance Manual*. June 2005.

TEMPLE AREA BUILDERS ASSOCIATION

April 24, 2012

Temple City Council
2 N. Main St
Temple, TX 76501

RE: Changes to the City of Temple Drainage Criteria Manual

Honorable Mayor and City Council members,

On behalf of our 250+ members and their workforce of 8,000+ people strong, thank you for the opportunity to provide written comments regarding changes to the City of Temple Drainage Criteria Manual

We support the changes being proposed to the Drainage Criteria Manual, specifically with respect to replacing and re-titling the existing Chapter 9 from "Sediment and Erosion Control" to instead being "Storm Water Best Management Practices". It is our understanding that the new titling will incorporate permanent best management practices into the existing manual, and we fully support these changes.

Should you have any questions, please do not hesitate to contact me directly. We thank you for your consideration of our request.

Sincerely,

Blair Anderson
Government Affairs Director
TABA

Cc: David Blackburn, Temple City Manager; Kim Foutz, Deputy City Manager, Nicole Torralva, Temple Public Works, Michael Newman Temple Public Works

12 N. 5th Street ◆ P.O. Box 2002 ◆ Temple, Texas 76503 ◆ Phone 254-773-0445 ◆ Fax 254-774-7273

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEMPLE BY REPLACING SECTION 9 "SEDIMENT AND EROSION CONTROL," WITH A REVISED SECTION TITLED "STORM WATER BEST MANAGEMENT PRACTICES;" PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the EPA has implemented a body of regulations ("Phase II Storm Water Rules") involving storm water that applies to cities under 100,000;

Whereas, in the State of Texas, TCEQ has implemented the Phase II regulation by requiring cities with a population of less than 100,000 to adopt several new ordinances as a part of the best management practices (BMP) mandated in the City of Temple's Storm Water Management Program;

Whereas, these ordinances include erosion and sedimentation during construction, post construction and, illicit discharge into streams and illegal dumping;

Whereas, the addition of design criteria and schematic drawings to the drainage design manual is necessary to provide developers and engineers with the proper design consideration and construction techniques of all best management practices required in Chapter 27y "Storm Water Management;" and

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

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

Part 1: The Code of Ordinances of the City of Temple, Texas, is amended by replacing Section 9 "Sediment and Erosion Control" of the city's Drainage Criteria and Design Manual with a revised section titled "Storm Water Best Management Practices" attached hereto as Exhibit A.

Part 2: *Criminal penalty.* Any person or persons, firm or corporation which violates any of the provisions of this chapter may be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than fifty ($50.00) dollars nor more than two thousand ($2000.00) dollars for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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 **5th** day of **July**, 2012.

PASSED AND APPROVED on Second Reading on the **19th** day of **July**, 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

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Planning Director

ITEM DESCRIPTION: P-FY-12-24: Consider adopting a resolution authorizing the Final Plat of Sommer Estates, a 10.00 acres ±, 2 –lot, 1-block residential subdivision, with developer's requested exceptions to Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants and Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication, located at the northwest corner of Luther Curtis Road and Franklin Road, in Temple's northern Extraterritorial Jurisdiction.

P&Z COMMISSION RECOMMENDATION: At its June 18, 2012, meeting, the Planning and Zoning Commission voted 9/0 to recommend approval of the Final Plat of Sommer Estates, with developer's requested exceptions to Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants and Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

Staff recommends approval of the Final Plat of Sommer Estates, subject to City Council's approval of the applicant's requested exceptions to the following sections of the UDC:

- Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants; and
- Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication

ITEM SUMMARY: Please refer to the Staff Report and minutes of case P-FY-12-24, from the Planning and Zoning Commission meeting on June 18, 2012. The Development Review Committee reviewed the Final Plat of Sommer Estates on June 6, 2012. It was deemed administratively complete on June 11, 2012.

The Final Plat of Sommer Estates proposes two 5-acre residential lots. Because the property is located over 1 mile into Temple's northern Extraterritorial Jurisdiction, the applicant requests an exception to the Unified Development Code (Section 8.3.2) requiring payment of park fees or park land dedication.

The applicant also requests an exception to the Unified Development Code (Sections 8.1.3 and 8.2.7) requiring fire hydrants. Pendleton Water Supply Corporation supplies water to the property through a 6-inch water line and is unable to provide the water flow capacity to support fire hydrants. Troy Volunteer Fire Department/EMS is the designated emergency response provider for this area.

The two properties will be serviced by septic systems.

FISCAL IMPACT: Required park fees are $450 ($225 for each residential lot) for this plat.

ATTACHMENTS:
Plat
Letter of Requested Exceptions
Pendleton Water Supply Corporation Letter
Troy VFD Letter
P&Z Minutes (6/18/12)
Resolution

FINAL PLAT of
SOMMER ESTATES
A SUBDIVISION WITHIN THE E.T.J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

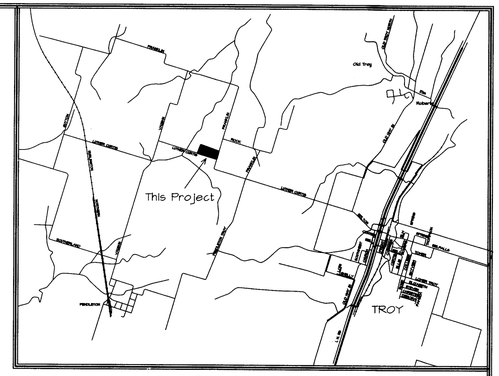
BEING PART OF THE WILLIAM GILMORE SURVEY, ABSTRACT NO. 340, IN BELL COUNTY, TEXAS, AND BEING A PLAT OF 10.00 ACRES OF LAND.

This plat is to accompany a metes and bounds description of the herein shown 10.00 acre tract.

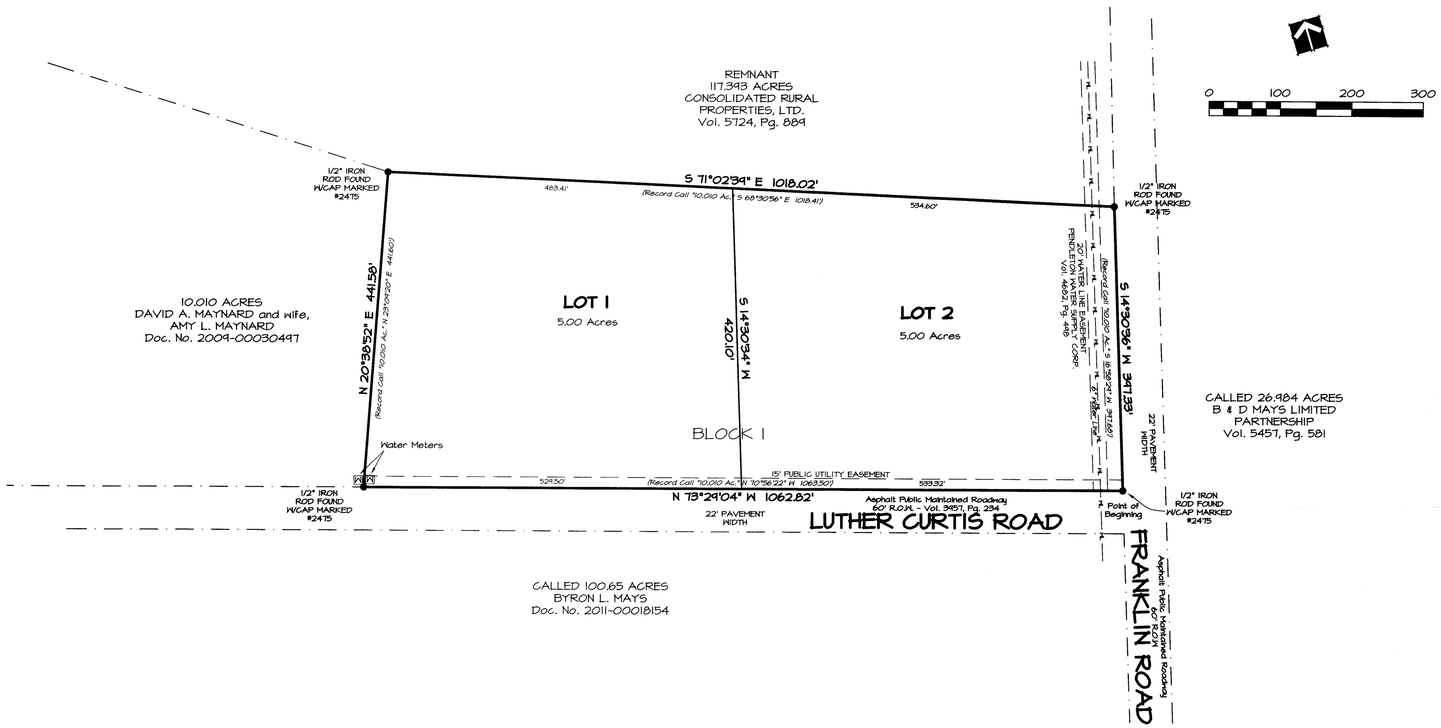
LOTS - TWO (2)
BLOCKS - ONE (1)
AREA - 10.00 ACRES

OWNER:
Andrew J. and Rhonda L. Sommer
8 Quincey Street
Troy, TX 76579

Survey monments found at the southwest and southeast corners of the called 10.010 acre tract were used for directional control.



VICINITY MAP
NOT TO SCALE



State of Texas

County of Bell

We, the undersigned, being the owners of the land shown on this plat and designated as **SOMMER ESTATES**, a subdivision within the E.T.J. of the City of Temple, Bell County, Texas, and whose names are subscribed hereto, hereby dedicate the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places shown hereon within the plat boundaries of this subdivision.

By: _____ By: _____
Andrew J. Sommer Rhonda L. Sommer

State of Texas

County of Bell

This instrument was acknowledged before me on the _____ day of _____, 2012, by Andrew J. Sommer.

_____
Notary Public, State of Texas
My Commission Expires:

State of Texas

County of Bell

This instrument was acknowledged before me on the _____ day of _____, 2012, by Rhonda L. Sommer.

_____
Notary Public, State of Texas
My Commission Expires:

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

DATED THIS _____ DAY OF _____, 2012.

_____ _____
CHAIRPERSON SECRETARY, PLANNING & ZONING

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **SOMMER ESTATES**, WITHIN THE E. T. J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE _____ DAY OF _____, 2012. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

WITNESS MY HAND THIS _____ DAY OF _____, 2012.

_____
CITY SECRETARY

BELL COUNTY
PUBLIC HEALTH DISTRICT CERTIFICATE

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

_____ _____
Sanitarian Date

I hereby certify that this plat was approved this the _____ day of _____, 2012, by the Bell County Commissioners Court and may be filed for record in the Plat Records of Bell County, Texas.

_____
County Judge

Witness my hand this the _____ day of _____, 2012.

_____
Notary Public, State of Texas

I, Charles C. Lucko, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed, under my personal supervision, in accordance with the Bell County Subdivision Regulations.

_____ _____
Charles C. Lucko Date of Survey: April 4, 2012
Registered Professional Land Surveyor
State of Texas No. 4636

OWNERS' RESPONSIBILITIES

" In approving this plat by the Commissioners' Court of Bell County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed is the responsibility of the owners of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioners' Court of Bell County, Texas. Said Commissioners' Court assumes no obligation to build any of the streets, roads, or other public thoroughfares shown on this plat or of constructing any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those draining or protecting the road system and streets. The County assumes no responsibility for the accuracy of representation by other parties in this plat. Flood plain data, in particular, may change depending on subsequent development."

Based upon what can be scaled from the graphics shown on F.E.M.A Flood Insurance Rate Map (FIRM), Map No. 48027C0175E, effective date September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 515. The theta angle at City Monument No. 515 is 01° 32' 03". The combined correction factor (CCF) is 0.999851. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 515 to the southeast corner of this 10.00 acre tract is N 24° 24' 34" E 16,314.71 feet. Published City coordinates for project reference point 515 are N.= 10,404,692.17 E.= 3,227,874.15.

RECORDATION INFORMATION:

PLAT RECORDED IN CABINET ____, SLIDE _____,
PLAT RECORDS OF BELL COUNTY, TEXAS

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

FILED THIS THE _____ DAY OF _____, 2012.

AFFIDAVIT:

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

Dated this the _____ day of _____, 2012 A. D.

By: _____
Bell County Tax Appraisal District

Plot Date: 04-18-2012

REVISIONS:

Final Plat of
SOMMER ESTATES
A SUBDIVISION WITHIN THE E.T.J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

ALL COUNTY SURVEYING, INC.
1303 South 21st Street, Temple, Texas 76504
(254) 778-2272 FAX (254) 774-1606
Tx Firm Lic No. 10023600

Survey completed	04-02-12
Scale:	1" = 100'
Job No.	120183
Dwg No.	120183
Drawn by	DMF
Surveyor	CCL #4636

ALL COUNTY SURVEYING, INC.
*Surveying * Mapping *Construction Layout * GPS

June 13, 2012

City of Temple Planning Department
2 North Main Street
Temple, TX 76501
Attn: Tammy Lyerly, Planner

Re: FINAL / Post DRC SUBMITTAL OF PLAT IN NORTH ETJ – minor plat w/ exception request(s)
(Sommer Estates - Two 5.00 acre lots fronting Luther Curtis Road)

Dear Tammy:

Please accept the re-submittal of the above referenced "SOMMER ESTATES", which is the division of a 10 acre parcel in Temple's extreme north ETJ, with the comments from the June 6 DRC meeting addressed.

Based on our discussion during the DRC, this plat is asking for the following exceptions to the City of Temple UDC/ Subdivision Ordinance:

- Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants (*local rural water line not adequate for installation of fire hydrant)*; and

- Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication

At the conclusion of the June 6 DRC, and as written in your "Post-Design Review Committee Notes", it is mentioned that REQUEST TO WAIVE PARK FEES "may be considered appropriate…..". The said "Post DRC…Notes" also state that SIDEWALKS "are not required for rural streets in the ETJ", and the "Post DRC…Notes" also state that "perimeter street fees do not apply to rural local streets or county roads".

After re-addressing the City's comments, I am assuming it is the *recommendation* of the Parks & Leisure Services to "waive" park fees, which just leaves the FIRE PROTECTION as the only remaining EXCEPTION to be requested from P&Z and City Council.

ALL COUNTY SURVEYING, INC.
*Surveying * Mapping *Construction Layout * GPS

We have contacted the Pendleton Water Supply Corporation, and the Troy Volunteer Fire Department, and requested letters more particularly stating the conditions with respect to domestic water delivery at this site, and who responds to this location in the event of a fire. These letters are attached to this final submittal.

Thank you for sending this project on to P&Z for June 18, and City Council for July 5. The owner is ready to be able to sell or build on his property.

Sincerely,

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

Projects - 120183

PENDLETON WATER SUPPLY CORP.
9675 SPUR FM 1237 P.O. BOX 100
PENDLETON, TEXAS 76564
254-773-5876 FAX 254-773-0105

June 7, 2012

To Whom It May Concern:

Pendleton Water Supply Corporation is unable to supply the water flow needed to support direct hook-up by pumper truck at the fire hydrant.

Respectfully,

PENDLETON WSC

By Velva Moody
Velva Moody
Office Manager

PENDLETON WATER SUPPLY CORP.
9675 SPUR FM 1237 P.O. BOX 100
PENDLETON, TEXAS 76564
254-773-5876 FAX 254-773-0105

March 26, 2012

Eric Kopriva
PO Box 293
Troy, TX 76579

Re: Water Availability – A.J. Sommers Sub-division

To Whom It May Concern:

Pendleton Water Supply Corporation does have water lines that are in the area of the A. J. Sommers sub-division that is located at Luther Curtis Road and Franklin Road in Troy, Texas.

Respectfully Submitted,

PENDLETON WSC

By Velva Moody
Velva Moody
Office Manger

Troy Volunteer Fire Department

PO Box 1
Troy, TX 76501

To whom it Concerns:

The area in question, Luther Curtis and Franklin road in the non-incorporated part of Bell County, is designated as Troy VFD Fire/EMS response area. Any additional questions can be directed to me at txff291@yahoo.com.

Thank you,
Justin Jackson
Asst. Chief
Troy VFD
(254)718-9888

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 18, 2012

ACTION ITEMS

Item 4: **P-FY-12-24** - Consider and recommend action on the Final Plat of Sommer Estates, a 10.00 acres ±, 2 –lot, 1-block residential subdivision, with developer's requested exceptions to Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants and Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication, located at the northwest corner of Luther Curtis Road and Franklin Road, in Temple's northern Extra Territorial Jurisdiction. (Applicant: All County Surveying for Andrew & Rhonda Sommer)

Ms. Lyerly stated this property is located in the northwest corner of the northern area of Temple's ETJ. The developer is requesting exceptions to the UDC so City Council will be the final plat authority.

DRC deemed this plat administratively complete on June 6, 2012. There is no zoning since it lies in the ETJ.

The developer is requesting exceptions to UDC Sections 8.1.3 and 8.2.7 requiring fire hydrants and Section 8.3.2 requiring payment of park fees and parkland dedication. Pendleton Water Supply is the property's water supplier and are able to supply domestic water flow to the property but unable to supply water flow capacity to support fire hydrants. The Troy Volunteer Fire Department is the responder to this property.

The proposed lots would be serviced by septic systems.

The required park fees would be $450 ($225 for each residential lot).

The plat is ten acres and being divided down the middle making each lot 5 acres and both for residential purposes.

Staff recommends approval of the final plat of Sommer Estates subject to City Council approval of the developer's requested exceptions to UDC Sections 8.1.3 and 8.2.7 requiring fire hydrants and Section 8.3.2 requiring payment of park fees or parkland dedication.

Vice-Chair Staats made a motion to approve Item 4, P-FY-12-24, as presented with the exceptions requested and Commissioner Magaña made a second.

Motion passed: (9:0)

RESOLUTION NO._____

(PLANNING NO. P-FY-12-24)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FINAL PLAT OF SOMMER ESTATES, AN APPROXIMATELY 10.00 ACRE, 2-LOT, 1-BLOCK, RESIDENTIAL SUBDIVISION, WITH DEVELOPER'S REQUESTED EXCEPTIONS TO SECTIONS 8.1.3 AND 8.2.7 OF THE UNIFIED DEVELOPMENT CODE REQUIRING FIRE HYDRANTS AND SECTION 8.3.2 OF THE UNIFIED DEVELOPMENT CODE REQUIRING A PAYMENT OF PARK FEES OR PARK LAND DEDICATION, LOCATED AT THE NORTHWEST CORNER OF LUTHER CURTIS ROAD AND FRANKLIN ROAD, IN TEMPLE'S NORTHERN EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 18, 2012, the Planning and Zoning Commission approved the final plat of the Sommer Estates, an approximately 10.00 acre, 2-lot, 1-block, residential subdivision, located at the northwest corner of Luther Curtis Road and Franklin Road, in Temple's northern Extraterritorial Jurisdiction, with developer's requested exceptions to Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants and Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication;

Whereas, the Staff recommends approval of the final plat of Sommer Estates with the developer's requested exceptions to the Unified Development Code; and

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

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

Part 1: The City Council approves the final plat of Sommer Estates, an approximately 10.00 acre, 2-lot, 1-block, residential subdivision, located at the northwest corner of Luther Curtis Road and Franklin Road, in Temple's northern Extraterritorial Jurisdiction, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, with developer's requested exceptions to Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants and Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication;;

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 **5th** day of **July**, 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

DEPT. / DIVISION SUBMISSION & REVIEW:

Beverly Zendt AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-12-48: Consider adopting 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 improvements to an existing vehicle sales establishment located at 3207 South General Bruce Drive.

P&Z COMMISSION RECOMMENDATION: At its June 18, 2012 meeting, the Planning and Zoning Commission concurred with staff and voted 8/0 (Commissioner Pilkington recused himself) to recommend approval of an appeal to the I-35 Standards relating to parking, screening, landscaping, and architectural design with the following requirements:

1. That the applicant permanently store used tires in an enclosed space not visible to the adjacent multi-family use (addresses residential screening requirement);
2. That the applicant provides additional material on the secondary (parts and service) building to meet 1-35 Overly District standards of no more that 80% of approved material on the front of any building.

The applicant has agreed to the changes recommended by the Planning and Zoning Commission.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

Based on the applicant's efforts to meet the intent and spirit of the I-35 ordinance, staff recommends approval of the appeal requests and the changes recommended by the Planning and Zoning Commission with one additional change:

1. That the applicant meets the requirement to provide 60% evergreen trees in the landscape buffer.

ITEM SUMMARY: Please refer to the draft minutes of case Z-FY-12-48, from the Planning and Zoning meeting, June 18, 2012. The proposed project is located at 3207 South General Bruce Drive, locally known as Mac Haik. The project is located in the I-35 Corridor Overlay District in the Freeway Retail/Commercial Sub-District. This project includes a total of 15,890 sq. ft. of new and existing construction. The current and future use of the property is vehicle sales. The proposed project includes both new construction and improvements to existing structures. Improvements include:

- Complete demolition of existing showroom and construction of new showroom setback approximately 120 feet from the right-of-way.
- A new service building north of the new showroom setback approximately 110 feet from the right-of-way to be attached to existing service bays.
- A new drive-through area between the two proposed buildings.
- Improvements to one of two existing buildings – building in the rear of the property (collision center) will not be improved. A stucco veneer will be added to existing building fronting 1-35 on the south end of the property.
- A landscape plan providing both a vegetative buffer along South General Bruce Drive and landscaping throughout the front parking area and along the southern fence line.

The applicant will lose frontage along Ira Young Drive and the south entrance to provide right-of-way for the I-35 expansion project.

2011 Bell County Appraised Value of Improvements = $311,807. Estimated value of proposed improvements is $2,665,000. Per the city's Unified Development Code: Section 6.73 the following standards are applicable:

Development Type	Site Plan Review	Tree Preservation	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signs	Lighting	Utilities
New construction	✓	✓	✓	✓	✓	✓	✓	✓	✓
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	✓	✓	✓	✓	✓	✓	✓	✓	✓

The applicant has worked closely with City Staff to develop a plan that meets the spirit and intent of the I-35 Overlay District. Staff has worked with the applicant to balance the City's overall goals for this important corridor with the applicant's needs and objectives for this redevelopment project.

The applicant desires to pursue a request for relief from complying with all standards in the form of this appeal.

I-35 APPEAL SUMMARY

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
SITE PLAN REVIEW (GENERAL)			
Required	MEETS	YES	**NA**
TREE PRESERVATION			
Required	NA	NA	**NA**
PARKING (GENERAL)			
5 per bay or 1 per 200 SF GFA	MEETS	YES	**NA**
Parking aisles must be designed to be perpendicular to the front of the building.	Perpendicular in front. Parallel on north side and in back.	**PARTIALLY EXCEPTION REQUESTED AS PER PROPOSED**	Current configuration takes into account lot dimensions, building location, and landscape requirements. **Staff supports appeal as proposed**
Wheel stops are required adjacent to all landscaped areas.	No wheel stops present in parking along buffer and other inventory parking.	**NO EXCEPTION REQUESTED AS PER PROPOSED**	Parking in these areas is primarily for inventory and will not be utilized by customers. **Staff supports appeal as proposed**
No parking is allowed in the landscape buffer	Applicant has proposed parking areas in the landscape buffer at five (5) locations along the frontage for display purposes.	**PARTIALLY EXCEPTION REQUESTED AS PER PROPOSED**	Parking areas are for display purposes only and are consistent with industry display practices. **Staff supports appeal as proposed**
SCREENING AND WALL STANDARDS (GENERAL)			
No outside storage, display or sales, leasing, or operation of merchandise outside of sales area unless screened with continuous solid screening device from all streets, and adjacent property lines of residentially zoned property.	Section of inventory parking along the back property line does not have adequate screening from multi-family use	**NO EXCEPTION REQUESTED AS PER PROPOSED**	**Planning & Zoning Commission supports this appeal request** with the requirement that the applicant permanently store used tires in and enclosed structure not visible to the adjacent multi-family use. **Staff supports appeal request as recommended by P&Z.**
LANDSCAPE (GENERAL)			
Landscape Area 15%	Applicant has landscaped 11.5% of project area.	**PARITALLY EXCEPTION REQUESTED AS PER**	Landscape buffer, parking islands, and foundation plantings provide adequate landscape plan for site if evergreen trees percentages are increased as per standard.

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
		PROPOSED	**Staff supports appeal as proposed**
Landscape buffer- One min. 3" caliper canopy tree must be planted for every 30' of frontage along public ROW. If power lines are present four ornamental trees may be substituted for one canopy tree	Approximately 515 of frontage calls for 17 trees. 21 ornamental trees & 9 canopy trees proposed. Power lines are present – equivalent of 14 trees proposed.	**PARITALLY EXCEPTION REQUESTED AS PER PROPOSED**	Sufficient number of trees proposed to meet intent of ordinance. **Staff supports appeal as proposed.**
Required landscape buffer must have a minimum of 60% evergreen trees	Total trees in landscape buffer all but 5 (20%) are deciduous	**NO EXCEPTION REQUESTED AS PER PROPOSED**	**Staff does not support appeal as proposed.** The combined use of ornamental trees and deciduous trees does not meet the intent for buffering. Several staff recommendations for appeal approval were based on expectations for higher percentage of evergreen trees. The ordinance already reflects lower standards for vehicle sales.
Required landscape buffer berms not less than 24 inches covering 50% of landscape buffer area	Berms throughout landscape buffer - 18" in height. 231' of berm proposed for 515' of frontage.	**PARITALLY EXCEPTION REQUESTED AS PER PROPOSED**	Berm height provides adequate screen. **Staff supports appeal as proposed.**
Parking screen of hedge row 2.5 to 4' high for all parking areas visible from public view	**I-35 Side**- multiple berms combine with Gulf Muhly and Maidengrass provide screen in most sections. Some sections of landscape buffer provide turfed areas only. Landscaped islands shield perpendicular inventory aisles with 72 yaupon hollies.	**PARITALLY EXCEPTION REQUESTED AS PER PROPOSED**	Berm combined with shrubs provides substantial screening along 1-35 and Ira Young. **Staff supports appeal as proposed.**
Interior parking islands 1 per every 10 spaces minimum 170 sq ft (1 3" tree required in each) non-inventory.	No interior islands visible on customer parking areas.	**NO EXCEPTION REQUESTED AS PER PROPOSED**	Proposed landscaping is sufficient for small customer parking areas in front of showroom building and adjacent south building. **Staff supports appeal as proposed.**
Terminal parking islands at the end of each row minimum 360 sq ft (2- 3" caliper tree) required in each (non-	Terminal islands in front of show room feature 4 Crape Myrtle trees (2 each) on terminal islands (50 sq. ft).	**PARITALLY EXCEPTION REQUESTED**	Non-inventory terminal parking island trees adequate when combined with nearby/ adjacent landscaping. **Staff supports appeal**

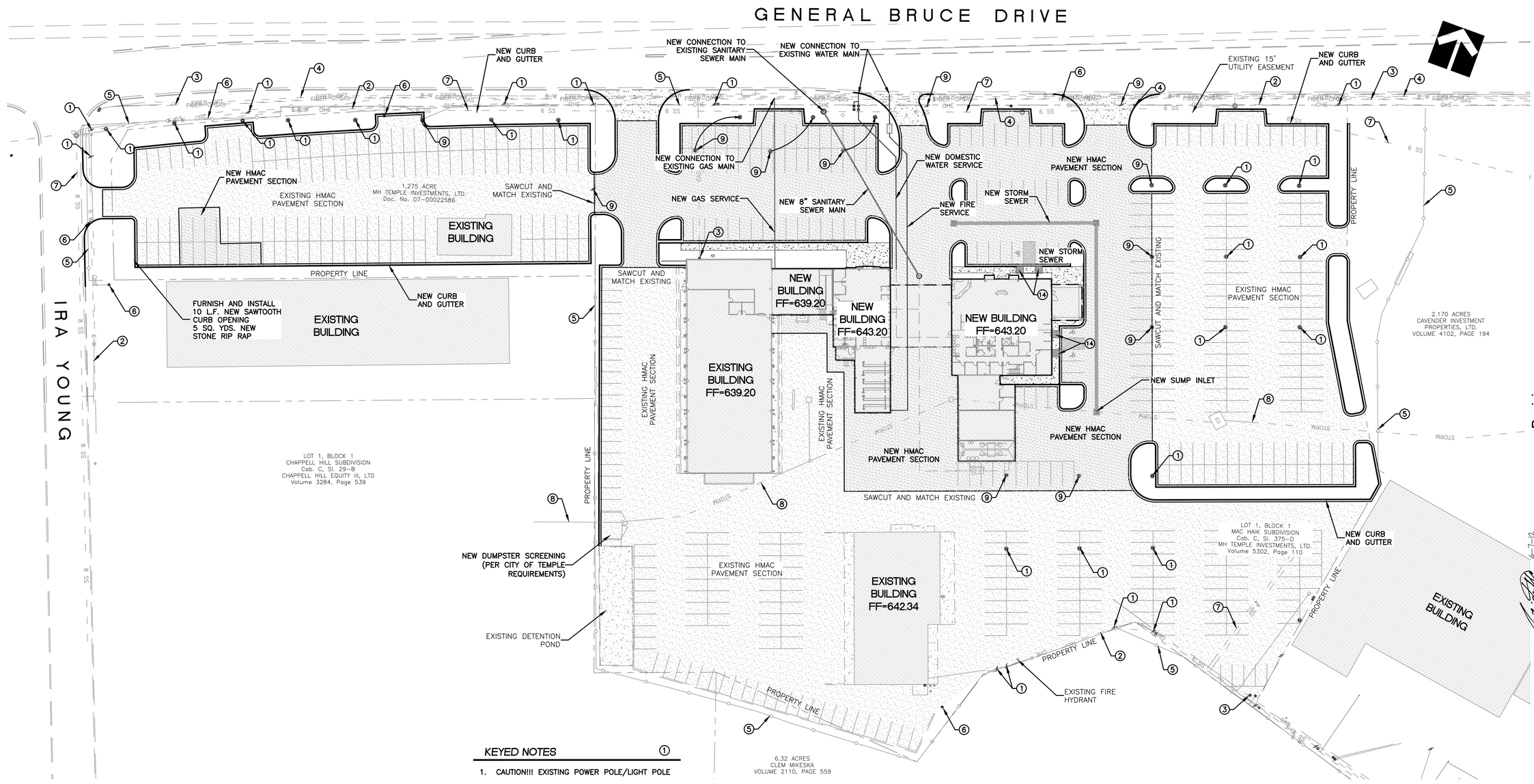
I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
inventory)	1 Live Oak and 1 Crape Myrtle proposed for service building (80 sq ft). Parking in front of showroom (across drive aisle) features full shrub beds - no trees (50 sq. ft).	**AS PER PROPOSED**	**as proposed.**
Median islands minimum 10' in width must be located after every third parking bay (3" tree required every 30')	Would only apply to parking in the back.	**NO EXCEPTION REQUESTED AS PER PROPOSED**	Would require the additional loss of parking spaces for an area adequately shielded by structures and landscaping. **Staff supports appeal as proposed.**
LANDSCAPE- VEHICLE SALES			
Parking lot islands must be located at the end of inventory aisles and span the aisle (both sides) (minimum depth of ten feet).	Inventory islands in front (perpendicular to the showroom) provide required terminal islands. Two parallel inventory aisles on the north side of site provide island on one side only. (15 ft width) No islands provided in back.	**PARITALLY EXCEPTION REQUESTED AS PER PROPOSED**	Parking in back and on north side is sufficiently shielded by buffer and other islands. Extending this standard to the rear of the building would require substantial loss of inventory parking. **Staff supports appeal as proposed.**
ARCHITECTURAL DESIGN			
All buildings must be architecturally finished on all sides with same materials, detailing and features. Facades not visible from the street may reflect only similar colors if screened with single row of trees- 30' offset; 50% canopy; 10 foot landscape edge	Significant amount of pre-engineered metal siding on building elevations. Existing service bays and recessed new construction (east part of showroom) are constructed with pre-engineered metal siding. Existing building in back and along frontage constructed primarily with metal siding.	**PARITALLY EXCEPTION REQUESTED AS PER PROPOSED**	Screening provided with adjacent landscape islands and terminal parking islands for existing services bays - Recessed area along rear of showroom and existing back building are not visible to public. A stucco veneer and landscaping will be added to existing building in front (south end of property). **Staff supports appeal as proposed.**
Building entrances must be articulated and defined to present a strong entry presence. Must be inset or offset by min 6'	Main building entrance inset 3' Secondary (service) building inset 2'.	**PARITALLY EXCEPTION REQUESTED AS PER PROPOSED**	Although entrances are not offset 6', the building has a strong entry presence and the main entrance is clearly articulated. The additional offset would not represent any measurable visible improvement. **Staff supports appeal as proposed.**

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
All buildings must be designed and constructed in tri-partite architecture	Some tri-partite elements incorporated in design:- limited use of materials; clean design style; use of windows etc.	**PARITALLY EXCEPTION REQUESTED AS PER PROPOSED**	Although the building features some of the components of the tri-partite style, incorporating all elements would require a considerable change in architectural style which is more modern in character. **Staff supports appeal as proposed.**
Windows must be a minimum of 40% up to a maximum of 80% or each building elevation	Showroom meets (45%). Secondary building (service) south of showroom (96 % stucco 4% glass). Approx. 158 ft of secondary (service) building features stucco only- no windows. Side elevations do not meet requirement. Rear elevations do not meet requirement. Existing rear building does not meet requirement.	**NO EXCEPTION REQUESTED AS PER PROPOSED**	Because secondary building is primarily a parts storage and service area – additional landscaping provides a visual improvement to this part of the building. **Staff supports appeal provided front façade material standards are met (see next criteria).**
No single building material may cover more than 80% of the front of any building.	Significant (96%) amounts of stucco on secondary (service).	**NO EXCEPTION REQUESTED AS PROPOSED**	**In concurrence with Staff, the Planning and Zoning Commission has requested and the applicant has agreed to compliance with this standard.**
Windows must not be glazed or re-glazed with mirrored or reflective glass.	Plans call for Solar Graylight 14 glazing.	**NO EXCEPTION REQUESTED AS PROPOSED**	Buildings are oriented northwest with large window sections. Glazing is consistent with industry standards and will allow buildings to be more energy efficient. **Staff supports appeal as proposed.**
Approved primary and accent building materials must be from the approved building materials list.	Plans identify substantial pre-engineered metal paneling on several elevation drawings. 30% of building frontage features Alucobond – not approved building material. Significant metal paneling on side and rear elevations.	**PARTIALLY EXCEPTION REQUESTED AS PER PROPOSED**	Alucobond is a high quality aluminum composite metal system commonly used in auto retail. Although significant metal paneling exists – none is present on the primary (front) façade and other elevations are adequately shielded. **Staff supports appeal as proposed.**
LIGHTING			
Applicant has agreed to meet all lighting requirements.			
UTILITIES			

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
All electric, telephone, and cable television wires and cables from property line to structures must be buried underground.	MEETS	YES	**NA**

FISCAL IMPACT: Not Applicable

ATTACHMENTS:
Site Plan
Landscape Detail
Building Elevations
Planning and Zoning Commission Meeting Minutes June 18, 2012
Resolution



KEYED NOTES ①

1. CAUTION!!! EXISTING POWER POLE/LIGHT POLE
2. CAUTION!!! OVERHEAD ELECTRIC
3. CAUTION!!! EXISTING GAS MAIN/METER
4. EXISTING TELEPHONE/FIBER OPTIC
5. EXISTING FENCING
6. EXISTING WATER MAIN/METER
7. EXISTING SANITARY SEWER
8. EXISTING STORM SEWER
9. REMOVE AND RELOCATE 1-EXISTING POWER/LIGHT POLE AS REQUIRED TO FACILITATE NEW CONSTRUCTION
10. NEW SANITARY SEWER MAIN (REFER TO UTILITY PLAN FOR CONSTRUCTION)
11. NEW DOMESTIC WATER/FIRE SERVICE (REFER TO UTILITY PLAN FOR CONSTRUCTION)
12. NEW STORM SEWER (REFER TO UTILITY PLAN FOR CONSTRUCTION)
13. NEW GAS SERVICE (REFER TO UTILITY PLAN FOR CONSTRUCTION)
14. FURNISH AND INSTALL 1-HANDICAP SIDEWALK RAMP (PER TAS STANDARDS)

NOTES

1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT SECTIONS, VEGETATION, ETC. WITH OWNER.
2. EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND COORDINATE UTILITY REMOVAL AND RELOCATION WITH OWNER AND APPROPRIATE UTILITY COMPANY.

LEGEND

- NEW HMAC PAVEMENT SECTION (PER PROJECT DETAILS)
- NEW HEAVY DUTY REINFORCED CONCRETE PAVEMENT SECTION (PER PROJECT DETAILS)
- NEW CONCRETE FLATWORK (PER PROJECT DETAILS)
- EXISTING HMAC PAVEMENT SECTION
- NEW CONCRETE CURB AND GUTTER (PER PROJECT DETAILS)
- FURNISH AND INSTALL PRECAST CONCRETE WHEEL STOP (PER DETAILS)

0 40 80
FEET

Revisions
Remarks:

Date:	Remarks:
1-18-12	REVISIONS MADE TO INCORPORATE UTILITY RELOCATIONS AND PROJECT CLARIFICATIONS.
3-26-12	REVISIONS MADE PER ARCHITECTURAL COMMENTS.
4-12-12	REVISIONS MADE TO REVISE SANITARY SEWER AND GRADING.
6-7-12	REVISIONS MADE TO PER ARCHITECTURAL COMMENTS

STATE OF TEXAS — JUSTIN B. FULLER — 100183 — LICENSED PROFESSIONAL ENGINEER — 6-7-12

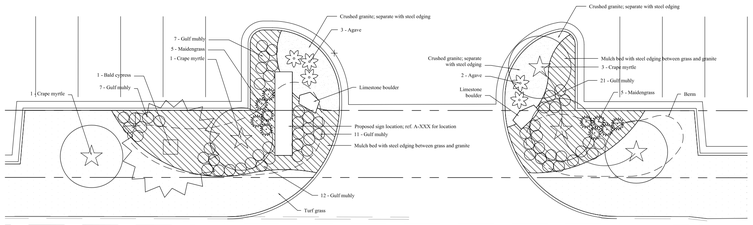
Additions and Alterations
MAC HAIK
DODGE CHRYSLER JEEP RAM
Temple, Texas
CIVIL SITE PLAN

LARRY NEAL / ARCHITECT
1023 CANYON CREEK DRIVE #125
TEMPLE, TEXAS 76504
(254) 778-1466

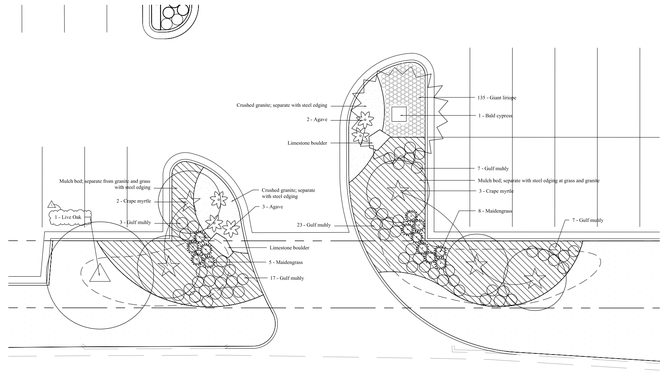
JOB NO.: 111249.01
DATE: June 7, 2012

SHEET NO.
C2.1

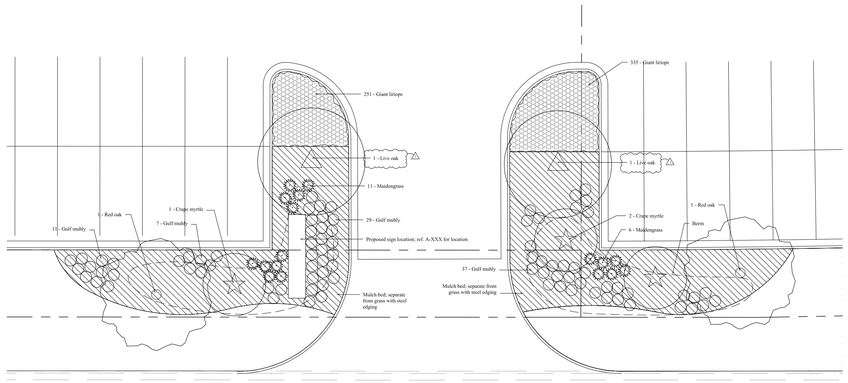
CLARK&FULLER
CIVIL ENGINEERING • DESIGN • PLANNING
215 North Main Street, Temple, TX 76501
254.899.0899 www.clark-fuller.com F-10384



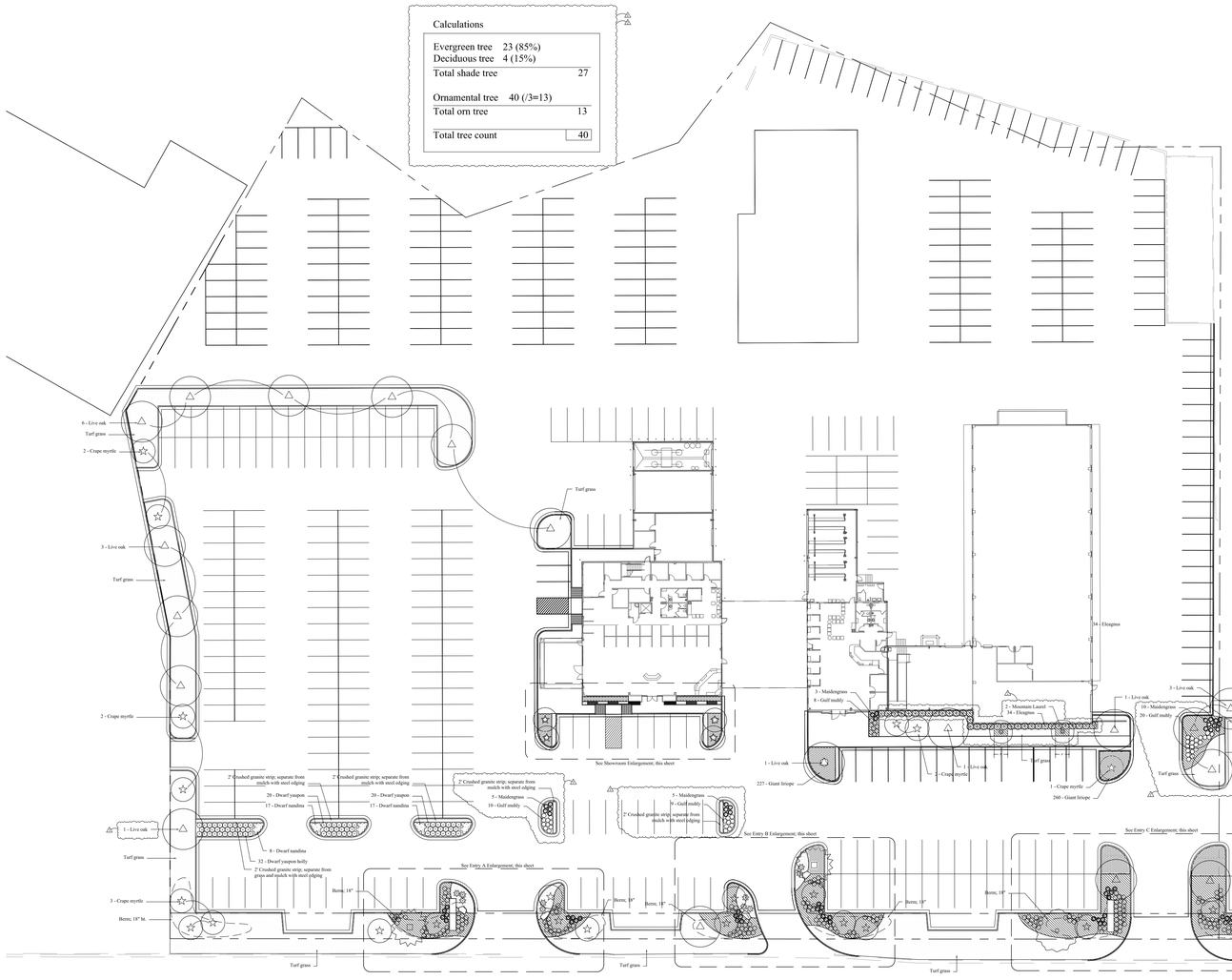
Entry A Enlargement
Scale: 1/8" = 1 ft.



Entry B Enlargement
Scale: 1/8" = 1 ft.

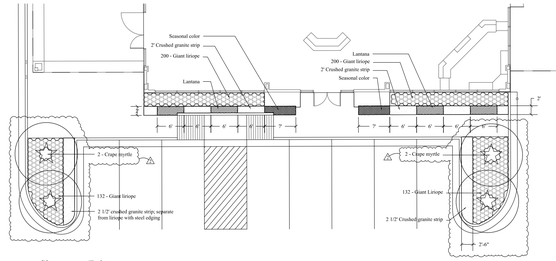


Entry C Enlargement
Scale: 1/8" = 1 ft.

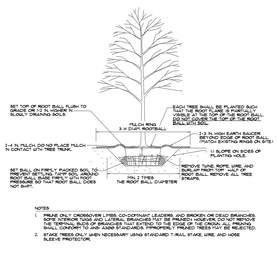


Landscape Plan, Overall
Scale: 1" = 20 ft.

	Qty.	Unit	Notes
△	23	Live oak	Quercus virginiana; 4" cal.
○	2	Red oak	Quercus buckleyi; 4" cal.
□	2	Bald Cypress	Taxodium distichum; 4"
☆	38	Crape myrtle	Lagerstroemia indica; 6 ft. tall
⊛	2	Texas mountain laurel	Sophora secundiflora; 6 ft. tall
⊙	120	Eleagnus	Eleagnus; 5 gal. @ 48" o.c.
⊙	72	Dwarf yaupon	Ilex vomitoria nana; 5 gal. @ 36" o.c.
○	292	Gulf muhly	Muhlenbergia capillaris; 3 gal.
○	76	Maidengrass	Miscanthus sinensis; 5 gal.
✲	10	Agave	Agave americana; 24" ht.
○	42	Dwarf nandina	N. domestica 'Harbour Dwarf'; 5 gal. @ 36" o.c.
	765 sf	Crushed granite	Pink granite; 3" thick with weed barrier
		Mulch bed	Shredded cypress or other as chosen by owner; 3" thick with weed barrier
	40 sf	Lantana	Lantana urticoides; 1 gal. @ 24" o.c.
	26 sf	Seasonal color	varies; 4" pot @ 8" o.c. or 1 gal. @ 12" o.c.
	1,472	Giant liriope	Liriope muscari; 1 gal. @ 12" o.c.
	33,780 sf	Turf grass	Solid sod; Bermuda or other as chosen by owner.



Showroom Enlargement
Scale: 1/8" = 1 ft.



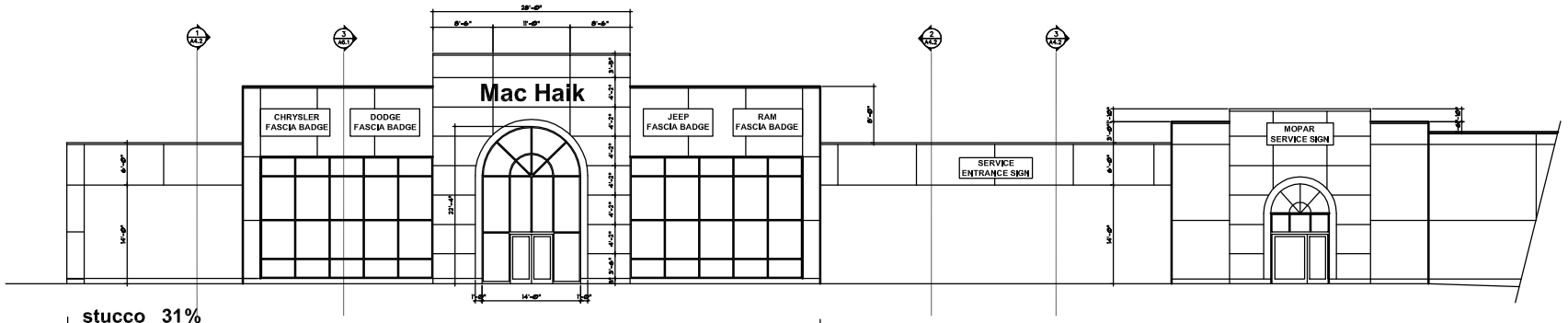
Typical Tree Planting
Scale: NTS

LARRY NEAL / ARCHITECT
1023 CANYON CREEK DRIVE #125
TEMPLE, TEXAS 76504
(254) 778-1466

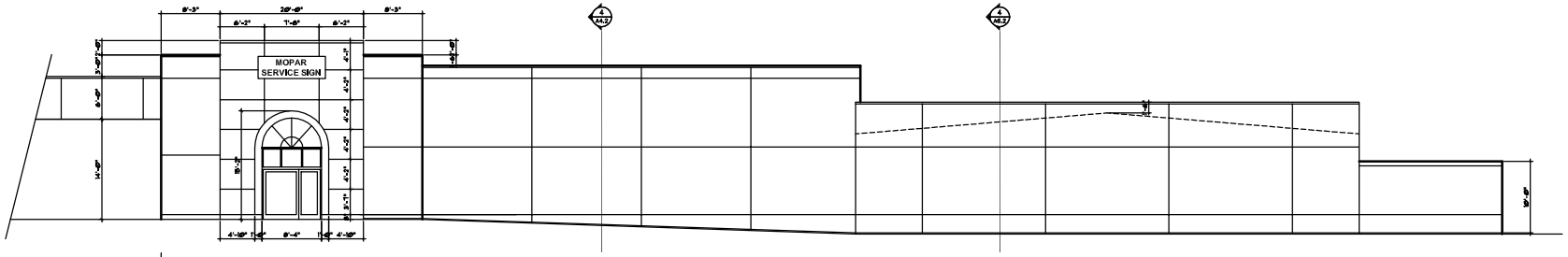
JOB NO.:

DATE:

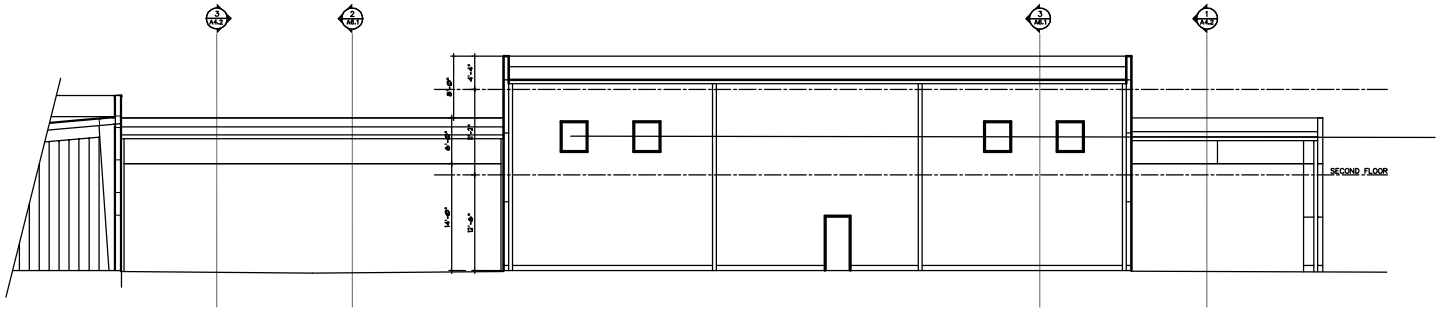
SHEET NO.



stucco 31%
alucobond 24%
Glass 45%



stucco 96%
Glass 4%



EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 18, 2012

ACTION ITEMS

Item 7: Z-FY-12-48 – Consider approving an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for improvements to an existing vehicle sales establishment located at 3207 South General Bruce Drive (Mac Haik).

Commissioner Pilkington asked to abstain from this item since he has a conflict.

Ms. Beverly Zendt, Senior Planner, stated this item related to the I35 Corridor Overlay District standards as they apply to Mac Haik Dodge located at 3207 S. General Bruce Drive in the freeway retail commercial sub-district.

This project includes a total of 15,890 square feet of new and existing construction with current and future use of the property as vehicle sales.

Site plan is shown and described.

The applicant proposes complete demolition of the showroom and building a new one set back 120 feet from the right-of-way, and complete demolition and construction of a new parts and service room immediately south of the showroom, set back approximately 110 feet from the right-of-way and attached to existing service bays, and improvements to one of two existing buildings in the rear of the property. There will be no improvements to the existing collision center and a stucco veneer will be applied to the existing building on the south end of the property.

Staff and applicant have worked together to develop a strong landscape plan and a landscape buffer will be along General Bruce Drive. Additional landscaping will be throughout the parking and along the southern fence line.

Ms. Zendt describes which buildings will be kept and/or demolished.

Additional elevations are given and a new drive-through is shown being constructed between the new showroom and the new proposed parts and service building.

The general landscape plan includes the buffer along General Bruce Drive and additional landscaping screening for Ira Young. The plan would include berming, trees, shrub beds and terminal landscape islands along the parking.

The appraised property value is $311,807 and the estimated improvements would be $2,000,665.00, per the UDC Section 6.7, making the following standards applicable: all standards in the I35 Overlay District, site plan review, tree preservation, parking, screening and wall standards, architectural design, landscape, signs, lighting, and utilities.

Ms. Zendt describes the appeals requested:

The proposed project meets the required site plan review.

A tree preservation plan was not submitted since there were no trees considered for this project.

Parking requirements were met with five per bay or one per 200 square feet.

Parking aisles must be designed to be perpendicular to the front of the building. The applicant has some parking perpendicular to the front with some parking on the north side and back area that is not perpendicular so some of the requirements were partially met. Staff took into account lot dimensions, landscaping requirements and would recommends approval of this appeal.

Wheel stops are required adjacent to all landscaped areas. No wheel stops were presented on the proposed plan, however, where there would be customer parking there was a six foot wide sidewalk provided with curb and gutter. Additionally, wheel stops are not indicated in the inventory parking areas but there is no customer parking in those areas. Although this particular standard was not met, Staff felt the applicant met the intent of the I35 standards and were in agreement with this.

The applicant proposed putting display parking in the landscape buffer at five different locations. Staff recommends approval of this and since it would not be incompatible with the proposed landscape buffer.

Screening and wall standards—The I35 requirement is that no outside storage display or sales, leasing, or operation of merchandise outside the sales area occur unless screening with a continuous solid screen device from off streets and adjacent property lines of residentially zoned property. There is a section of inventory in the back and refuse and storage area that is visible from the multi-family adjacent to the location. The standards are not currently met. Staff recommends the screening be provided in this area to shield the uses.

Landscaping requirements—The I35 requirement is the total landscaped area is 15% of the total site being landscaped. The applicant has provided 11.5% landscaping for the project area. Staff would recommend approval on landscape buffer, parking islands, foundation plantings together which would provide a strong landscape plan for the site.

Landscape buffer—a total of 17 trees are required and 14 were provided in the landscape buffer. Staff recommends approval of this since the amount of trees meet the intent of the I35 Overlay tree requirement and landscape buffer.

Landscape buffer must have a minimum of 60% evergreen trees and only 20% were proposed as evergreens and the balance being deciduous trees. Staff recommends this standard be met or the applicant gets closer to the 60% standard. With the proposed percentage there would be too many bare trees during several months.

Landscape buffer berms--should not be less than 24 inches. The berms are about 18 inches in height but combined with the proposed plantings provide the adequate shielding and screening to meet the intent of the requirement. Staff would agree with this.

Parking screen--should be two point five to four or five feet high for all parking areas. Multiple berms combined with the plantings along the berms should provide adequate screening along I-35 and Ira Young. Staff would recommend approval of this appeal.

Interior parking islands--one per every 10 spaces. There are no interior islands visible on any customer parking areas which are primarily in the front. There are three total parking areas in the front and those are fairly small and would not benefit from an interior parking island. Staff recommends approval of this appeal.

Terminal parking islands—at the end of each row, minimum of 360 square feet. Terminal parking islands were provided on the front inventory parking but no parking islands were provided on the rear terminal parking. Staff recommends approval as there is adequate shielding from the buffer. The islands that are provided in the front are oriented toward I-35 and provide screening for the inventory islands visible from I-35.

Median islands—every 10 feet in width must be located every third parking bay. These would only apply to parking in the back which is shielded by both structures and the proposed landscaping.

Parking lot islands—must be located at the end of inventory aisles. This standard applies to just the inventory aisles. These inventory islands are well shielded from I-35 by the buffer and the proposed islands on the north side of those terminals.

Architectural standards—all buildings must be architecturally finished on all sides with the same materials detailing features. Staff feels a considerable amount of pre-engineered metal siding is provided on the rear elevations and on the existing service bay building which will not be demolished. There is some additional metal siding on the remaining building on the south end of the property which will not be demolished. The applicant has proposed a stucco veneer on the existing building on the south side of the property. Staff would recommend approval on the screening provided with the adjacent landscape islands, terminal parking islands, for the existing surface space, and the areas along the back end of the property that are primarily metal siding are fairly recessed and not be visible from I-35.

Building entrances must be articulated to define a strong entry presence and must be inset or offset a minimum of six feet. The main building entrance is inset three feet and the secondary building entrance is inset two feet. This requirement has partially been met. Although the entrances are not offset six feet, the building has a strong entry presence and the main entrance is clearly articulated. All buildings must be designed in construction and tri-partite architecture. Some tri-partite elements are incorporated, clean design style, use of windows, others are not. Staff would recommend approval of this.

Windows—must be a minimum of 40% to maximum of 80% per each elevation. The showroom meets this requirement. The secondary parts and service building is 96% stucco and four percent glass. Approximately 158 feet of the secondary building is uninterrupted stucco with no windows. This will be a parts building and Staff would recommend approval for this. It is one of two standards not met on the parts and service building. No single building material may cover more than 80% of the front of any building but the proposal is for 96% stucco on the parts and service building. Staff recommends the applicant meet the requirements of 80%. Staff discussed alternatives with the applicant.

Windows may not be glazed or reglazed with mirror or reflective glass. The proposal calls for solar greylight 14 glazing which is a smoky but dark glazing for the windows. Staff recommends approval since this building is primarily oriented in a western direction, is consistent with industry standards, and will assist in energy efficiency of the building.

Approved primary accent building materials must be from the approved building materials list. There is a substantial amount of pre-engineered metal paneling and Alucobond which is a high quality metal type material often used in vehicle sales building. Staff recommends approval of these additional materials provided that the recommended screening is in place to shield the pre-engineered metal siding and that the stucco on the existing building is applied.

Staff recommends the appeal request with the following requirements:

Provide 60% evergreen trees in the landscape buffer as opposed to 20%;

Provide a continuous screening device from the multi-family property along the rear property line to include the dumpsters, drainage and visible inventory lots; and

Provide additional material on the service building to meet the standard no more than 80% of the approved material rather than the proposed 96%.

Chair Martin asked about the rear screening Staff is requesting. Ms. Zendt stated the general consensus is that the uses in the back end of the building are visible from both stories of the multi-family property that faces the subject property. The standard calls for a continuous screen but the UDC does not specify what type of material should be used. Staff recommends a vegetative screen or some kind of structural screen.

The applicant has provided for the enclosure of the dumpsters.

Vice-Chair Staats asked why the applicant did not meet the percentage requirements for evergreen trees. Ms. Zendt deferred the question to the applicant.

Commissioner Magaña asked if there were any requirements for storage of tires. Ms. Foutz stated there was a general city requirement that provides tires have to be in an enclosed building but would need to research when that requirement came into place versus when the practice came into effect and whether it was grandfathered. Ms. Foutz stated the tires that are currently there is a Code Enforcement issue that could be looked into.

Commissioner Rhoads asked about the windows on the service area and what Staff's recommendation was regarding more window space. Ms. Zendt stated there were a couple of issues with this building, one being the windows and one being the materials. Staff looked at both of these issues and tried to come up with an easy variation for that stretch of the building which was reducing the stucco from 96% to 80% and mix it up with other materials. Staff did not request additional windows although the addition of windows would satisfy the material requirements.

Vice-Chair Staats asked if Staff considered a façade pilaster to break up the flow of the building and/or perhaps variation of color. Ms. Zendt stated Staff would be amenable to that type of improvement although it has not been discussed with the applicant. Ms. Foutz stated when Staff is considering exceptions and whether they would be recommended, some form of mitigation is looked for. The dialogue is very open for possibilities. Staff looks to the applicant

to provide some options and make recommendations on it. This was not something the applicant wanted to pursue in this case. Ms. Foutz stated everything Ms. Zendt presented regarding Staff's recommended approval, there was a discussion about it, they provided mitigation, and Staff accepted that mitigation. There are only three topics that were not agreed upon: the screening, multi-family and the evergreen tree percentage buffer.

Chair Martin asked the applicant to speak.

Mr. Larry Neal, 4720 Ascot Parkway, Temple, Texas is the architect for the project.

Mr. Duane Harris, General Manager of Mac Haik, 3207 S. General Bruce Drive, Temple, Texas.

Mr. Neal stated there were many meetings regarding the issues in this matter. Mr. Neal stated the owner, Mr. Mac Haik, came to visit at the first landscape plan and he was a bit disturbed about how much landscaping would be done. The I-35 Overlay was described to Mr. Haik for clarification. There are still three items in disagreement. The existing back fence is six feet tall and wooden; the tires are used, being stored in the rear, and picked up twice a month. Mr. Neal stated he has lived in the adjacent apartments and did not have any problems with the view. Mr. Neal asked how the area should be screened and a taller fence was not practical. Repairing the fence where needed would be done.

Mr. Neal stated only one complaint has been made about the site and that was regarding a shed which was eventually removed. They would rather not do anything to the existing wooden fence. Mr. Harris stated there was a four to five elevation drop so if you were on the apartment side, the Mac Hail property is higher. Mr. Neal stated they felt the fence was probably on the property line and perhaps built by the apartments but was unsure. Vice-Chair Staats stated he would not like a double fence situation since it creates more problems.

Mr. Harris stated a few years previously, the apartment manager asked him to cut some of the trees that had grown up between the detention pond and the fence so it would not destroy the fence.

Vice-Chair Staats stated dumpsters and tires were not very attractive from any level.

Commissioner Magaña asked what would be planted back there in the future. Mr. Neal stated they did not plan on putting anything there.

Mr. Neal stated they planned to screen the dumpsters.

Mr. Harris stated the tires are picked up every two weeks. Vice-Chair Staats stated it did not matter if it was every day, they were still out there. Mr. Harris stated they could be put inside the screening area for the dumpsters. Chair Martin suggested added a couple more feet to the dumpster screening to accommodate the tires.

Mr. Neal stated the evergreen issue was due to their concern about the building being seen when driving through. They would prefer a minimum of oak trees along the front. There are plenty of oak trees along the side and some in front, but most of the oaks are back against the building and not blocking the signage or view. Mr. Neal stated the issue on the deciduous trees was to keep them out of the main area. There are crepe myrtles and other no deciduous trees spread around the site.

Mr. Neal stated an agreement had been reached with Mr. Clem Mikeska to rent some of his property for a portion of the applicant's business. Mr. Harris indicates the area on the map (old Perkins Meat Packing).

Mr. Neal stated the stucco would be light gray (typical Chrysler requirement). The showroom would be a stock standard plan. Mr. Neal stated they were putting landscaping along the front, with a combination of trees and mountain laurel to give some verticality to the long stretch of wall. The screening on the front property is one type of screening and towards the building are other tree screening which break it up.

Mr. Neal stated the problem with more windows was that 80% of the building was a parts/warehouse building.

Discussion about various options for structural changes.

Commissioner Pope stated the applicant has had many requests which have been met or partially met and felt the remaining three issues could be negotiated and worked out. Commissioner Talley agreed with these comments.

Mr. Neal asked the Commission if it was possible to make a motion which would allow the item to go to City Council on July 5th and not have to come back before P&Z.

The Commission asked the applicant what they were willing to do in order for the Commissioners to approve this request. Mr. Neal stated they would do the 80%, something Staff would agree with. Mr. Neal stated they did not want evergreens on the front part and the tires would be cleaned up.

Commissioner Pope made a motion to approve Item 7, Z-FY-12-48, with the additional requirements requested by Staff. Vice-Chair Staats asked if it was Commissioner Pope's intent that the applicant be required to build an additional fence in the back along the length of the property.

Commissioner Pope restated his motion to approve item 7, Z-FY-12-48, with the requirement of providing additional material on secondary building (service building) to meet the standard (no more than 80% of approved material on the front of any building), include enclosure of the tires within the screened area for the dumpsters, and strike the 60% evergreen trees.

Commissioner Magaña made a second.

Motion passed: (8:0)
Commissioner Pilkington abstained

RESOLUTION NO._____

[PLANNING NO. Z-FY-12-48]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN EXCEPTION TO SECTION 6.7 OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE I-35 CORRIDOR OVERLAY ZONING DISTRICT FOR IMPROVEMENTS TO AN EXISTING VEHICLE SALES ESTABLISHMENT, LOCATED AT 3207 SOUTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE

Whereas, on June 18, 2012, the Planning and Zoning Commission approved an appeal of Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for parking, screening, landscaping, and architectural design;

Whereas, the building located at 3207 South General Bruce Drive, locally known as Mac Haik is approximately 15,890 sq. ft. of new and existing construction; and

Whereas, the applicant has requested relief from certain elements of the I-35 Corridor Overlay Standards, and staff recommends approval of such relief.

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

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

Part 1: The City Council authorizes exceptions to Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District related to parking, screening, landscaping, and architectural design for both new construction and improvements to existing structures located at 3207 South General Bruce Drive, locally known as Mac Haik, as outlined below and in Exhibit A attached hereto:

1) Allow parallel parking on side elevations in lieu of perpendicular parking aisles;
2) Waive the requirement for wheel stops for inventory parking;
3) Allow display parking in the landscape buffer;
4) Allow for 11.5% of total area to be landscaped in lieu of the required 15%;
5) Allow 14 - 3”caliper canopy trees (4 ornamental may be substituted 1 canopy) in lieu of the required 17 trees in the landscape buffer;
6) Waive the requirement for continuous solid screening device along property line of adjacent multi-family with the condition that used tires and refuse container are adequately enclosed and shielded from view;
7) Allow 18” berms in lieu of 24” berms in the landscape buffer;
8) Waive requirement for hedgerow parking screen;
9) Waive the requirement for interior parking islands for customer parking areas;
10) Allow six 2” caliper trees and full shrub beds in front customer parking terminal islands rather than the required twelve 2” caliper trees;
11) Waive requirement for median islands in the rear of building;

12) Allow parking islands on one side only (1-35 side) of parallel inventory parking aisles along side of showroom entrance;
13) Allow pre-engineered metal siding on rear and side building elevations with required screening on elevations visible from north bound flow of traffic along I-35 and General Bruce Drive in lieu of required consistent architectural finish;
14) Allow pre-engineered metal siding on existing building located to the rear of property;
15) Allow 3' inset on showroom entrance and 2' inset on parts and service entrance (south of showroom) in lieu of the required 6' offset/inset;
16) Allow partial incorporation of some tri-partite architectural elements in lieu of all required elements;
17) Allow 4% windows on parts and service building (south of showroom) in lieu of the required 40%;
18) Waive restriction on glazing and allow use of Solar Graylight 14 glazing; and
19) Allow use of pre-engineered metal siding on side and rear elevations and "Alucobond" on front façade in lieu of approved materials;

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 **5th** day of **July**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, MAYOR

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney