



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, JULY 11, 2013

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 11, 2013.
2. Discuss the proposed FY 2013-2014 budget and related issue, to include the various strategic and budget related policy issues to include, but not limited to, receiving an overview briefing of the FY2014 Preliminary Budget.
3. Received a City Council continuing education briefing on Platting.

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 APPEARANCES

3. Receive presentation from [Centex Titans and Coach Joshua Martinez](#), thanking the City of Temple for their continued support.

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes

- (A) [June 20, 2013 Special Called and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2013-6982-R](#): Consider adopting a resolution authorizing a contract renewal with the Temple Towman's Association to provide wrecker services.
- (C) [2013-6983-R](#): Consider adopting a resolution authorizing an Interlocal Agreement with the Belton Independent School District to add one School Resource Officer to the Temple Police Department.
- (D) [2013-6984-R](#): Consider adopting a resolution authorizing a 3-year rental/lease agreement, utilizing a BuyBoard contract, with G&K Services of Coppell for the rental/lease of non-civil service uniforms and floor mats in the estimated annual amount of \$59,000.
- (E) [2013-6985-R](#): Consider adopting a resolution authorizing a cost sharing agreement with Kiella Homebuilders for private participation in the extension of the next phase of Westfield Boulevard from Stonehollow to Prairie View Road.
- (F) [2013-6986-R](#): Consider adopting a resolution supporting Habitat for Humanity in its application for grant funding through the Texas State Affordable Housing Corporation and authorizing city matching funds in the amount of \$10,000 for development and implementation of an external home repair and accessibility program.
- (G) [2013-6987-R](#): Consider adopting a resolution authorizing the City Manager to enter into a Gateway Monument Agreement in the amount of \$190,000 and an Advance Funding Agreement in the amount of \$70,665 with the Texas Department of Transportation to permit enhancement of transportation facilities in conjunction with the Interstate 35 reconstruction project.

Ordinances – Second & Final Reading

- (H) [2013-4596](#): SECOND READING - Z-FY-13-20: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.00 ± acres, being a portion of the Daniel Meador Survey, Abstract No. 577, situated in the City of Temple, Bell County, Texas, located at 8744 Airport Road.
- (I) [2013-4597](#): SECOND READING - Z-FY-13-21: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.296 ± acres, being a portion of the Nancy Chance Survey, Abstract 5, Bell County, Texas, located on the west side of Old Waco Road, south of West Adams Avenue.

Misc.

- (J) [2013-6988-R](#): Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2013-2014 budget for August 1, 2013, and August 29, 2013, at 5:00 p.m. in the City Council Chambers.

- (K) [2013-6989-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

V. REGULAR AGENDA

ORDINANCES

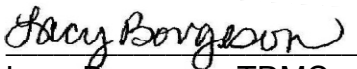
5. [2013-4598](#): FIRST READING – PUBLIC HEARING - Z-FY-13-22: Consider adopting an ordinance authorizing a zoning change from Commercial District (C) to Planned Development –Commercial (PD-C) on 29.659± acres of land out of the Uri Holbrook Survey, Abstract No. 1009, City of Temple, Bell County, Texas, being a portion of that 99.39 acre tract of land conveyed by deed and recorded in Volume 1858, Page 292, of the Deed Records of Bell County, Texas, located at the southeast corner of North General Bruce Drive and NE H K Dodgen Loop.

RESOLUTIONS

6. [2013-6990-R](#): P-FY-13-29: Consider adopting a resolution authorizing a Final Plat of The Groves At Lakewood Ranch Phase I, a ± 43.560 acre, 63 lot, 7 block residential subdivision, with a developer requested exception to Section 8.3.1A of the Unified Development Code related to the payment of required park fees, being out of the John J. Simmons Survey, Abstract 737, Bell County, Texas located on the north side of West Adams Road (FM 2305), west of Starlight Drive and East of St. Andrews Place.

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 2:30 PM, on June 28, 2013.



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 _____ 2013. _____.



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Daniel A. Dunn, Mayor

ITEM DESCRIPTION: Receive presentation from Centex Titans and Coach Joshua Martinez, thanking the City of Temple for their continued support.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Coach Joshua Martinez submitted a Request for Placement on the City Council Agenda, please see attached the forms.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda – Coach Joshua Martinez](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

RECEIVED
JUN 14 2012
CITY OF TEMPLE, TX

NAME OF PRESENTER: Centex TITANS (Joshua Martinez) ^{coach} Priority

ADDRESS: 415 East XAVIER

TELEPHONE NO. 254 931 0670

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note: The City Council meets the first and third Thursdays of each month.) 11 July

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

Centex TITANS will be giving a Team Helium
To Mayor Dunn, and left the city of Temple
and City Council we are to make are a City
a better place

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

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

Joshua Martinez
SIGNATURE OF PRESENTER

Jun 14, 2012
DATE

For Office Use:



2013 CenTex Titans Youth Sports Club

Community Sponsorship Program

Dear Central Texas Community Friends and Families,

Centex Titans are comprised of under privileged Kids from Belton, Temple, Killeen and surrounding areas. We are currently a youth football club, while branching into other sports, formerly known as the Belton Titans. This year we are being managed under a new head coach and board. During this time we are asking for our communities to get involved in effort to enrich the lives of our children.

The goal for the Centex Titans family is not to only teach our kids three core values honor, courage, and commitment. , but have the children give back to their communities through volunteer services. We find it important that our children learn how to become leaders not only on and off the field but in life and their communities as well.

Financial times are hard these days but we could really use any help you can offer. Team fees go up every year along with the cost of insurance. Our children deserve the best we can give them. Please show our children their communities care about them the way we teach our children to care about their community.

Centex Titans consist of two football teams and a cheerleading squad. We are still attaining players for each area so if you have a child or know a child that would like to play please bring them by our registration. We will post dates for registration on our facebook page soon.

We are offering a variety of specials for our supporters.

For any questions please contact Coach Martinez @ 254-931-0670. Like us on facebook for team photos and updated. Or email us at centextitans@yahoo.com for any questions.

Thank you for tour support Centex Titans!!!



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) June 20, 2013 Special Called and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[June 20, 2013 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

JUNE 20, 2013

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, June 20, 2013 at 4:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud
Councilmember Timothy Davis
Councilmember Russell Schneider
Mayor Pro Tem Judy Morales
Mayor Daniel A. Dunn

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 20, 2013.

Consent Agenda Item 4(P) - Mayor Dunn pointed out that they would be voting to reschedule the 1st Regular Meeting in July to July 11th due to the holiday.

Consent Agenda Item 4(O) - KTMPO Grant Funding. Ms. Williams reviewed the Category 7 Funding. This is part of Statewide Transportation Planning Metropolitan Mobility funds. KTMPO allocated \$3,213,210.36 for 2012-2013, aggregating with approximately \$3.2 million in 2013-2014; for total of \$6.4 million available for area projects. Projects for these funds will include additional lanes, interchanges, overpasses, bridges, maintenance, sidewalk/ trails, rehabilitation, safety and transit.

Ms. Williams noted the project and scope. This will be to expand the current two-lane SH 317 to encompass a five-lane roadway, approximately 1 mile; and for permanent traffic control signalization at the Tarver Road intersection. Eventually it will tie in with SH 317 improvements south of the river in Belton. Ms. Williams stated that part of the proposed TxDOT project, has already been designed, but was not funded. Easements/ ROW already acquired, to include water line relocation.

Ms. Williams reviewed the time-line to be: applications are due June 28, 2013; review by KTMPO Policy Board - September 2013; Notification of Award - October 2013; and obligation of funds - October 2016. She also noted that this is a \$3.0 million dollar project and we'd like to participate in a 50% match. This makes it a very competitive project.

Ms. Barnard reviewed the source of funding. She stated in 2012, the Council adopted a \$60 million dollar multi-year TCIP. Phase I was in the

amount of \$9,420,000 and those bonds were issued in Fall 2012; and Phase II is set FY 2015. Funds will be identified through reallocation of other TCIP projects and/ or savings identified in other transportation projects.

Councilmember Schneider noted that a project on the list would be replaced with this project?

Ms. Barnard stated the project list was broad when compiled. We hope to have savings from other projects to make up the match.

2. Receive a briefing on the Water/Sewer and Transportation CIP.

Ms. Torralva provided an updated to the Council. She reviewed the Water & Wastewater CIP first. She stated the Utility Services have historically been deemed mission critical. The Water & Sewer Master Plan provides a 'road map' for extension and expansion of systems; provides a project list and provides 'funding package' approach to financing projects. Over time, projects are sometimes re-prioritized, but are always implemented consistently with the City's strategic goals. The Utility System planning work attempts to balance growth of the system with increasing needs of an aging utility. Ms. Torralva reviewed several major efforts (multi-year/ multi-phases) that are underway. They include: South Temple Waterline; Bird Creek Interceptor; Charter Oak Water improvements; Leon River Interceptor; Utilities to North Loop 363/ IH-35 Interchange; support of TCIP Initiative; Temple-Belton WWTP Expansion; and the Water Treatment Facilities.

Next, Ms. Torralva discussed the Transportation CIP. She stated support is on-going. There are five key areas, they are: signalization; capacity; connectivity; reconstruction; and maintenance. Ms. Torralva reviewed the overall program components for the program as well as the funding allocation for FY 13/FY 14.

3. Discuss Boards and Commission appointments.

Mayor Dunn noted that each of the Councilmember have received a listing of board and commissions that has council representation. He asked Council to review for later discussions.

4. Received a City Council continuing education briefing on Platting.

This item was deferred until July 11, 2013.

The City Council of the City of Temple, Texas and the City of Temple Employee Benefits Trust.

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

Thursday, June 20, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Tim Davis
Councilmember Russell Schneider
Mayor Pro Tem Judy Morales
Mayor Daniel A. Dunn

I. CALL TO ORDER

1. Invocation

Gary Smith, Chief of Police, voiced the Invocation.

2. Pledge of Allegiance

Spencer and Austin Belbeck, grandchildren of Mayor Pro Tem Judy Morales, led the Pledge of Allegiance.

II. PUBLIC HEARINGS

3. PUBLIC HEARING: Receive comments and questions concerning the 2012 Drinking Water Quality Report (Consumer Confidence Report).

Nicole Torralva, Director of Public Works, presented this report to Council. She also noted that this report has been mailed to all utility customers for the City of Temple. This is a requirement of TCEQ.

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 3 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

III. PUBLIC COMMENTS

Mr. C.J. Grisham, 4365 Airport Trail, Temple addressed the Council with his concerns related to the Police Department.

Mr. R.S. Gates of 467 Valley Drive, Moody, addressed the Council in regards to the Public Comment section of meeting agenda that states "no discuss or final action will be taken by the City Council".

Mr. Glen Brany - Pres of Temple Founder Lions Club, of 2517 Crystal, Temple presented the Gober Party House with an AED.

IV. CONSENT AGENDA

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

(A) April 4, 2013 Special Called and Regular Meeting

(B) April 18, 2013 Special Called and Regular Meeting

(C) May 2, 2013 Special Called and Regular Meeting

(D) May 14, 2013 Special Called Meeting

(E) May 16, 2013 Special Called and Regular Meeting

(F) June 6, 2013 Special Called and Regular Meeting

(G) 2013-6971-R: Consider adopting a resolution authorizing the purchase of 32 H45 Carbon Fiber SCBA Cylinders from Casco Industries, Inc. of Shreveport, LA the sole source provider, in the amount of \$27,520.

(H) 2013-6972-R: Consider adopting a resolution authorizing the City Manager to make a payment to TEDC in the amount not to exceed \$180,000 for the City's share of a freight movement and logistics study from KPMG.

(I) Consider adopting resolutions authorizing:

- 1. 2013-6973-R: the construction of repairs to the Santa Fe Depot foundation by Hayward Baker, Inc. of Little Elm for a guaranteed maximum price of \$698,900 under a previously authorized Design-Build contract.**
- 2. 2013-6974-R: a professional services contract amendment for onsite representation for repairs to the Santa Fe Depot foundation with TemTex Engineering, PLLC of Temple in an amount of \$25,110.**

(J) 2013-4592: SECOND READING - A-FY-13-13: Consider adopting an ordinance authorizing abandonment and conveyance of an existing alley, being approximately 20 feet in width by 300 feet in length and reserving an easement for public utilities in the entire abandoned right-of-way, being a 0.138 + acre tract of land located along the rear property lines of Lots 1 through 12 of Block 8, Freeman Heights Addition situated in the

City of Temple, Bell County, Texas as described in the map or plat of record in Volume 98, Page 501, of the real property records of Bell County, Texas. The property is located at the southeast corner of South 31st Street and West Central Avenue.

(K) 2013-4593: SECOND READING - Z-FY-13-19: Consider adopting an ordinance authorizing a zone change from General Retail District (GR), Neighborhood Service District (NS), and Two Family District (2F) to General Retail District on Lots 1 - 12, Block 8, Freeman Heights Addition, being an area of + 2.066 acres, located at the southeast corner of South 31st Street and West Central Avenue.

(L) 2013-4594: SECOND READING - Z-FY-13-17: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to Neighborhood Service District (NS) on 4.916 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the south side of West Adams Avenue, at 7425 West Adams Avenue.

(M) 2013-4595: SECOND READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan to align with the 2022 Master Plan and to reflect the recent extension and expansion of the Reinvestment Zone No. 1 to 2062.

(N) 2013-6975-R: Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2013 Edward Byrne Memorial Justice Assistance Grant program Award.

(O) 2013-6976-R: Consider adopting a resolution authorizing submission of an application for funding through the Killeen-Temple Metropolitan Planning Organization, Statewide Transportation Planning Metropolitan Mobility, Category 7 Funding in the amount of \$3,000,000, with \$1,500,000 reimbursed to the City through KTMPO funding, to execute construction of the improvements on SH 317 to a five-lane roadway.

(P) 2013-6977-R: Consider adopting a resolution authorizing the rescheduling of the July 4, 2013, Regular City Council meeting to July 11, 2013.

(Q) 2013-6978-R: Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual City of Temple audit for an amount not to

exceed \$68,900.

(R) 2013-6979-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

Motion by Councilmember Perry Cloud adopt Resolution approving Consent Agenda. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

- 5. 2013-4596: FIRST READING - PUBLIC HEARING - Z-FY-13-20: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to General Retail District (GR) on 1.00 ± acres, being a portion of the Daniel Meador Survey, Abstract No. 577, situated in the City of Temple, Bell County, Texas, located at 8744 Airport Road.**

Tammy Lyerly, City Planner, presented this case to Council. she stated the applicant is Lina Chtay for Mary Conlon. This zoning request is from AG to GR for a future meat market. The subject property has an existing vacant building; and the applicant plans to resurface the parking area and remodel the building's interior. Ms. Lyerly reviewed some of the allowed uses for GR as well as the prohibited uses. The requested GR District is the standard retail district and allows most retail uses to include retail sales, restaurants, grocery stores, department stores or offices and residential uses except apartments. The Development Standards also requires that that the GR District be located a the intersection of major arterials and should provide total on-site traffic maneuvering. Ms. Lyerly stated a 6-foot sidewalk will be required with the property's redevelopment, per the UDC, Section 7.3. She explained that if the sidewalk standard is triggered with the remodeling, then it would connect to a neighboring existing sidewalk. There were 4 notices mailed out to the surrounding properties; 3 were returned in favor and 0 in opposition. Ms. Lyerly stated Staff recommends approval of the zoning change as requested even though it does not comply with the Future Land Use and Character Map, but that it is consistent with the adjacent General Retail Districts to both the east and west. This request does comply with teh Thoroughfare Plan. At their May 20, 2013, Planning and Zoning recommended approval of the

request, 7/0

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 5 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Mayor Pro Tem Judy Morales adopt Ordinance as presented, with second and final reading scheduled for July 11, 2013. seconded by Councilmember Tim Davis.

Motion passed unanimously.

6. 2013-4597: FIRST READING - PUBLIC HEARING - Z-FY-13-21: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to General Retail District (GR) on 1.296 ± acres, being a portion of the Nancy Chance Survey, Abstract 5, Bell County, Texas, located on the west side of Old Waco Road, south of West Adams Avenue.

Beverly Zendt, Interim Director of Planning, presented this case to Council. She stated the applicant for this request is Shane Wood on behalf of H.A. Proctor. The subject property is currently zoned AG and is requesting to be GR. The Future Land Use Map has identified this property at Suburban-Commercial and is appropriate for office, retail, and other service uses near residential neighborhoods. She then reviewed some of the uses allowed and prohibited for GR District. Ms. Zendt stated that Old Waco Road is a future Major Arterial and West Adams is a current Major Arterial. There is a 4" water line available to the site; with a 10" sewer line as well. Ms. Zendt stated a 10' sidewalk will be required. There were 3 notices mailed to the surrounding properties with 2 returned in favor and 0 in opposition. The Planning and Zoning Commission heard this case on May 20, 2013, and recommends approval 7/0. Staff's recommendation is to approval the zoning change as requested.

Councilmember Schneider inquired on future right-of-expansion.

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 6 and asked if anyone wished to address this item.

David Purdy, 8004 Redbrush, Temple addressed the Council and asked for favorable consideration.

There being no further comments, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Russell Schneider adopt Ordinance as presented, with second and final reading scheduled for July 11, 2013. seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

RESOLUTIONS

- 7. 2013-6980-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

(A) Animal Services Advisory Board - one member to fill an unexpired term through September 1, 2015; and

Councilmember Cloud recommended appointing William A. Jones, III to fill an unexpired term to the Animal Services Advisory Board through September 1, 2015.

(B) Temple Economic Development Corporation - one member to fill a standing Councilmember position.

Councilmember Cloud recommended appointing Councilmember Russell Schneider to fill the standing position on the TEDC.

Lacy Borgeson, City Secretary, presented this item to Council.

Motion by Councilmember Tim Davis adopt Resolution. seconded by Mayor Pro Tem Judy Morales.

ADJOURN THE REGULAR MEETING OF THE TEMPLE CITY COUNCIL AND CONVENE THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING.

VI. AGENDA - CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

- 8. 2013-6981-R: Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies from:**

(A) MetLife for Dental Insurance for FY2013-2014;

(B) MetLife for Basic Life, AD&D and Voluntary Life for FY2013-2014;

(C) Avesis for Voluntary Vision Insurance for FY2013-2015:

(D) Scott & White Health Plan for Medical and Prescription Insurance for FY2013-2015; and

(E) FBS/NBS for Voluntary Supplemental Insurance for FY2013-2014.

Sandra Esqueda, Acting Director of Human Resources, presented this item to the Trust. She briefly reviewed each of the contracts. Staff recommends extending each of the contracts as presented to the Trust as they have all performed well with exception of item D which is a new 2-year contract for Medical and Prescription Insurance.

Councilmember Davis asked what the proposed increase was from BlueCross BlueSheild?

Ms. Esqueda stated she would get back with him on that matter.

Mr. Schneider motioned to approve the purchase insurance policies as presented, Mr. Davis seconded. Motion carries.

ADJOURN THE MEETING OF THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract renewal with the Temple Towman's Association to provide wrecker services.

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

ITEM SUMMARY: The proposed resolution would authorize the renewal of the contract with the Towman's Association to provide motor vehicle towing services on the request of the police department. The contract specifies the requirements to be met as a member of the Towman's Association, such as the number of tow trucks a member must have, response times upon receiving a request for service, and fees for towing and storage.

The contract presented for Council consideration is similar to previous documents that have been approved in the past. The primary change to this contract, as compared to prior documents, deals with the number and size of tow trucks that tow operators are required to have available for response to calls. Membership in the Towman's Association is not regulated by the City of Temple.

FISCAL IMPACT: City owned vehicles weighing less than $\frac{3}{4}$ ton are towed at no charge, unless the tow initiates outside the city limits, at which time charges are assessed at \$4.00 per mile. Fees for towing a vehicle in excess of $\frac{3}{4}$ ton within the city may be levied as well. Each department is responsible to budget funds to cover such expenses.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT RENEWAL WITH THE TEMPLE TOWMAN'S ASSOCIATION TO PROVIDE WRECKER SERVICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the contract between the City of Temple and the Temple Towman's Association expired on June 5, 2013, and the Staff recommends renewing the contract for a three-year term;

Whereas, the wrecker service contract specifies the requirements to be met as a member of the Towman's Association, such as the number of tow trucks a member must have, response times upon receiving a request for service, and fees for towing – membership in the Towman's Association is not regulated by the City of Temple; 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 to authorize a three-year contract renewal with the Temple Towman's Association after approval as to form by the City Attorney, for wrecker services, attached hereto as Exhibit "A."

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 **11th** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Interlocal Agreement with the Belton Independent School District to add one School Resource Officer to the Temple Police Department.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution will authorize an agreement with the Belton Independent School District (BISD) in which the BISD will reimburse the City of Temple for 70% of the salary and benefits for one police officer from the Temple Police Department to serve as a School Resource Officer (SRO). In addition to the above costs, the BISD will agree to pay up to \$3,500 per year for vehicle use, equipment, travel, and training. The City's responsibility under the agreement is to provide a police vehicle for the position and to maintain all required training for the police officer. The agreement is scheduled to expire July 31, 2014, and will renew automatically unless terminated by either entity.

Locally, School Resource Officers are police officers that are employed by the City of Temple and are assigned to various schools. The officers handle a variety of law enforcement and public order duties, as well as assisting with a variety of school related functions that include counseling and educating students on a number of safety topics. The responsibility to supervise and handle any and all employment related issues for the SRO lies solely with the Temple Police Department.

On June 17, 2013, the BISD School Board unanimously approved the interlocal agreement for this position. Also, the City of Temple Human Resources will present an ordinance for the Council's consideration to authorize one additional civil service police officer position to meet this request.

FISCAL IMPACT: The BISD will reimburse the City of Temple for the following:

70% Officer salary plus benefits – estimated (annual expense)	\$51,779
Vehicle, Equipment, and Travel/Training paid by BISD	\$ 3,500

The City of Temple will provide:

30% Officer salary and benefits	\$22191
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Vehicle for the officer to operate	(no additional vehicle is requested at this time)
Maintenance of Training	(no additional funds are needed at this time)

A budget adjustment is presented for Council's approval appropriating the anticipated revenue to be received during FY 2013. The expenditures related to this agreement for FY 2013 were included in the FY 2013 budget but the associated revenue was not included. The estimated revenue and associated expenditures related to this agreement that are expected to be received in FY 2014 are included in the FY 2014 Proposed Budget.

ATTACHMENTS:

[Agreement](#)
[Budget Adjustment](#)
[Resolution](#)

INTERLOCAL AGREEMENT BETWEEN THE CITY OF TEMPLE AND THE
BELTON INDEPENDENT SCHOOL DISTRICT PROVIDING FOR TEMPLE POLICE
DEPARTMENT SCHOOL RESOURCE OFFICERS

This Agreement is made and entered into this 17 day of JUNE, 2013, by and between the City of Temple, Texas ("City"), a municipal corporation, and the Belton Independent School District ("BISD") pursuant to the provisions of the Interlocal Cooperation Act, Texas Government Code, 791.001 *et seq.*

I. INTENT

It is the intent of the parties to engage in an Interlocal Agreement whereby BISD shall pay City an amount equal to 70% of the salary and benefits of a Temple Police Department ("TPD") peace officer to serve as a School Resource Officer ("SRO") for BISD at BISD campuses located within the City of Temple. In addition, BISD will pay the City up to \$3,500 per year for the SRO's vehicle use, equipment, travel, and training.

It is the intent of the parties that, for the duration of this agreement and any extensions thereof, the officer will be assigned as a School Resource Officer. It is also the intent of the parties that if and when the agreement is terminated and/or expires, that officer will be re-assigned by TPD to potentially non- School Resource Officer duties.

2. TERM OF AGREEMENT; TERMINATION

2.1 This agreement shall be effective upon execution by the parties for the period ending July 31, 2014. This Agreement shall automatically renew and extend for successive one (1) year terms unless either party elects to exercise their right to terminate under paragraph 2.2 of this Agreement.

2.2 Either party at any time may terminate this Agreement after providing 90 days' written notice to the other party. BISD shall be responsible for payment due to the City for the officer provided at any time during the immediately preceding year.

2.3 The parties reserve the right to withdraw from the agreement immediately if their governing bodies fail to appropriate funds necessary for the satisfaction of the contractual obligations.

3. COMPENSATION

3.1 BISD shall pay City for the expenses affiliated with each School Resource Officer that are described in paragraph one (1) of this Agreement and set forth in Exhibit "A", attached hereto and made part hereof for all purposes.

3.2 City shall send a monthly invoice to BISD within 15 days after the ending date of each month of the regular school year requesting reimbursement for the School Resource Officers' expenses, as described in paragraph one (1) of this Agreement and Exhibit A.

3.3 BISD shall pay the amount stated on any invoice referenced at paragraph 3.2 not later than 30 consecutive days after the receipt of said invoice.

3.4 The Parties hereby agree to negotiate in good faith for the purpose of resolving any discrepancies regarding any costs referenced in this Agreement.

4. ENTIRE AGREEMENT

This Agreement represents the entire agreement between BISD and the City and no prior or contemporaneous oral or written agreement shall be construed to alter its terms. No additional terms shall become part of this Agreement without the written consent of both parties and compliance with relevant State law.

5. ASSIGNMENT

BISD shall not assign or subcontract its obligations under this Agreement without the prior written consent of the City.

6. VENUE

Any suit or claim or cause of action regarding this Agreement shall be brought in Bell County, Texas, as the choice of venue and jurisdiction and site of performance by the parties. The parties further agree that the law of the State of Texas shall govern any interpretation of the terms of this Agreement.

7. NOTICES

Any written notice provided under this Agreement or required by law shall be deemed to have been given and received on the next day after such notice has been deposited by Registered or Certified Mail with sufficient postage affixed thereto and addressed to the other party to the Agreement; provided, that this shall not prevent the giving of actual notice in any manner.

8. CONTRACT ADMINISTRATOR

This contract shall be administered on the City's behalf by Gary O. Smith, Police Chief and on BISD's behalf by Dr. Susan Kincannon, Superintendent for Belton Independent School District, and all notices, questions, or documentation arising under this Contract shall be addressed to the contract administrators at:

Temple Police Department
Chief Gary O. Smith
209 E. Avenue A
Temple, Texas 76501

Belton Independent School District
Dr. Susan Kincannon, Superintendent
P.O. Box 269
Belton, Texas 76513

9. WAIVER

No waiver of any of the provisions of the Agreement shall be binding upon the parties unless the same is in writing.

10. SEVERABILITY

In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such fact shall not affect any other provision thereof and this Agreement shall be construed as if the stricken provision had never been contained herein.

11. MODIFICATION

This Agreement may be amended or modified by the mutual agreement of both parties hereto in writing, such writing to be attached hereto and incorporated into this Agreement.

12. FORCE MAJEURE

No party shall be responsible for damages or expected to fulfill its obligations under this Agreement should an act of God or other unforeseen catastrophe occur and cause such damage as to prevent the performance of such obligation.

13. EXECUTION OF AGREEMENT


This Agreement shall be executed by the duly authorized official(s) of each party as expressed in the approving resolution or order of the governing body of such party.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement on the date first above written.

THE CITY OF TEMPLE, TEXAS

BELTON INDEPENDENT SCHOOL
DISTRICT

David Blackburn
City Manager



Randy Pittenger
President, Board of Trustees

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

City Attorney's Office

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of _____, 2013 by David Blackburn, City Manager of the City of Temple, Texas.

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the 17 day of June, 2013 by Randy Pittenger, on behalf of the Belton Independent School District.

Linda K. Robbins
Notary Public, State of Texas



Exhibit A

During the period that this Agreement remains in effect, BISD agrees to reimburse the City for the following expenses for the SRO:

70% of officer salary and benefits (annual expense)	
Equipment, travel, SRO training and vehicle use	\$3,500

The City shall bill BISD monthly for the officers' salaries and benefits. The costs related to vehicle use, equipment, travel, and training shall be billed at the time those costs are incurred, but not later than five (5) months after the execution of this Agreement.

During the period this Agreement remains in effect, the City agrees to furnish an equipped police vehicle and all other training that is required for a peace officer in the State of Texas.

FY **2013****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-0000-442-07-20		Police Revenue	\$ 7,966			
110-0000-352-13-45		Des for Capital Projects - Unallocated	7,966			
		Do not post				
TOTAL.....			\$ 15,932		\$ -	

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

To appropriate estimated revenue for FY 13 related to the Interlocal Agreement with Belton Independent School District (BISD) in which BISD will reimburse the City of 70% of the salary and benefits and up to \$3,500 in mileage, vehicle useage, equipment and travel/training for one police officer from the Temple Police Department to serve as a School Resource Officer (SRO). This agreement expires July 31, 2014 and will renew automatically unless terminated by either entity. The expected revenue and associated expenditures from this agreement for FY 2014 are included in the FY 2014 Proposed Budget.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/11/2013

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE BELTON INDEPENDENT SCHOOL DISTRICT (BISD) TO PROVIDE A SCHOOL RESOURCE OFFICER TO THE TEMPLE POLICE DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department requests authorization of an interlocal agreement with the Belton Independent School District (BISD) in which BISD will reimburse the City of Temple for 70% of the salary and benefits for one police officer from the Temple Police Department to serve as a School Resource Officer (SRO);

Whereas, in addition, BISD agrees to pay up to \$3,500 per year for vehicle use, equipment, travel and training;

Whereas, this agreement will expire on July 31, 2014 and will renew automatically unless terminated by either entity;

Whereas, a budget adjustment is presented to Council for approval 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 an interlocal agreement with the Belton Independent School District (BISD), after approval as to form by the City Attorney, to provide a School Resource Officer.

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 11th day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a 3-year rental/lease agreement, utilizing a BuyBoard contract, with G&K Services of Coppell for the rental/lease of non-civil service uniforms and floor mats in the estimated annual amount of \$59,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In order for the public to identify City of Temple employees, several departments utilize a uniform rental/lease service. Departments that currently utilize a uniform rental/lease service are Parks & Leisure Services, Construction Safety, Library, Airport, and all Public Works divisions. Twelve facilities with high traffic throughout the City also rent floor mats.

On June 17, 2010, the City Council authorized a 3-year rental contract that expires on July 14, 2013, with G&K Services (G&K) through the BuyBoard for the rental/lease of non-civil service uniforms and floor mats. Staff is recommending that the City enter into a new contract with G&K through July 14, 2016, with only minor pricing adjustments. This staff recommendation is based on staff's analysis of four (4) other contracts available from cooperative contracts, where in conclusion, staff believes that G&K is offering the best value.

In addition to the pricing remaining relatively consistent over the current contract, G&K has agreed to waive the 2% annual increase on June 1st of each year, which is available to G&K under the BuyBoard contract. Also, G&K Services has agreed to give the City of Temple one free week of services per year for the next three years.

Even though this is a three (3) year agreement, either party may cancel this proposed contract at any time by giving the other party at least a 30 day written notice of cancellation.

The BuyBoard is a joint project of the Texas Association of School Boards, Texas Municipal League and the Texas Association of Counties. All products and services offered on the BuyBoard have already been competitively procured.

FISCAL IMPACT: Each department that supplies its employees with uniforms budgets for the uniforms in account #2618. The estimated annual expenditure for uniforms is \$59,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A 3-YEAR RENTAL/LEASE AGREEMENT, UTILIZING A BUYBOARD CONTRACT, WITH G&K SERVICES OF COPPELL, TEXAS, FOR THE RENTAL/LEASE OF NON-CIVIL SERVICE UNIFORMS AND FLOOR MATS, IN THE ESTIMATED ANNUAL AMOUNT OF \$59,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in order for the public to identify City of Temple employees, several departments utilize a uniform rental/lease service;

Whereas, on June 17, 2010, the City Council authorized a 3-year contract with G&K Services of Coppell, Texas, through the BuyBoard for the rental/lease of non-civil service uniforms and floor mats – this contract expires on July 14, 2013 with the option for either party to cancel at any time by giving the other party at least 30-days written notice of cancellation;

Whereas, the Staff recommends the City enter into a new contract with G&K Services through July 14, 2016, in the estimated annual amount of \$59,000 for this purpose;

Whereas, funds are available for each department that utilizes the uniform rental/lease service in various departmental budgets; 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 3-year rental/lease agreement, after approval as to form by the City Attorney, with G&K Services of Coppell, Texas, for the rental/lease of non-civil service uniforms and floor mats in the estimated annual amount of \$59,000.

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

PASSED AND APPROVED this the **11th** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Nicole Torralva, Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a cost sharing agreement with Kiella Homebuilders for private participation in the extension of the next phase of Westfield Boulevard from Stonehollow to Prairie View Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the City's transportation CIP, the City plans to extend Westfield Boulevard from Stonehollow to Prairie View Rd. The extension will run through property currently owned by Kiella Homebuilders ("Kiella"). The extension will also serve future residential development in the area and new Belton ISD middle school currently under construction at the northwest corner of Westfield and Prairie View. In the developer participation agreement, Kiella agrees to donate right of way to the City for construction of this phase of the extension of Westfield Boulevard and to share in the cost of constructing the road. As an inducement to the City to build the extension of Westfield Boulevard, the developer initially agreed to convey a 75 foot wide section of right of way and a cash contribution of up to \$325,000 towards the cost of designing and building the Westfield extension. The City has requested an additional 25 feet of width for the extension to allow for a hiking/biking trail on one side of the extension and a sidewalk on the other.

Under the proposed developer participation agreement, the City will receive from Kiella Homebuilders a donation of 75 feet of right of way (about 5.32 acres) and an amount not to exceed \$325,000 in financial contribution towards the cost of designing and constructing the extension of Westfield Boulevard. The City agrees to credit Kiella Homebuilders in the amount of \$24,780 for the purchase of an additional 25 feet width of right of way (about 1.77 acres) at \$14,000/acre (\$10,000 acre for the easement itself, and \$4,000/acre for surveying, administration and easement preparation and execution). This will result in a net financial contribution (after the credit) of \$300,220 by Kiella Homebuilders.

The \$300,220 contribution will be payable in four equal annual installments with the first payment due on January 15, 2014. Under the proposed cost sharing agreement, Kiella Homebuilders may further reduce its financial contribution by securing and donating easements for a further extension of Westfield Boulevard from Prairie View Road to SH 36/Airport Road. This next planned extension of Westfield is approximately 4,000 linear feet, and the City is again looking to secure a 100 foot wide easement for that distance (an area of approximately 9.18 acres). In the agreement, the City agrees

To credit Kiella Homebuilders at \$20,000/acre (\$15,000 for this (future acquired) easement and \$5,000/acre for surveying, administration and easement preparation/execution). Potentially this credit could be worth approximately \$183,600 if a full 9.18 acres are acquired by easement and delivered to the City. If Kiella Homebuilders earns a full credit of \$183,600, our net financial contribution from them will be \$116,620 (based on approximate linear foot measurements).

The Staff recommends approval of the cost sharing agreement because the agreement will reduce the net cost to the City of designing and constructing the extension of Westfield Boulevard from Stonehollow to Prairie View Road. Under the City's development codes, a developer platting property along both sides of Westfield Boulevard would be required to donate only about 36 feet of right of way width for Westfield (representing two lanes of traffic/one on each side of the extension) and would not have to pay any of the design and construction costs for the road when it is eventually built. The contribution of an additional 64 feet of right of way width and the sharing in the cost of designing and building the extension of Westfield is a contributing factor in Westfield being extended at this time, and will result in a lower net cost to the City and a superior transportation corridor for our citizens.

FISCAL IMPACT: Phase I of the TCIP includes an appropriation of \$1,825,435 for the design and construction of the above referenced extension. The current opinion of probable cost (OPC) for the project is \$2,100,000.

The City will receive a 100 foot wide easement for the length of the planned extension of Westfield Boulevard from Stonehollow to Prairie View. The City will also receive up to \$300,220 in financial participation from the developer, Kiella Homebuilders, in the cost of designing and constructing this extension, payable in four equal installations. The financial contribution by the developer may be reduced by approximately \$183,600 if the developer is able to secure and deliver to the City easements for the next planned extension of Westfield Boulevard (from Prairie View to SH 36—an extension of about 4,000 linear feet of 100 foot wide right of way).

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A COST-SHARING AGREEMENT WITH KIELLA HOMEBUILDERS FOR PRIVATE PARTICIPATION IN THE EXTENSION OF WESTFIELD BOULEVARD FROM STONEHOLLOW DRIVE TO PRAIRIE VIEW ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the City's transportation CIP, the City plans to extent Westfield Boulevard from Stonehollow Drive to Prairie View Road and the extension will run through property currently owned by Kiella Homebuilders ("Kiella") and will serve future residential development in the area to include the new Belton ISD middle school currently under construction;

Whereas, in the proposed agreement, Kiella agrees to donate right of way to the City for construction of this phase of the extension of Westfield Boulevard and to share in the cost of the construction of the road;

Whereas, as an inducement to the City to build the extension, Kiella initially agrees to convey a 75 foot wide section of right of way and a cash contribution of up to \$325,000 towards the cost of designing and building the Westfield Boulevard extension – the City has requested from Kiella, an additional 25 feet of width for the extension to allow for a hiking/biking trail on one side of the extension and a sidewalk on the other;

Whereas, Staff recommends approval of the cost sharing agreement because the agreement will reduce the net cost to the City of designing and constructing the extension of Westfield Boulevard from Stonehollow to Prairie View Road; 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 cost-sharing agreement with Kiella Homebuilders, after approval as to form by the City Attorney, for private participation in the extension of the next phase of Westfield Boulevard, from Stonehollow Drive to Prairie View Road.

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

PASSED AND APPROVED this the **11th** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution supporting Habitat for Humanity in its application for grant funding through the Texas State Affordable Housing Corporation and authorizing city matching funds in the amount of \$10,000 for development and implementation of an external home repair and accessibility program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Through its Texas Foundations Fund program, the Texas State Affordable Housing Corporation (TSAHC) partners with non-profit organizations across Texas to support housing services that meet the housing needs of very low income households. TSAHC has designated \$300,000 this year for funding with individual grant awards being up to \$50,000 for home repair. TSAHC's source of funding for this program is private donations and revenue from its affordable housing programs.

If the grant is received, Habitat proposes to rehabilitate and/or repair the exterior of single family homes to remedy unsafe living conditions and provide accessibility modifications. Under this program, households receiving repair assistance must own and occupy the home. In addition, the program must serve very low-income households (earning no more than 50% of the area median family income). Habitat would be responsible for administering the program, providing project oversight, and overseeing owner sweat equity.

This partnership, led by Habitat, would accomplish a goal of the East Temple Redevelopment Plan: Existing Residential Redevelopment – Goal 3 – Partner with Habitat for Humanity on their Brush with Kindness Program, an exterior home preservation program.

Total matching funds are proposed in the amount of \$30,000 with Habitat providing \$10,000; the City providing \$10,000 and the Lions Club providing \$10,000. Habitat for Humanity must submit their grant application by no later than July 12.

FISCAL IMPACT: The City's share of the grant match is \$10,000. The Proposed FY 2014 Budget includes funding for 'Neighborhood Improvement and cleanup for the East Temple Redevelopment Program'. If approved in the FY 2014 Budget, funding in the amount of \$10,000 will be available in account # 110-1500-515-2695 for the City's grant match.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUPPORTING HABITAT FOR HUMANITY IN ITS APPLICATION FOR GRANT FUNDING THROUGH THE TEXAS STATE AFFORDABLE HOUSING CORPORATION, AND AUTHORIZING CITY MATCHING FUNDS IN THE AMOUNT OF \$10,000, FOR DEVELOPMENT AND IMPLEMENTATION OF AN EXTERNAL HOME REPAIR AND ACCESSIBILITY PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, through its Texas Foundations Fund program, the Texas State Affordable Housing Corporation (TSAHC) partners with non-profit organizations across Texas to support housing services that meet the housing needs of very low income households;

Whereas, through private donations and revenue from its affordable housing programs, \$300,000 has been designated by TSAHC this year for funding with individual grant awards being up to \$50,000 for home repair;

Whereas, this partnership, led by Habitat for Humanity, would accomplish a goal of the East Temple Redevelopment Plan: Existing Residential Redevelopment – Goal 3 – Partner with Habitat for Humanity on their Brush with Kindness Program, an exterior home preservation program;

Whereas, total matching funds are proposed in the amount of \$300,000 with Habitat for Humanity providing \$10,000, the City of Temple providing \$10,000, and the Lions Club providing \$10,000 – applications are due no later than July 12, 2013;

Whereas, funds for the City's share of the grant match is available in Account No. 110-1500-515-2695; 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 supports the submission of an application for grant funding through the Texas State Affordable Housing Corporation for redevelopment and implementation of an external home repair and accessibility program, with city matching funds in the amount of \$10,000.

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

PASSED AND APPROVED this the **11th** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to enter into a Gateway Monument Agreement in the amount of \$190,000 and an Advance Funding Agreement in the amount of \$70,665 with the Texas Department of Transportation to permit enhancement of transportation facilities in conjunction with the Interstate 35 reconstruction project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 2, 2012, the City Council approved the proposed design, and request for installation in highway right-of-way, of the new I-35 gateway monument (replacing the existing monument which is affected by the I-35 reconstruction). Since that time, TXDOT has received and accepted the bid for this project in the amount of \$190,000. Payment will be due January 2014. This item authorizes the City Manager to enter into TXDOT's required Gateway Monument Agreement. The agreement must be fully executed by both TxDOT and the City prior to commencement of any construction associated with the project.

The Gateway Monument Agreement includes the following provisions:

- Jurisdiction over the area of the project site
- Approval of the Gateway Monument content
- Financial responsibilities
- Commitment to ensure City maintenance of the monument (and any associated landscaping and/or lighting), including timely graffiti removal, repair, and removal (or restoration) as needed.
- Provision for removal, if necessary
- Approval of design and placement

The second part of this agenda item, the Advance Funding Agreement for Voluntary Local Government Contributions, authorizes the City's participation in installation of internally lighted street signs as part of the I-35 reconstruction project in the amount of \$70,665. The City will be responsible for installation cost and long term maintenance of these lit signs.

Other I-35 enhancements that will be installed and paid for by TXDOT include:

- Landscape, irrigation, and hardscape installations throughout the project (57th Street, Avenue H, Central/Adams intersection, Nugent, Bellaire, and Spur 290)
- Decorative pavers at intersections
- Stars on pilasters
- Arched bridge rails with street name insets
- Painting of bridge beams
- Installation of metal stars with backlighting on bridge columns

FISCAL IMPACT: The construction cost of \$190,000 for the Gateway monument will be funded with the Keep Temple Beautiful Governors Award Grant. The internally lighted street signs of \$70,665 will be funded from the Street Department's annual operating budget. A budget amendment is attached to recognize the revenue from the grant and the construction cost of the monument. The design for the monument was funded with Reinvestment Zone #1 funds.

ATTACHMENTS:

[Monument Design and LocationMap](#)
[Budget Adjustment](#)
[Resolution](#)

I-35 GATEWAY SIGN CONCEPT



INTERSTATE 35 GATEWAY SIGN



Moody Design

Curved Sign | 1

FY **2013****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
260-0000-431-02-61		State Grants	\$ 190,000			
260-3400-531-63-10	101091	Capital/Building & Grounds	190,000			
TOTAL.....			\$ 380,000		\$ -	

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

Appropriate grant revenue and expenditures related to the Gateway Monument Agreement between the City of Temple and the Texas Department of Transportation in conjunction with the Interstate 35 reconstruction project. Funds will be used for the installation of a new I-35 gateway monument in highway right-of-way. This monument is replacing the existing monument which is affected by the I-35 reconstruction.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/11/2013

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

Disapproved

Finance

Date

☐

Approved

Disapproved

City Manager

Date

☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A GATEWAY MONUMENT AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) IN THE AMOUNT OF \$190,000, AND ENTER INTO AN ADVANCED FUNDING AGREEMENT WITH TXDOT, IN THE AMOUNT OF \$70,665, BOTH AGREEMENTS WILL PERMIT ENHANCEMENT OF TRANSPORTATION FACILITIES IN CONJUNCTION WITH THE INTERSTATE 35 RECONSTRUCTION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 2, 2012, the City Council approved the proposed design and request for installation of the new I-35 gateway monument in the highway right-of-way;

Whereas, since that time, TxDOT has received and accepted the bid for this project, in the amount of \$190,000;

Whereas, pursuant to the proposed Gateway Monument Agreement between the City and TxDOT, payment by the City of \$190,000 will be due in January, 2104 - the City also commits to maintain the gateway monument and perform any associated landscaping, including graffiti removal/repair, and removal or restoration of the monument as needed;

Whereas, the proposed Advanced Funding Agreement for Voluntary Local Government Contributions will authorize the City's participation in installation of internally lighted street signs as part of the I-35 reconstruction project in the amount of \$70,665;

Whereas, the City will be responsible for installation cost and long term maintenance of the lit signs;

Whereas, a budget adjustment is presented for Council approval to recognize the revenue from the grant and construction costs associated with the monument; 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 enter into a Gateway Monument Agreement with the Texas Department of Transportation which authorizes the City's participation in the installation of the I-35 gateway monument in the amount of \$190,000.

Part 2: The City Council authorizes the City Manager, or his designee, to enter into an Advance Funding Agreement for Voluntary Local Government Contributions with the Texas Department of Transportation which authorizes the City's participation in the installation of internally lighted street signs as part of the I-35 reconstruction project in the amount of \$70,665.

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 **11th** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANNY A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(H)
Consent Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning

ITEM DESCRIPTION: SECOND READING - Z-FY-13-20: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.00 ± acres, being a portion of the Daniel Meador Survey, Abstract No. 577, situated in the City of Temple, Bell County, Texas, located at 8744 Airport Road.

P&Z COMMISSION RECOMMENDATION At its meeting on May 20, 2013, the Planning and Zoning Commission voted 7/0 in accordance with Staff recommendation to recommend approval of a zoning change from Agricultural District (AG) to General Retail District (GR). Commissioners Magaña and Martin were absent.

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

Staff recommends approval of the requested zoning change to GR District for the following reasons:

1. The request does not comply with the Future Land Use and Character Map, but is consistent with the adjacent General Retail Districts to the east and west;
2. The request complies with the Thoroughfare Plan; and
3. Public and private facilities are available to the subject property.

ITEM SUMMARY: Please refer to the draft minutes of case Z-FY-13-20 from the Planning and Zoning Commission meeting on May 20, 2013. The applicant requests a zoning change from Agricultural District (AG) to General Retail District (GR) to allow a future meat market that is being relocated due to the IH-35 expansion. The subject property has an existing vacant building. The applicant plans to remodel the building's interior and resurface the parking area. The applicant's requested zone change would allow development of retail uses on the property and expand the General Retail District already existing on the adjacent properties to the east and west.

According to the City of Temple Comprehensive Plan, the property's current Agricultural Rural land use classification is characterized by areas within the city limits that do not yet have adequate public facilities and services, and therefore may not have any on-site utilities. It is meant to protect areas in active farm and/or ranch use. Since the requested GR District does not comply with the property's

Agricultural Rural land use classification, a zoning change would require an amendment to the Future Land Use and Character Plan.

The requested GR zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery stores, department stores, or offices and residential uses except apartments.

The GR zoning district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Although the applicant has indicated his intention for utilize the site for a future meat market, a rezoning from the AG to the GR zoning district would allow many uses by right that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses


Single Family Detached
Duplex
Home for the Aged
Townhouse




Nonresidential uses

Office
Restaurant
Hotel or Motel
Food or Beverage sales store without fuel sales

Prohibited uses include most industrial uses except recycling collection locations, HUD-Code manufactured homes and land lease communities, boat sales or storage, welding or machine shop, storage warehouse, and building material sales, among others.

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	Vacant Building and Property	

Direction	Zoning	Current Land Use	Photo
			
East	AG	Undeveloped Property	
West	AG	Undeveloped Land and Nonresidential Uses	

Direction	Zoning	Current Land Use	Photo
South	GR	Bar and Dance Hall	
North	GR	Package Store	

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	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The applicant's property is identified as Agricultural Rural. The applicant's requested GR District does not comply with this recommendation, but is consistent with adjacent nonresidential development (zoned GR) to the east and west. A zoning change to the GR District would require an amendment to the Future Land Use and Character Plan.	N
CP	Map 5.2 - Thoroughfare Plan	The property fronts Airport Road, which is identified as a major arterial. The requested GR district is appropriate along major arterials.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	A 6-inch water line along the north right-of-way of Airport Road services the property. The property appears to be serviced by a septic system. There's an 8-inch sewer line east of the subject property near the Airport in the north right-of-way line of Airport Road.	Y
STP	Temple Trails Master Plan Map & sidewalks	There are no trails shown on the Temple Trails Master Plan Map for this area.	Y

CP = Comprehensive Plan

STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: Dimensional standards for **nonresidential** development in the GR District are as follows:

- Minimum lot size – N/A
- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback – 0 feet (10 feet adjacent to residential zoning)

Although development regulations require a 6-foot wide sidewalk along Major Arterials, such as Airport Road, the subject property was developed without a sidewalk. The 6-foot sidewalk will be required with the property's redevelopment, per the UDC Section 7.3-Sidewalks:

Applicability

Sidewalks built in accordance with the standards in Sec. 8.2.3 are required adjacent to a collector street, minor arterial or major arterial if:

A new building or structure is built requiring a Building Permit as set forth in Sec.3.13; or the cost to remodel an existing structure is by 50 percent or more of the assessed value of the property per the current tax rolls.

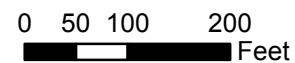
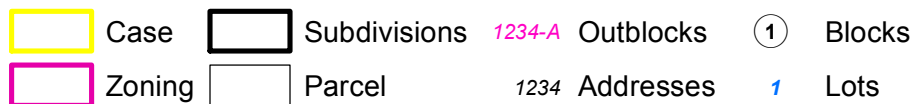
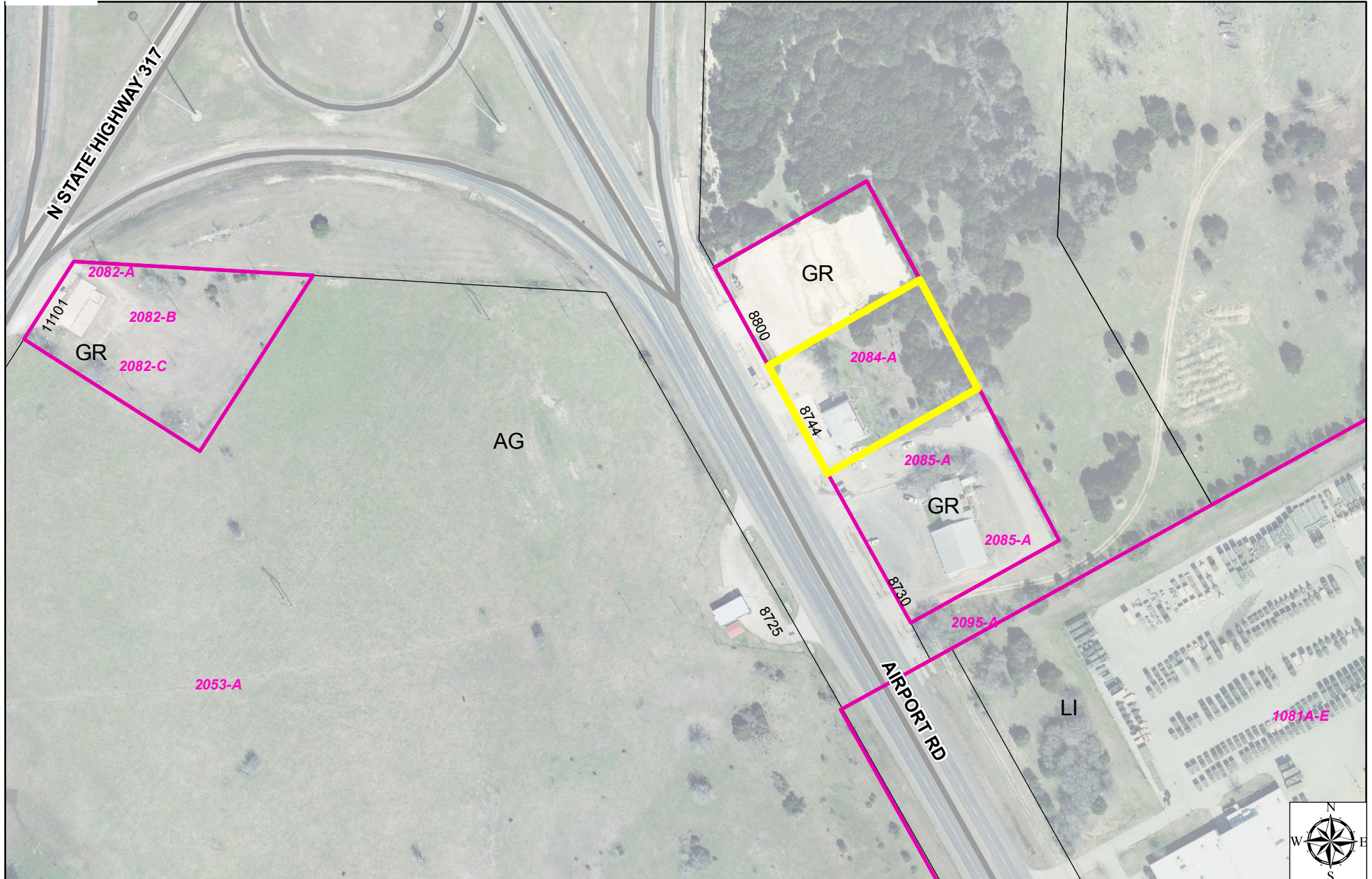
PUBLIC NOTICE: Four notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of May 15, 2013, three notices were returned in favor of the request and no notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on May 9, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Zoning and Location Map](#)
[Future Land Use and Character Map](#)
[Notification Map](#)
[Response letters](#)
[PZ Excerpts](#)
[Ordinance](#)



5/15/2013
City of Temple GIS

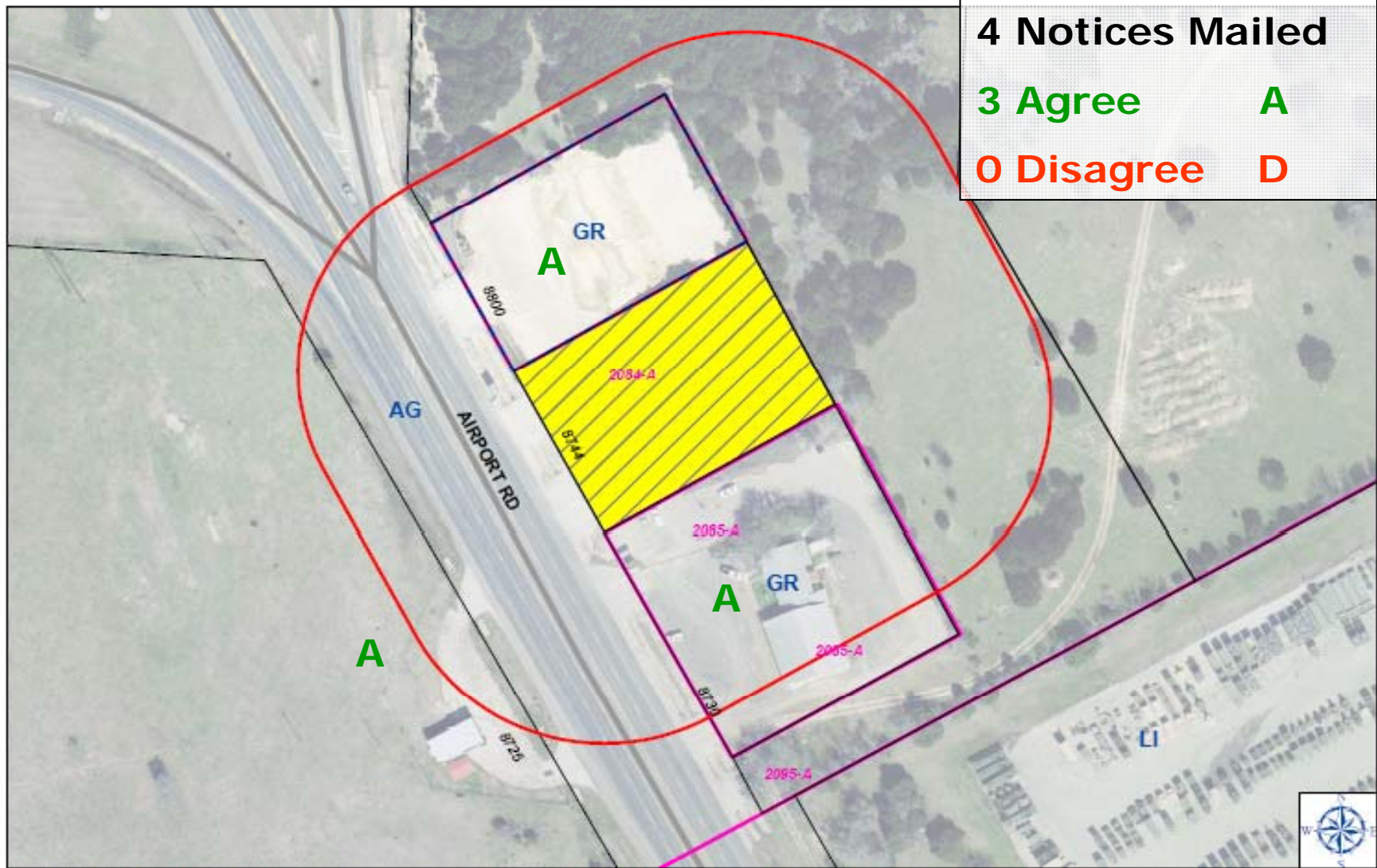
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.









Future Land Use

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

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.



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

A horizontal scale bar with a black background. It has white markings at 0, 50, and 100. Below the bar, the word "Feet" is written in black.

5/3/2013
City of Temple GIS
Eyerly

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.



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Richard Lewis Heating & AC
1218 South 27th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-20

Project Manager: Tammy Lyerly

Location: 8744 Airport Road

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

Richard Lewis
Signature

RICHARD LEWIS
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 20, 2013

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

RECEIVED
MAY 15 2013
City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: May 9, 2013



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Peggy J. Chatham
10820 State Highway 317
Belton, Texas 76513

Zoning Application Number: Z-FY-13-20

Project Manager: Tammy Lyerly

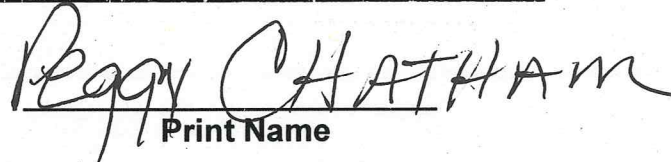
Location: 8744 Airport Road

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 20, 2013

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

RECEIVED

MAY 16 2013

City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: May 9, 2013



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Sam Sancetta
213 Bluebonnett Drive
Marlin, Texas 76661

Zoning Application Number: Z-FY-13-20

Project Manager: Tammy Lyerly

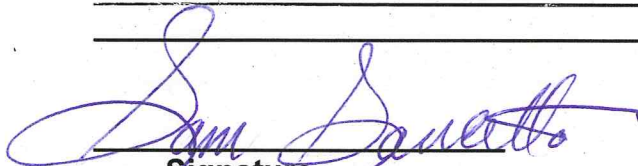
Location: 8744 Airport Road

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

NONE


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 20, 2013

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

RECEIVED
MAY 20 2013
City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: May 9, 2013

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 20, 2013**

ACTION ITEMS

Item 5: Z-FY-13-20: - Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to General Retail District (GR) on 1.00 ± acres, being a portion of the Daniel Meador Survey, Abstract Number 577, situated in the City of Temple, Bell County, Texas located at 8744 Airport Road. (Applicant: Lina Chtay for Mary Conlon)

Ms. Zendt stated this item would go forward to City Council for first reading on June 20 and second reading on July 11, 2013.

This is a request for a future meat market that is being relocated due to the I-35 expansion. The subject property has an existing vacant building and the applicant proposes to resurface the area and remodel the building's interior. Once the property is rezoned, it is open to the full range of uses allowed under General Retail (GR).

Adjacent to the subject property is GR to the north and side and Agricultural (AG) to the east and west.

Surrounding land uses include undeveloped land and nonresidential uses (AG) to the west, bar and dance hall (GR) to the south, undeveloped land to the east (AG), and a package store (GR) to the north.

Allowed and prohibited uses are given.

A GR district should be located at the intersection of major arterials and to provide total on-site traffic maneuvering within the confines of the property.

A six-foot wide sidewalk will be required due to the property's redevelopment per UDC Section 7.3. For existing development in areas identified for sidewalks, it is required when the improvements to the area are greater than 50 percent of the assessed value of the property. There is an existing sidewalk located in the general area.

The Future Land Use and Character Map designate the area as Agricultural which is not consistent with the request from the applicant.

The Thoroughfare Plan designates Airport Road as a major arterial which support most commercial and retail developments.

There is an existing six-inch water line available to serve the site. An eight-inch sewer line lies east of the property along Airport Road which would be extended to the site.

Four notices were mailed out: two were received in favor and zero in opposition.

Staff recommends approval of the zone change request for the following reasons:

The request does not comply with the Future Land Use and Character Map, but it is consistent with the adjacent General Retail Districts to the east and west;

The request complies with the Thoroughfare Plan; and

Public and private facilities are available to the subject property.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 5, Z-FY-13-20, as presented, and Commissioner Talley made a second.

Motion passed: (7:0)

Commissioners Magaña and Martin absent

ORDINANCE NO. _____

(PLANNING NO. Z-FY-13-20)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR), ON APPROXIMATELY 1.00 ACRE, BEING A PORTION OF THE DANIEL MEADOR SURVEY, ABSTRACT NO. 577, AND LOCATED AT 8744 AIRPORT ROAD; 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 General Retail District (GR), on approximately 1.00 acre, being a portion of the Daniel Meador Survey, Abstract No. 577, situated in the City of Temple, Bell County, Texas and located at 8744 Airport Road, and 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 **20th** day of **June**, 2013.

PASSED AND APPROVED on Second Reading on the **11th** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(I)
Consent Agenda
Page 1 of 6

DEPT. / DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning

ITEM DESCRIPTION: SECOND READING - Z-FY-13-21: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.296 ± acres, being a portion of the Nancy Chance Survey, Abstract 5, Bell County, Texas, located on the west side of Old Waco Road, south of West Adams Avenue.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 20, 2013 meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the proposed rezoning (Commissioners Magaña and Martin were absent).

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

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

1. Although the proposed request does not fully comply with the Future Land Use and Character Map, the proximity to West Adams Ave (Major Arterial) and the scale of the rezoning would permit only smaller General Retail uses;
2. The proposed use is consistent with adjacent uses east and north of the subject tract;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities will be available to subject property.


ITEM SUMMARY: The applicant requests a change of zoning from Agricultural District (AG) to General Retail District (GR). The General Retail zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery store, department store or offices and residential uses except apartments. The General Retail zoning district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials

and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Although the applicant has indicated that they intend to use the site for the purpose of constructing a gymnastics studio, a General Retail zoning designation will permit a range of uses including but not limited to:

- Most retail and service uses: off-premise alcohol and beverage sale; beauty shop; drugstore and pharmacy;
- Two industrial uses: asphalt batching plant (Conditional Use Permit);
- Indoor recycling operation (subject to limitations); and
- Some recreational/entertainment uses: Dance Hall (CUP); Day camp for children (CUP); some on premise consumption of alcohol (>75% with a CUP only).

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped	

West	SF3	Residential	
South	AG	Residential	

East	GR & SF2	Bank/ Professional Office (GR) Undeveloped (SF2)	 
North	AG	Trinity Church of Temple	

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	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Suburban Commercial**	N
CP	Map 5.2 - Thoroughfare Plan	The property fronts Old Waco Road which has been identified as a proposed major arterial in the city's adopted Thoroughfare Plan (currently is built as a rural road). .	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Subject area is served by City of Temple water by means of a 4" water line. A 10" wastewater line is available across on the east side of	Y

		Old Waco Road.	
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Old Waco Road has been identified as a Proposed City Wide Spine Trail – a 10' wide trail is required for this site (6' per UDC Sec. 8.2.3 and 10' as Old Waco Road is identified as a proposed city-wide spine trail).	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan** See explanation below

Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The Land Use and Character Map identify this area as Suburban Commercial. According to the Comprehensive Plan, this area is appropriate for office, retail, and other service uses adjacent to and abutting residential neighborhoods. The Comprehensive Plan calls development that maintains the suburban character and is compatible in scale and landscaping with the surrounding residential area. Although the proposed zoning is not consistent with this land use designation, the proximity to a Major Arterial (West Adams Ave) and the anticipated widening of Old Waco Road to a Major Arterial, make this site appropriate for smaller General Retail projects similar to the identified use. Additionally, the proposed use is compatible with existing uses to north and east of the subject tract. If approved, the future Land Use Map will be updated to reflect the change.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies Old Waco Road as a proposed Major Arterial which supports adjacent residential and commercial development. Major arterials can intersect with both collectors and local streets although driveway access is restricted. Old Waco Road has been identified on the City's Transportation Capital Improvement Plan and will be constructed when right-of-way acquisition is complete and funding is available. Although the current rural width of Old Waco Road would not be sufficient for all General Retail projects, the scale of the rezoning will not adversely impact road capacity.

Temple Trails Master Plan Map and Sidewalks Ordinance

The City of Temple Master Trails plan calls for a 10' sidewalk along the subject site. Preliminary design of this section of Old Waco Road is ongoing. Staff has advised the applicant that staff will evaluate the practicality and usefulness of a sidewalk at this location at the time of permitting.

DEVELOPMENT REGULATIONS: Dimensional standards for both zoning districts are depicted below:

4.5.1 Single-Family Detached Dwelling

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	1 ac.	22,500	7,500	5,000	4,000	5,000	3,000	2,300	4,000	6,000	6,000	5,000	-	6,000	6,000	6,000	5,000	5,000	5,000	-	-
Min. Lot Width (ft.)	100	80	60	50	40	50	30	20	40	50	50	50	-	50	50	50	50	50	50	-	-
Min. Lot Depth (ft.)	150	125	100	100	100	100	100	100	100	100	100	100	-	100	100	100	100	100	100	-	-
Min. Front Yard Setback (ft.)	50	30	25	25	15	25	15	15	15	25	25	25	-	25	25*	15	15	See 4.4.4F.1.d*		-	-
Min. Side Yard Setback (ft.)	15	15	10% of lot width 6 min 7.5 max	5	5	5	5	5	10% width of lot 5 min	5	10% of lot width 5 min		-	10% of lot width 5 min	10% of lot width 5 min*		10% of lot width 5 min	width 5 min		-	-
Min. Side (Corner)Yard Setback (ft.)	15	15	15	15	15	15	15	15	15	15	15	15	-	15	15*	15	15	15	15	-	-
Min. Rear Yard Setback (ft.)	10	10	10	10	10	10	10	10	10	10	10	10	-	10	10	10	10	10	10	-	-
Max. Building Coverage (%) for Rear Half of Lot	50	50	50	50	50	50	50	50	50	50	50	50	-	50	50	50	50	50	50	-	-
Max. Height (stories)	3	3	2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	-	3	ALH	2 ½	3	ALH	ALH	-	-

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4.4F.1.d and Special Cases

PUBLIC NOTICE: On May 9, 2013 three notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200' of case Z-FY-13-13 as required by State law and City Ordinance. As of Wednesday June 10, 2013, two notices were returned in support of the proposed zoning change.

The newspaper printed notice of the Planning and Zoning Commission public hearing on May 9, 2013 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Zoning and Location Map](#)

[Notice Map](#)

[Response Letters](#)

[PZ Excerpts](#)

[Ordinance](#)






Z-FY-13-21

**Zone Change Request from Agricultural (AG)
to General Retail (GR)**

**West side of Old waco Road
Approx. 430' south of W. Adams Ave.**



 Case Z-FY-13-21  Parcel  Zoning

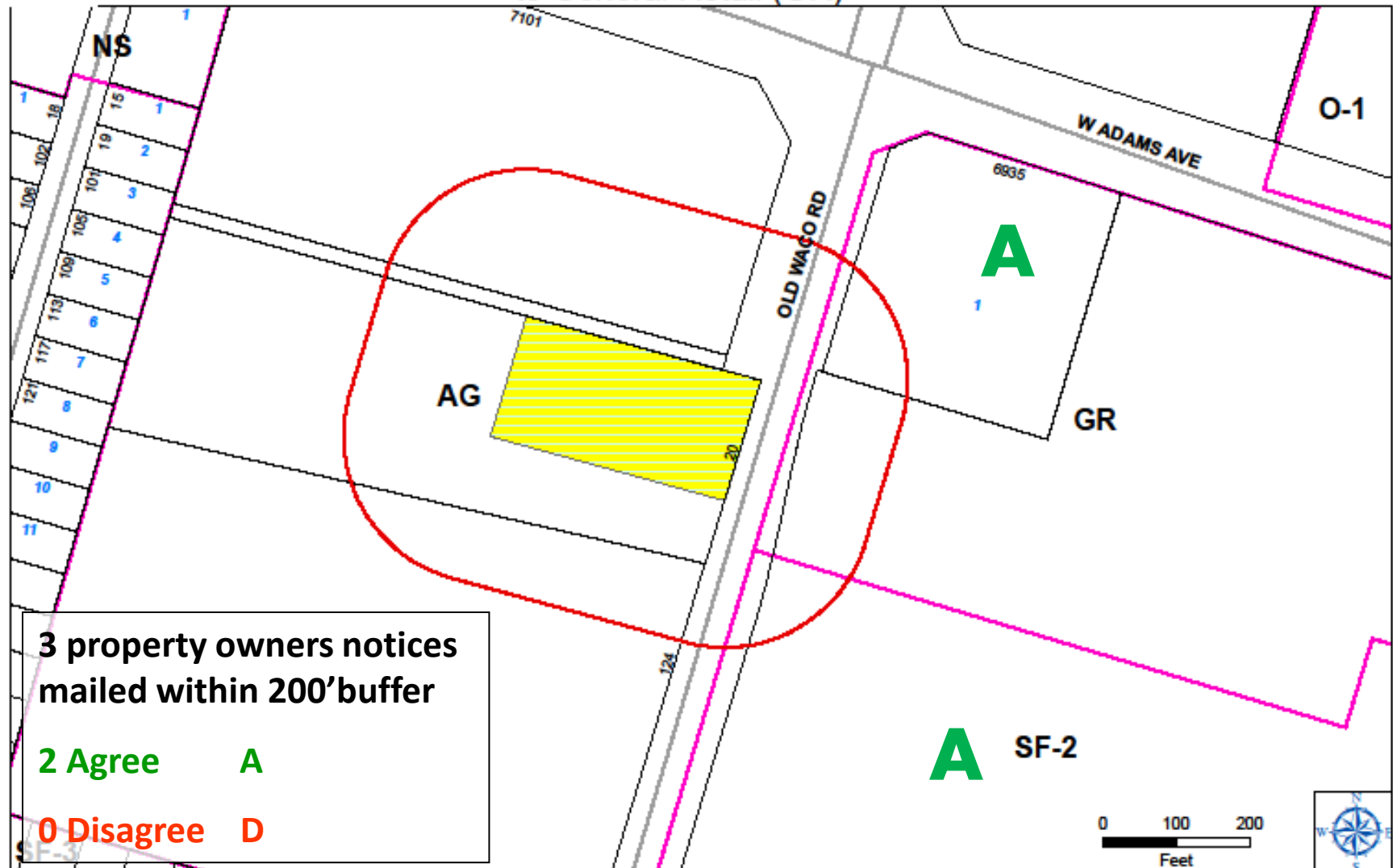
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.
City of Temple Planning Dept.
4/30/2013



Z-FY-13-21

Zone Change Request from Agricultural (AG) to General Retail (GR)

West side of Old waco Road
Approx. 430' south of W. Adams Ave.



200' Property Owner Buffer Parcel Zoning Case Z-FY-13-21

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.
City of Temple Planning Dept.
4/30/2013



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Texas Partners Federal Credit
1011 Wales Drive
Temple, Texas 76549

Zoning Application Number: Z-FY-13-21

Project Manager: Beverly Zendt

Location: On the west side of Old Waco Road, south of West Adams Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

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

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 20, 2013

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

RECEIVED
MAY 13 2013
City of Temple
Planning & Development

Number of Notices Mailed: 3

Date Mailed: May 9, 2013



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Crescent View-Temple Ltd
3602 SW H K Dodgen Loop
Temple, Texas 76504

Zoning Application Number: Z-FY-13-21

Project Manager: Beverly Zendt

Location: On the west side of Old Waco Road, south of West Adams Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

Bill Barge
Signature

Bill BARGE
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 20, 2013

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

RECEIVED
MAY 23 2013
City of Temple
Planning & Development

Number of Notices Mailed: 3

Date Mailed: May 9, 2013

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 20, 2013**

ACTION ITEMS

Item 6: Z-FY-13-21: - Hold a public hearing to consider and recommend action on a zone change from Agricultural District (AG) to General Retail District (GR) on ± 1.296 acres of land situated in the Nancy Chance Survey, Abstract 5, Bell County, Texas, located on the west side of Old Waco Road, south of West Adams Avenue. (Applicant: Shane Wood for H.A. Procter)

Ms. Zendt stated this item would go to City Council for first reading on June 20 and second reading on July 11, 2013. The property is currently zoned AG and surrounding properties include AG, GR and SF-3.

The Future Land Use and Character Map designate the area as Suburban-Commercial which is appropriate for office, retail and other service uses near residential neighborhoods.

Allowed and prohibited uses are given.

Dimensional requirements are given.

The Thoroughfare Plan designates Old Waco Road as a future major arterial but is currently built to rural width. West Adams is a current major arterial.

A four-inch water line is available and a ten inch sewer line is available to serve the site.

A ten foot wide sidewalk will be required. This will be reviewed at a later time.

Three notices were mailed out. One notice was received in favor.

Staff recommends approval of the request for the following reasons:

Although the proposed request does not fully comply with the Future Land Use and Character Map, the proximity to West Adams Avenue and the scale of the rezoning would permit only smaller General Retail uses compatible with the area;

The request complies with the Thoroughfare Plan; and

Public facilities are available to serve the subject property.

Commissioner Rhoads asked what the business would be and Ms. Zendt stated it would be an exercise gym.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 6, **Z-FY-13-21**, as presented, Commissioner Talley made a second.

Motion passed: (7:0)

Commissioners Magaña and Martin absent

ORDINANCE NO. _____

(PLANNING NO. Z-FY-13-21)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR), ON APPROXIMATELY 1.296 ACRES, BEING A PORTION OF THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, AND LOCATED ON THE WEST SIDE OF OLD WACO ROAD, SOUTH OF WEST ADAMS AVENUE; 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 General Retail District (GR), on approximately 1.296 acres, being a portion of the Nancy Chance Survey, Abstract 5, situated in the City of Temple, Bell County, Texas and located on the west side of Old Waco Road, south of West Adams Avenue, and 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 **20th** day of **June**, 2013.

PASSED AND APPROVED on Second Reading on the **11th** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(J)
Consent Agenda
Page 1 of 1

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 2013-2014 budget for August 1, 2013, and August 29, 2013, 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 1, 2013 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 29, 2013, Special Council meeting, just prior to the scheduled adoption of the budget.

Additional public hearings for the FY 2013-2014 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 FY2013-2014 BUDGET FOR AUGUST 1, 2013 AND AUGUST 29, 2013, 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 2013-2014 shall be held at meetings of the City Council at 5:00 p.m. on **August 1, 2013**, and **August 29, 2013**, 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 **11th** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #4(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2012-2013 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$35,651.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
July 11, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2020-521-1119		Overtime (Police - School Resource)	\$ 342	
110-2020-521-1220		Retirement/Pension	\$ 61	
110-2020-521-1221		Social Security	\$ 5	
110-2020-521-1223		Worker Compensation	\$ 7	
110-2031-521-1119		Overtime (Field Services - Patrol)	\$ 5,070	
110-2031-521-1220		Retirement/Pension	\$ 912	
110-2031-521-1221		Social Security	\$ 74	
110-2031-521-1223		Worker Compensation	\$ 95	
110-2032-521-1119		Overtime (Field Services - Traffic)	\$ 188	
110-2032-521-1220		Retirement/Pension	\$ 34	
110-2032-521-1221		Social Security	\$ 3	
110-2032-521-1223		Worker Compensation	\$ 4	
110-2033-521-1119		Overtime (Field Services - POPS)	\$ 2,119	
110-2033-521-1220		Retirement/Pension	\$ 381	
110-2033-521-1221		Social Security	\$ 31	
110-2033-521-1223		Worker Compensation	\$ 39	
110-2035-521-1119		Overtime (Field Services - K-9 Unit)	\$ 239	
110-2035-521-1220		Retirement/Pension	\$ 43	
110-2035-521-1221		Social Security	\$ 3	
110-2035-521-1223		Worker Compensation	\$ 4	
110-2041-521-1119		Overtime (Investigations - GIU)	\$ 1,857	
110-2041-521-1220		Retirement/Pension	\$ 334	
110-2041-521-1221		Social Security	\$ 27	
110-2041-521-1223		Worker Compensation	\$ 47	
110-2057-521-1119		Overtime (Operations - Training)	\$ 602	
110-2057-521-1220		Retirement/Pension	\$ 108	
110-2057-521-1221		Social Security	\$ 9	
110-2057-521-1223		Worker Compensation	\$ 11	
110-0000-442-0720		Police Revenue		\$ 12,649
This budget adjustment recognizes reimbursement and expenditures for the requested security for the Bloomin' Festival.				
110-2020-521-2533		DARE CJD Expenses (Police - School Resource)	\$ 95	
110-0000-442-0723		DARE Donation		\$ 95
This budget adjustment recognizes the revenue and expenditure related to registration cost collected for 2013 GREAT Camp held the week of June 17th.				
110-2100-529-2117		Janitorial Supplies (Animal Services)	\$ 900	
110-0000-461-0841		Donations/Gifts		\$ 900
This budget adjustment recognizes donations received for the Animal Shelter and appropriates expenditures for janitorial supplies. Dog kennel repairs due to rust and corrosion increased need for sanitation and use of sanitizing chemicals.				
110-2100-529-2111		Computer Supplies (Animal Services)	\$ 900	
110-0000-461-0841		Donations/Gifts		\$ 900
This budget adjustment recognizes donations received for the Animal Shelter and appropriates expenditures for computer supplies. Unplanned increases in price of printer cartridges used to print color copies of animal photos to identify animals on kennel ID cards has caused us to over spend the account.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
July 11, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
520-5900-535-6611	100805	Lift Station - Friar's Creek Lift Station	\$ 21,107	
520-0000-372-0945	100805	Designated Capital Projects - Contingency		\$ 21,107

This budget adjustment appropriates Water and Sewer Fund Retained Earnings- Designated for Capital Projects contingency to fund a change order to the construction contract with Associated Construction Partners, LTD for the rehabilitation of Friar's Creek Lift Station. This project was approved by Council as part of the FY 2012 Capital Improvement Program on September 1, 2011. The construction contract was awarded by Council on June 21, 2012. The project is estimated to be completed on August 19, 2013.

TOTAL AMENDMENTS	\$ 35,651	\$ 35,651
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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	\$ (39,859)
Net Balance of Judgments & Damages Contingency Account	\$ 40,141

Beginning Compensation Contingency	\$ 403,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (403,000)
Net Balance of Compensation Contingency Account	\$ -

Net Balance Council Contingency	\$ 40,141
--	------------------

Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

WATER & SEWER FUND

Beginning Contingency Balance	\$ 50,000
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ (11,882)
Net Balance of Contingency Account	\$ 38,118

Beginning Compensation Contingency	\$ 142,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (97,509)
Net Balance of Compensation Contingency Account	\$ 44,491

Net Balance Water & Sewer Fund Contingency	\$ 82,609
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HOTEL/MOTEL TAX FUND

Beginning Contingency Balance	\$ 147,759
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ (61,804)
Net Balance of Contingency Account	\$ 85,955

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
July 11, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Compensation Contingency	\$	10,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(10,100)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	85,955
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	69,100
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	69,100
		Beginning Compensation Contingency	\$	25,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(25,100)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	69,100
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	39,839
		Added to Contingency Sweep Account	\$	114,528
		Taken From Contingency	\$	(11,413)
		Net Balance of Contingency Account	\$	142,954

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2012-2013 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 30th day of August, 2012, the City Council approved a budget for the 2012-2013 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2012-2013 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 2012-2013 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 11th day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #5
Regular Agenda
Page 1 of 6

DEPT. / DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-13-22: Consider adopting an ordinance authorizing a zoning change from Commercial District (C) to Planned Development – Commercial (PD-C) on 29.659± acres of land out of the Uri Holbrook Survey, Abstract No. 1009, City of Temple, Bell County, Texas, being a portion of that 99.39 acre tract of land conveyed by deed and recorded in Volume 1858, Page 292, of the Deed Records of Bell County, Texas, located at the southeast corner of North General Bruce Drive and NE H K Dodgen Loop.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its June 17, 2013 meeting, the Planning and Zoning Commission voted 9/0 to recommend approval of the proposed rezoning.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for July 18, 2013.

Staff recommends approval of the requested zoning change to Planned Development – Commercial (PD-C) for the following reasons:

- Although the proposed development is not consistent with the future land use designation, the lack of residential development in this area and the existing current commercial zoning designation of the subject tract and surrounding tracts to the east, west, and south suggest the likelihood of commercial development in this general area over time. Additionally, the subject property is located at the intersection of two expressways, I-35 and HK Dodgen Loop and is appropriate for commercial development.
- The request complies with the Thoroughfare Plan; and
- Public facilities will be available to subject property.

ITEM SUMMARY: The applicant is requesting a zoning change from Commercial to Planned Development-Commercial for the purpose of constructing a 60,000 SF Buc-ee's travel/convenience center located on the southeast corner of I-35 and NE HK Dodgen. The development will occur on a 29 acre site and will provide a total of 829 parking spaces and 88 fueling locations (pumps). Because of the unique development requirements of the proposed project, the applicant is requesting rezoning the property to Planned Development-Commercial (PD-C) and is meeting all General Development standards with some additional consideration given to I-35 Overlay District standards. The developer has proposed the following development components more fully depicted in the attached development plan documents (site plan, landscape plans, sign detail, and building elevations/plan view).

Landscaping

A total of 15% of the total site are will be landscaped. The developer has submitted a complete landscape plan fully depicted in the attached development plans proposing, but not limited to, the following improvements:

- A total of 40 interior and terminal parking islands with 80- 3" caliper Shumard Oaks (2 each) enhanced with pavers and either Asian Jasmine ground cover (interior and terminal) and bordered with Knock Out Roses (terminal);
- A I-35 landscape buffer approximately 20' in depth with 25-1.5" caliper Natchez Crape Myrtles and 13-1.5" caliper Muskogee Crape Myrtles;
- A landscape buffer on the north property line approximately 20' in depth with 5-1.5" caliper Natchez Crape Myrtles, 10-1.5" caliper Muskogee Crape Myrtles, and 9- 3" caliper Southern Live Oaks;
- A landscape buffer along south property lines with 12-3" caliper Mexican Sycamores and 6-1.5" caliper Muskogee Crape Myrtles; and
- 6-1.5" caliper Muskogee Crape Myrtles at the east entrance.

Building Materials and Architecture

The developer has submitted a full elevation plans and building plan view. The proposed building is modeled after Buc-ee's #22 located in New Braunfels. The developed has proposed a portico style entrance on the primary (main) and side (north and south) entrances that are offset 21'. Additional 5' offsets are provided along the primary (front) façade of the building. The primary materials used will include:

- Stone
- Concrete tilt wall
- Exterior insulation and finishing system (EIFS), and
- Aluminum (frames).

Building materials will be provided in accordance with the following percentages:

East (rear of building)

Aluminum Frames and 1" insulated Glazing = 2.88%

Stone = 2.88%
EIFS paint on concrete tilt wall= 91.53%
H.M. doors = 2.44%

North (left side from front of building)

Stone = 57.72%
EIFS = 35.39%
Aluminum Frames and 1" insulated Glazing = 9.3%

South (right side from front of building)

Stone = 55.42%
EIFS = 35.21%
Aluminum Frames and 1" insulated Glazing = 9.3%

West (front of building)

Aluminum Frames and 1" insulated Glazing = 11.68%
Stone = 63.32%
EIFS = 30%
Building entrances will be offset approximately 18'

Screening and Buffering





Trash compactor areas will be enclosed and will be 100 % stone on all 3 sides, gate to enclosure is heavy gage metal, color to match EIFS building colors.

Signage

A 100' pole sign featuring the Buc-ee's logo is proposed consistent with their corporate standard and similar to the sign located at Buc-ee's #22 in New Braunfels.

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

Location	Zoning	Current Use	Photo
Subject Property	C	Undeveloped	

Location	Zoning	Current Use	Photo
East	C	Undeveloped	
North Across NE HK Dodgen Loop	AG	Undeveloped	
South	C	Undeveloped	
West across I-35	C	Commercial Uses: Convenience Store/ Fuel Station, drive-thru restaurant	

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	Y*
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Y*

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

*Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The Land Use and Character Map identify this area as Suburban Commercial which is appropriate for retail and services adjacent to residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as "gateways" and high profile corridor locations. Although the proposed development is not consistent with the future land use designation, the lack of residential development in this area and the existing Commercial zoning designation of the subject tract and surrounding tracts to the east, west and south suggest the likelihood of commercial development in this general area over time. Additionally, the subject property is located at the intersection of two expressways, I-35 and HK Dodgen Loop and is appropriate for commercial development which is intended to serve citywide or regional service areas and should be located along major highways and at the intersections of major thoroughfares and highways. If approved the Future Land Use Map will need to be updated to reflect this change.

*Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies both Interstate 35 and North HK Dodgen Loop as expressways. Both expressways provide sufficient capacity to accommodate the proposed use.

*Availability of Public Facilities (CP Goal 4.1)

The City is extending utilities to this site and to multiple adjacent tracts in an effort to facilitate economic development along the east side of I-35 in this general area. The site will be served by a new off-site 12" water main extended from Pegasus Rd. and across Interstate-35. A new 12" sanitary sewer main will be extended from the existing Troy lift station north of the subject tract. An existing force main, located north of the subject tract, will be relocated from the I-35 frontage road to serve the subject tract.

*Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan does not call for a trail in this general area. The city does not require sidewalks along expressway development unless specifically called for in the Trails Master Plan.

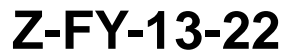
DEVELOPMENT REGULATIONS: The attached development plan documents shall determine the applicable development standards for this site. Per UDC Section 3.4.3., in approving a Planned Development and the related development plans, a standard may not be modified unless the UDC expressly permits such modification. Uses are limited to those identified in the development plans attached herein.

PUBLIC NOTICE: One notice of the Planning and Zoning Commission public hearing was sent out to property owners within 200-feet of case Z-FY-12-22 as required by state law and local ordinance. As of Tuesday, June 25, 2013, one notice was returned in support of the requested zoning change. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 6, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

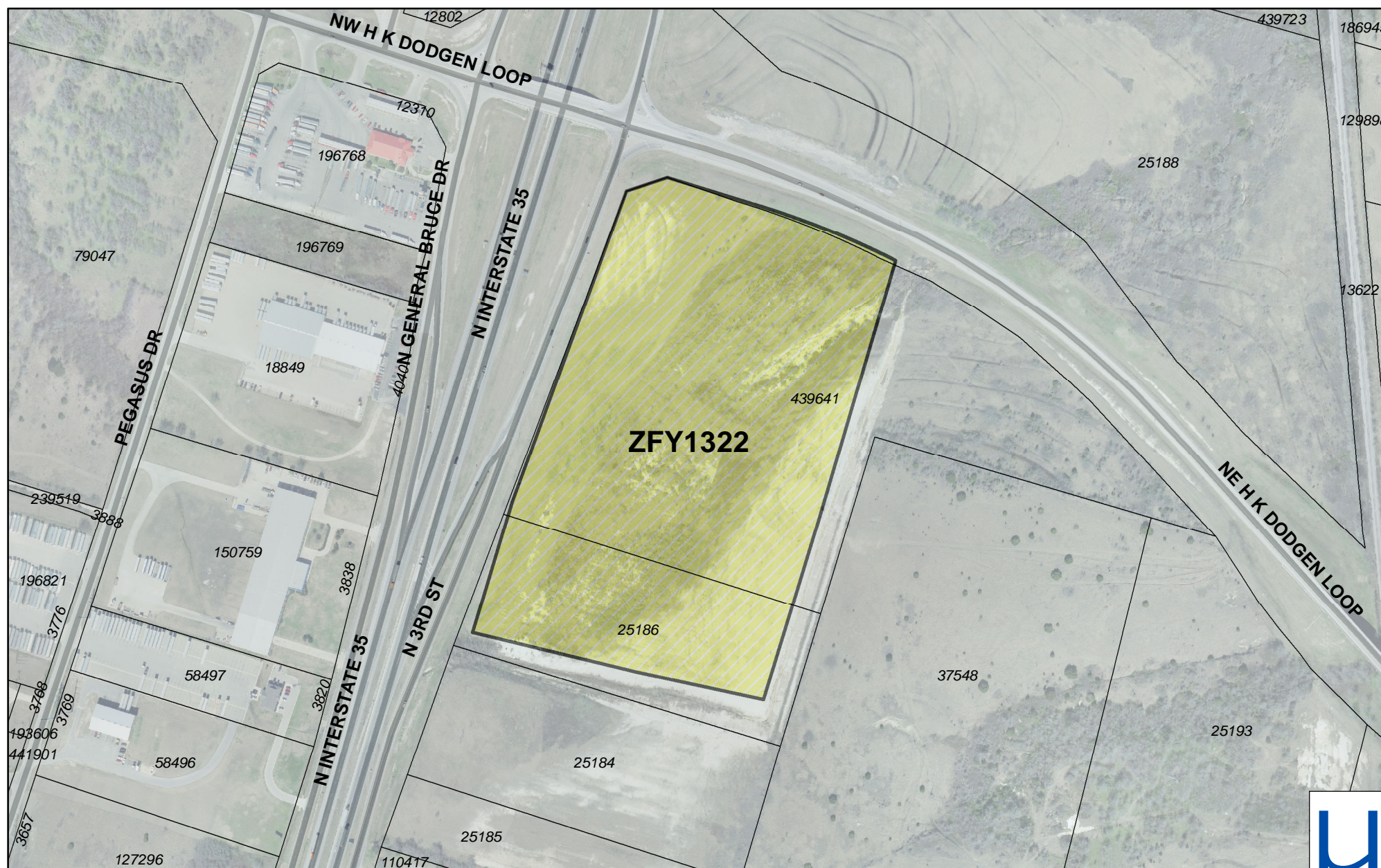
ATTACHMENTS:

Zoning and Location Map
Surrounding Property Owner Notification Map
Site Plan
Landscape Plans
Building Elevations
Sign Detail
Utility Layout
Property Owner Responses
PZ Excerpts
Ordinance



Zone Change Request:
Commercial to Planned Development-Commercial

Southeast corner of intersection of
N General Bruce Drive and
NE HK Dodgen Loop



Case

Address 1234

0

495

990

Feet

6/13/2013
City of Temple GIS
bzndt

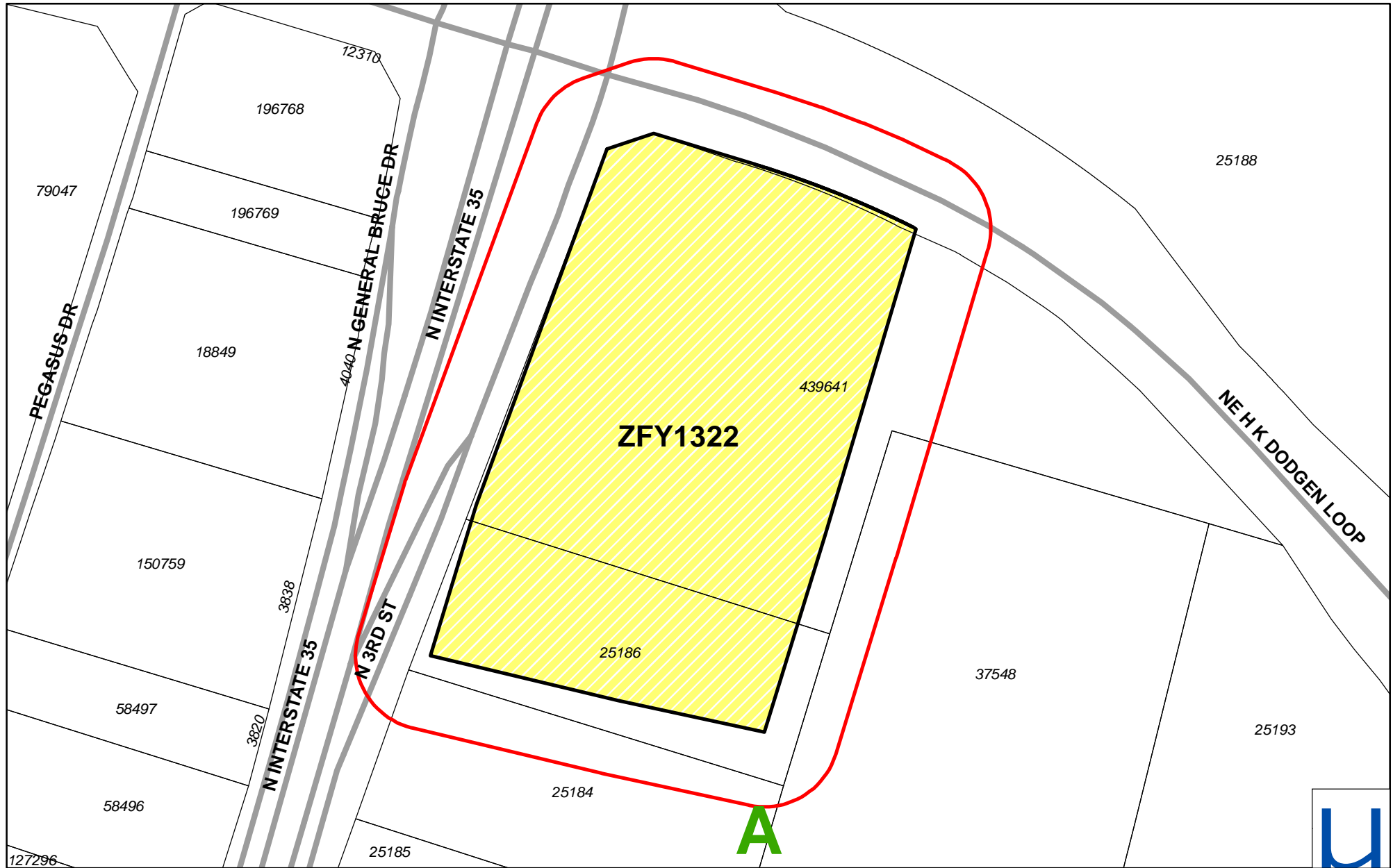
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-13-22

Zone Change Request: Commercial to Planned Development-Commercial

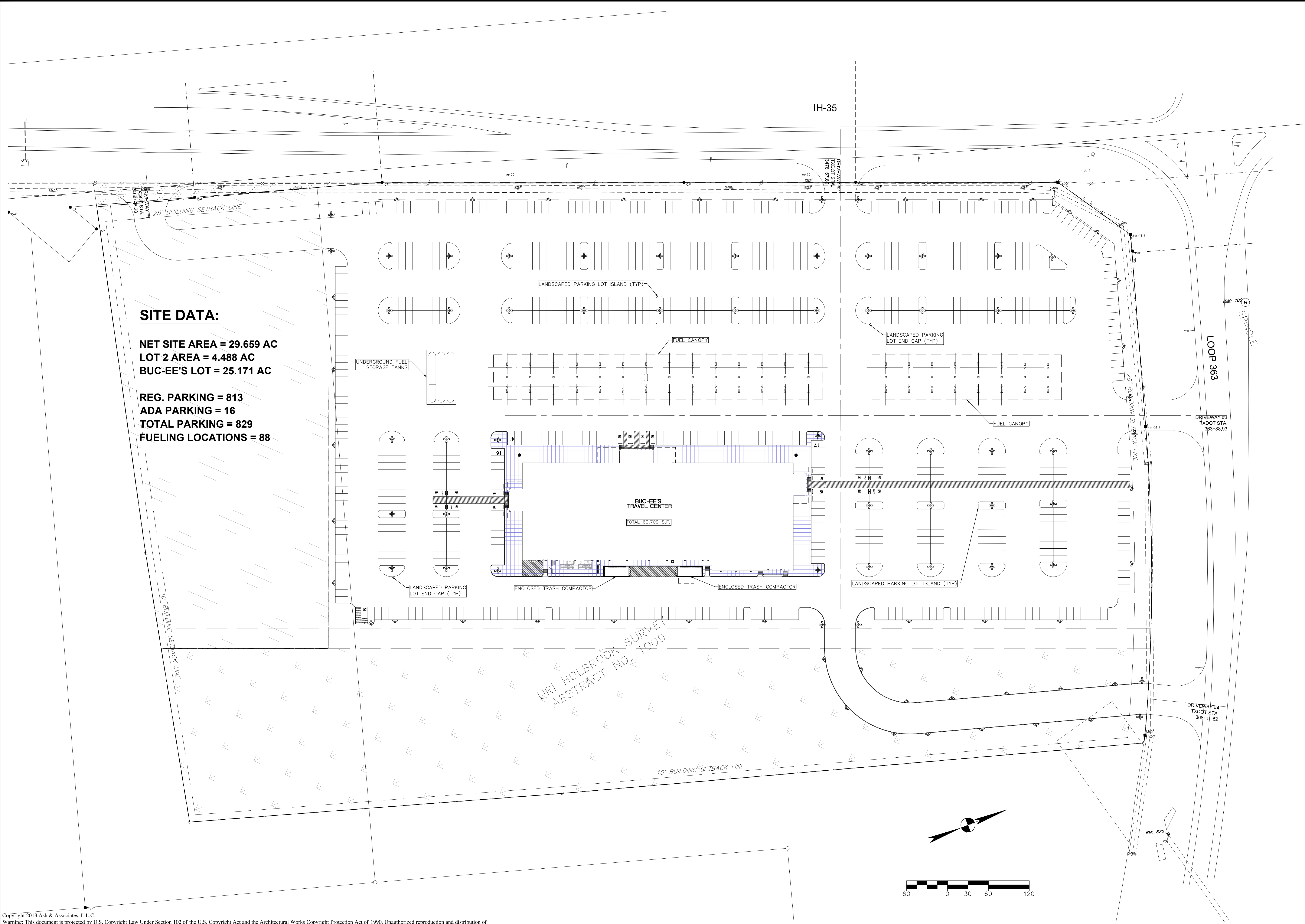
Southeast corner of intersection of
N General Bruce Drive and
NE HK Dodgen Loop



 200' Notification Buffer  Case 1234 Address

0 100 200 400 600 800 Feet

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.
City of Temple GIS
bzndt



SITE DATA:

NET SITE AREA = 29.659 AC
LOT 2 AREA = 4.488 AC
BUC-EE'S LOT = 25.171 AC

REG. PARKING = 813
ADA PARKING = 16
TOTAL PARKING = 829
FUELING LOCATIONS = 88

REVISIONS			
NO.	REVISION	APPL.	DATE

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF DAVID S. RATLIFF #97351 ON THE DATE SHOWN ON THE DATE STAMP. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

142 JACKSON LANE
SAN MARCOS, TEXAS 78666
(512) 392-1719
FAX (512) 392-1928
ashandassociates.net

ASH & ASSOCIATES

SURVEYING - ENGINEERING - ARCHITECTURE

"SERVING THE COMMUNITY OF TEXAS"

Surveying: 00847-00
Engineering: F-13483
Architecture: T20240

DRAWING INFORMATION			
DESIGNED BY: DSR	DATE: 05-09-2013		
DRAWN BY: DSR	PROJECT NO: 12-4227		
APPROVED BY: HJC	PLOT SCALE:		
FILE NAME: BUC-EE'S #35	1"=60'		

SITE LAYOUT

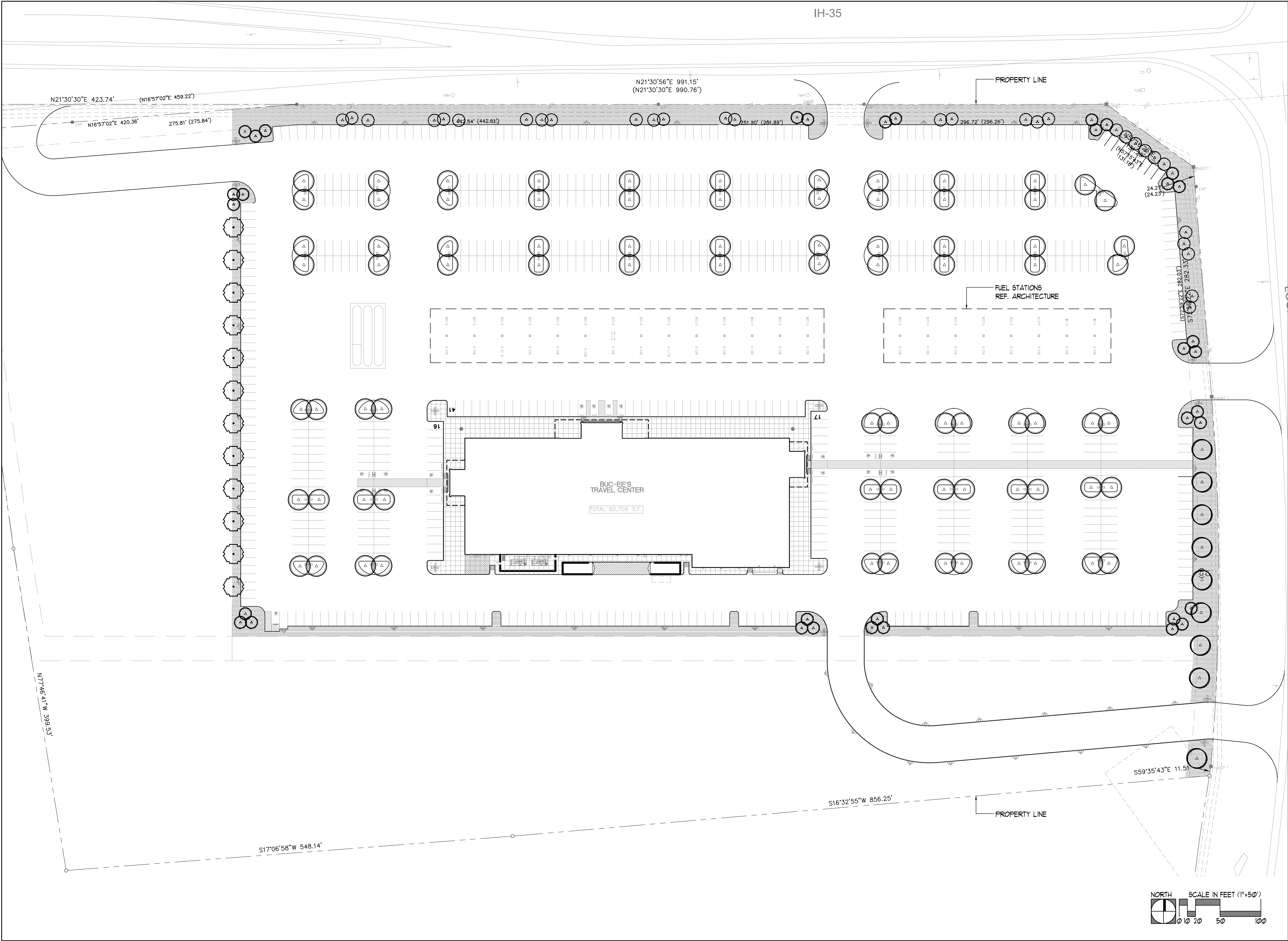
BUC-EE'S - TEMPLE

IH-35 @ LOOP 363, TEMPLE, BELL COUNTY, TEXAS

BUC-EE'S, LTD.

DRAWING	
EXH-CN1	SHEET:
OF	

G:\100530\100111 - Temple\EXHIBITS\2013-05-08\100530010P1-CN2C.dwg modified by ratliff on May 9, 13 12:06 AM



OVERALL LANDSCAPE PLAN
CITY SUBMITTAL

BUC-EE'S #35
TEMPLE, TEXAS

REVISIONS	

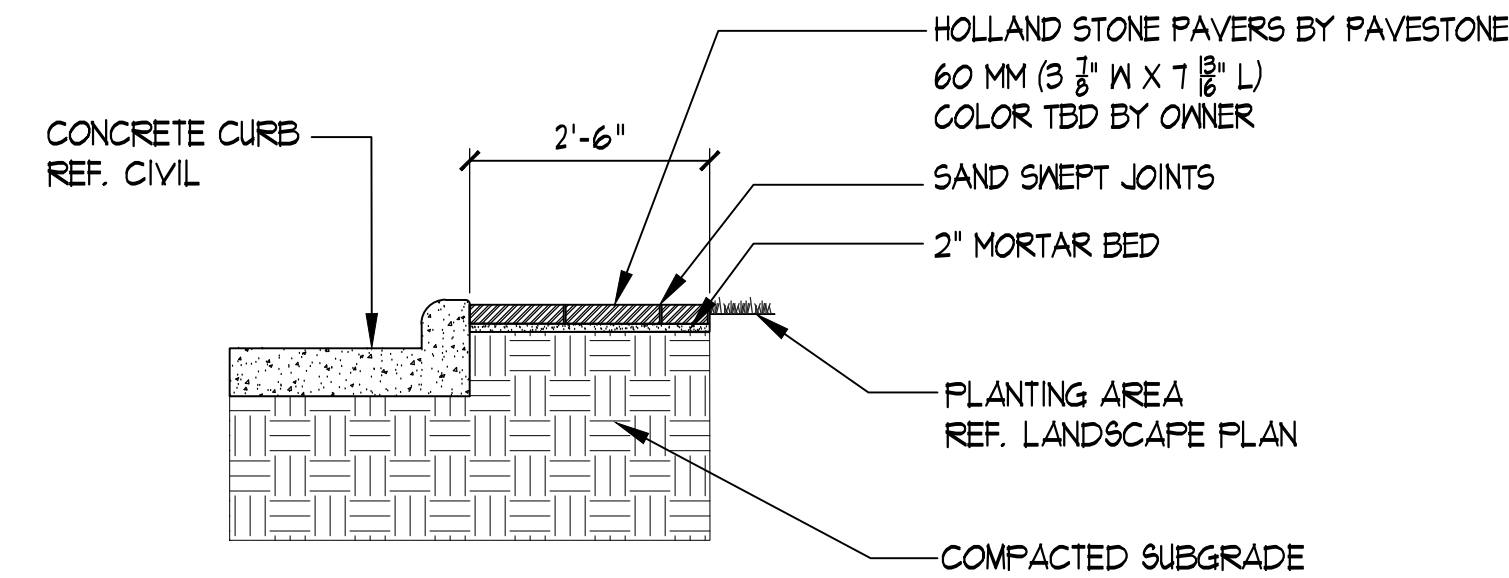
SCALE: 1"=50'-0"
DRAWN BY: JET
CHECKED BY: MRF
APP. BY: AQC
PROJECT NO. 230-13-01A
DATE 5/9/2013



SHEET:

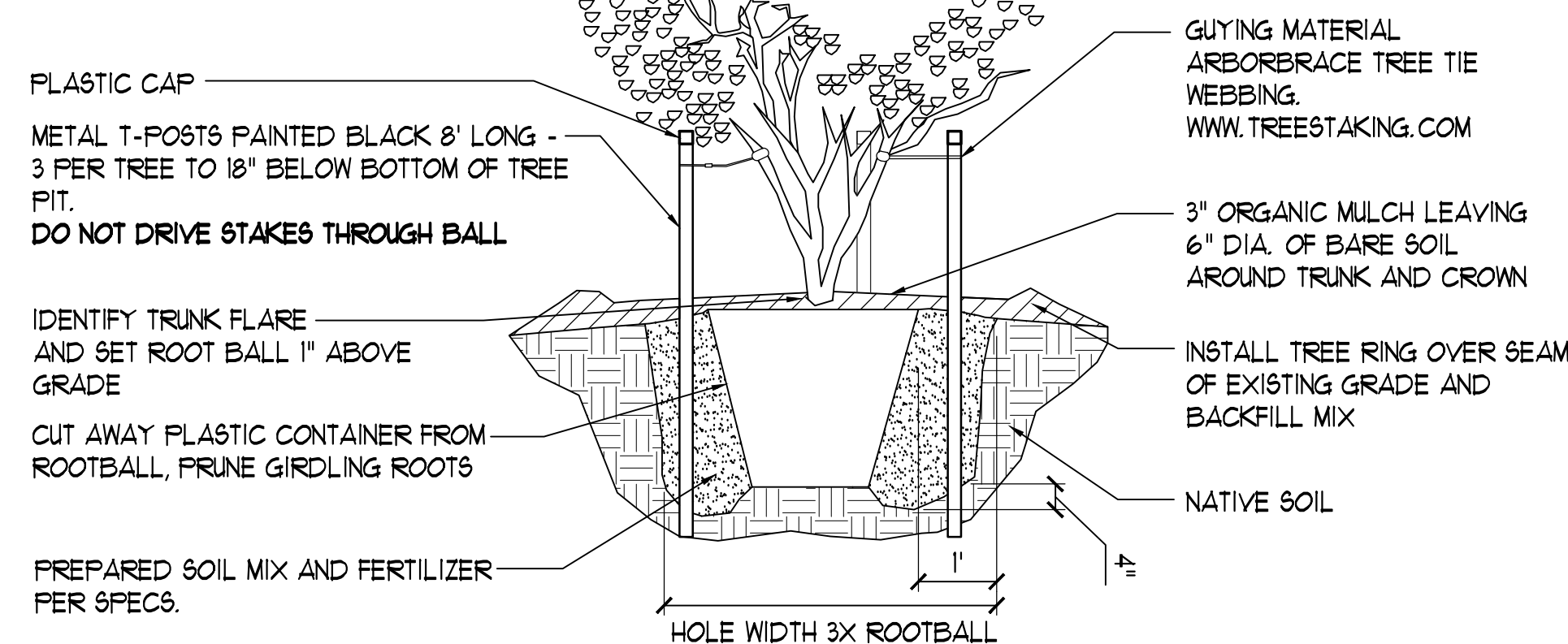
L1.0

OF

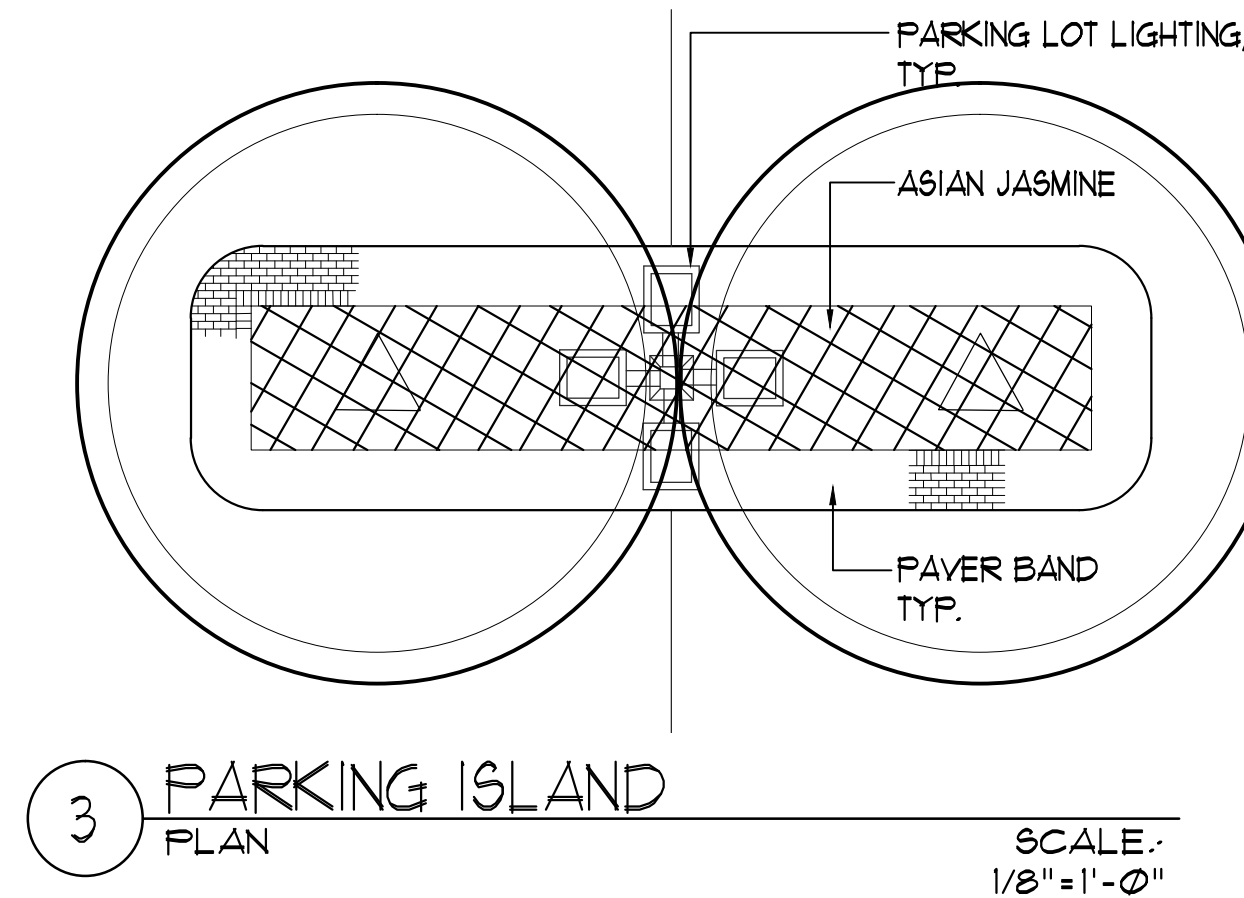


1 PAVER STEP-OUT
DETAIL
SCALE: 1/2"=1'-0"

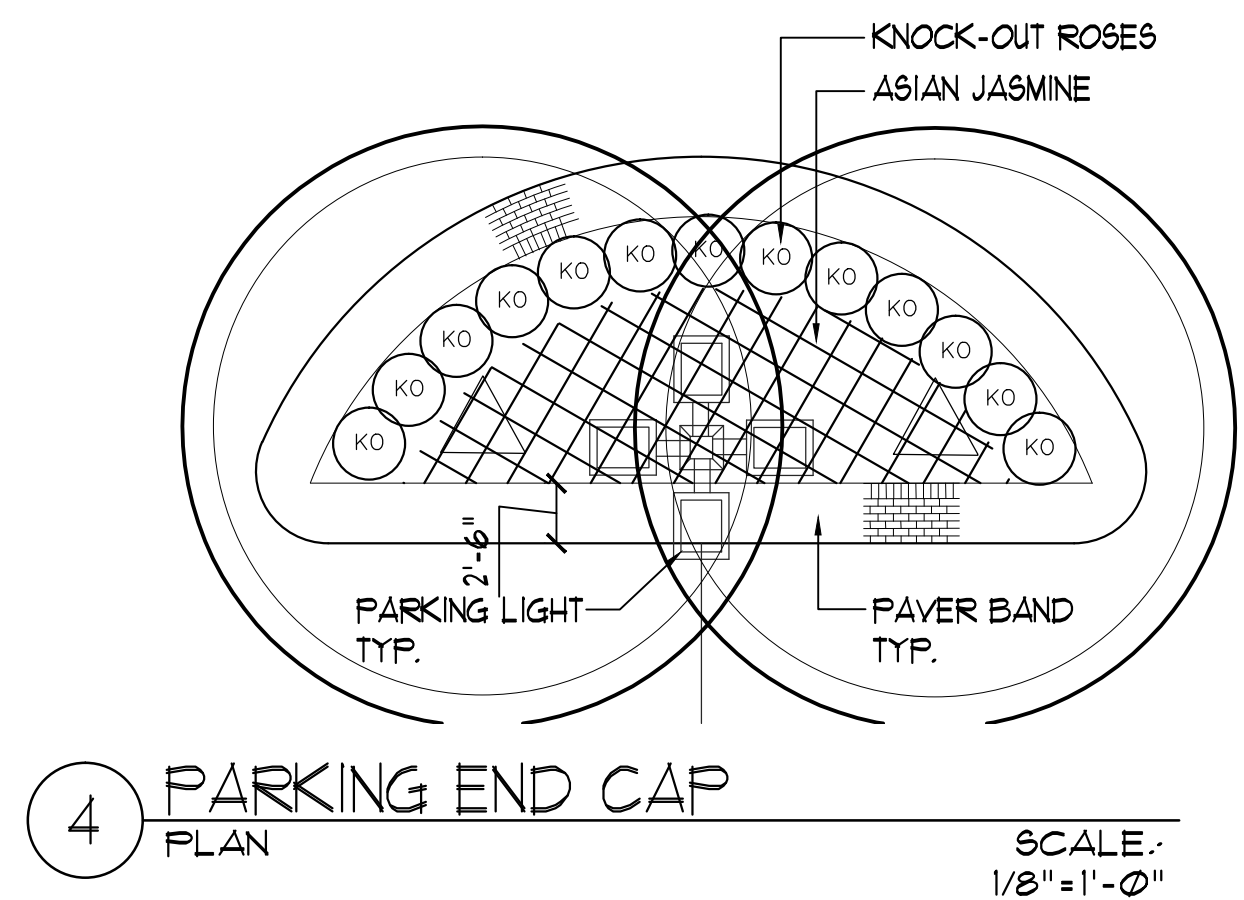
NOTE: PRUNE DEAD OR BROKEN
BRANCHES ONLY
DO NOT PRUNE TERMINAL LEADER



2 MULTI-TRUNK TREE - CONTAINER
DETAIL
SCALE: NTS






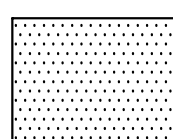


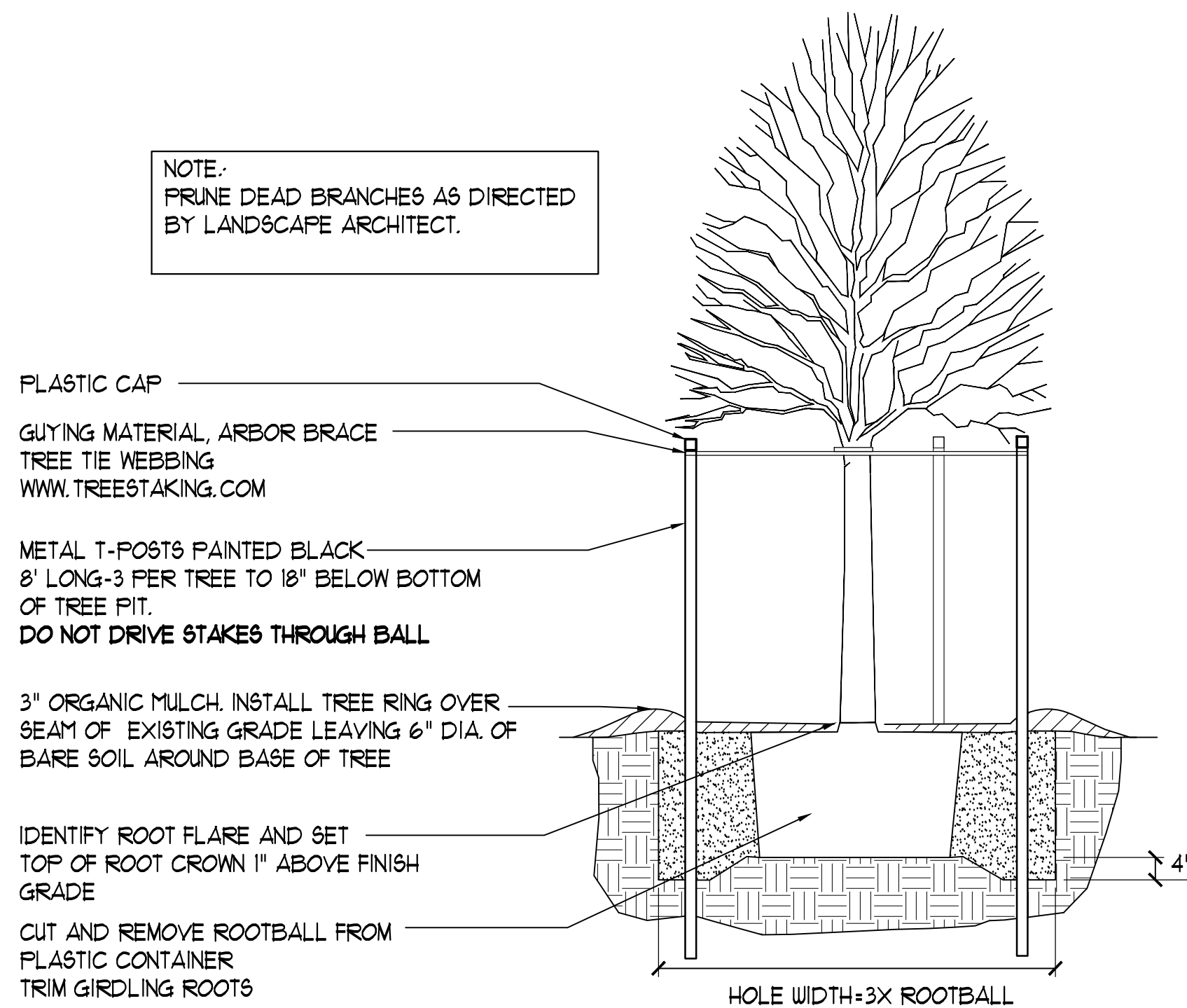
3 PARKING ISLAND
PLAN
SCALE: 1/8"=1'-0"



4 PARKING END CAP
PLAN
SCALE: 1/8"=1'-0"


PLANT SCHEDULE

TREES	QTY	COMMON NAME / BOTANICAL NAME	CONT	CALIPER	HEIGHT	NOTES
	12	MEXICAN SYCAMORE / PLATANUS MEXICANA	100 GAL	4" CAL.	16'-18' HT.	
	35	MUSKOGEE GRAPE MYRTLE / LAGERSTROEMIA INDICA X 'MUSKOGEE'	B&B	1.5" CAL.	6' HT. MIN.	SINGLE TRUNK
	30	NATCHEZ GRAPE MYRTLE / LAGERSTROEMIA INDICA FAURIEI 'NATCHEZ'	B&B	1.5" CAL.	6' HT. MIN.	SINGLE TRUNK
	80	SHUMARD OAK / QUERCUS SHUMARDII	65 GAL	3" CAL.	12'-14' HT.	
	9	SOUTHERN LIVE OAK / QUERCUS VIRGINIANA	65 GAL	3" CAL.	12'-14' HT.	
GROUND COVERS	CODE	QTY	COMMON NAME / BOTANICAL NAME	CONT		
	SEED	72,735 SF	BERMUDA SOD / CYNODON DACTYLON 'TIF 419'	SOD		



5 CANOPY TREE - CONTAINER
DETAIL
SCALE: NTS

BUC-EE'S



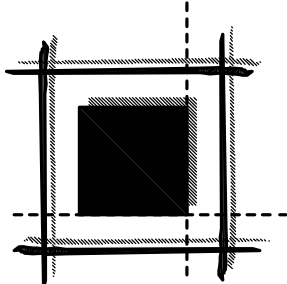
a Development of

Buc-ee's Ltd.

327 FM 2004

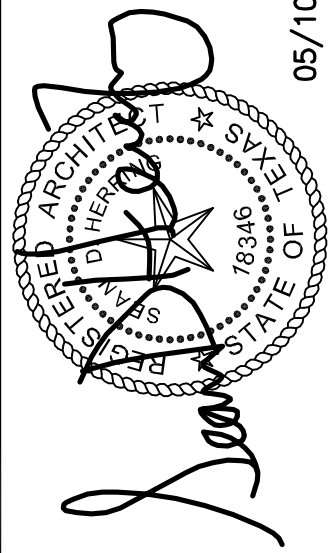
Lake Jackson, TX 77566

TEL: (979) 230-2920 FAX: (979) 230-xxxx

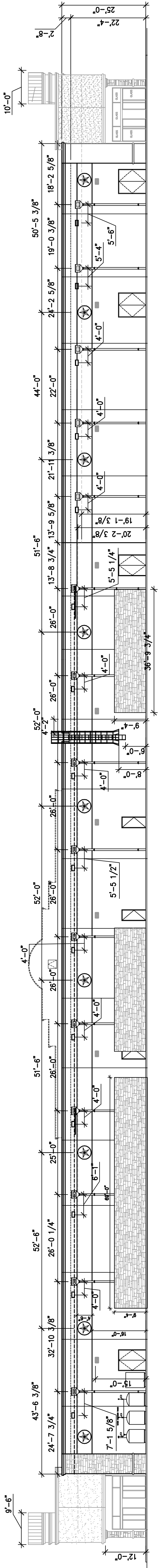


LEVINSON • ALCOSER
A S S O C I A T E S, L. P.
1177 W. Loop South, Suite 900 Houston, Texas 77027
tel 713.787.0000 fax 713.850.8250
Architecture • Planning • Engineering
Interior Design • Landscape Architecture

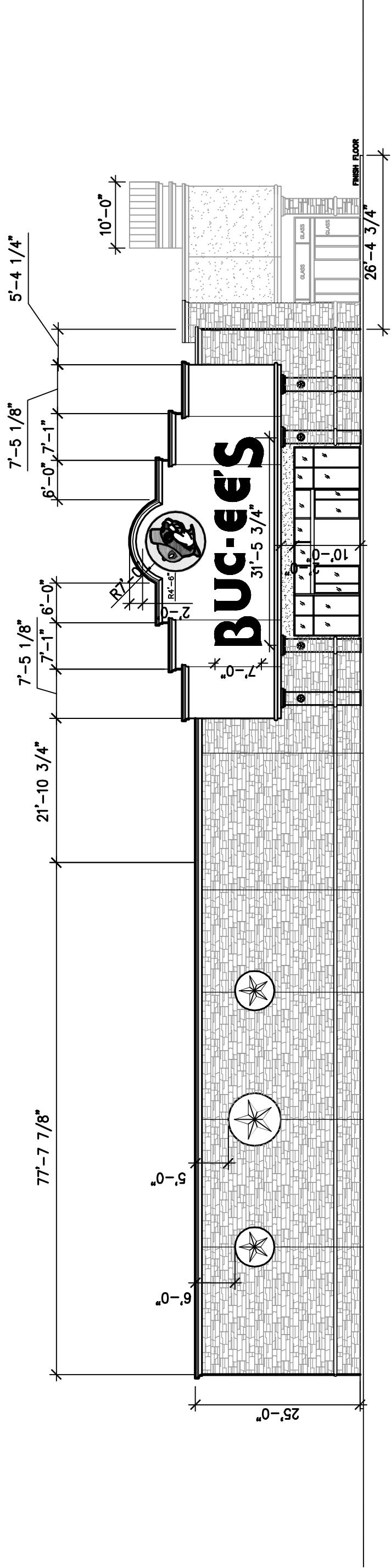
REVISIONS



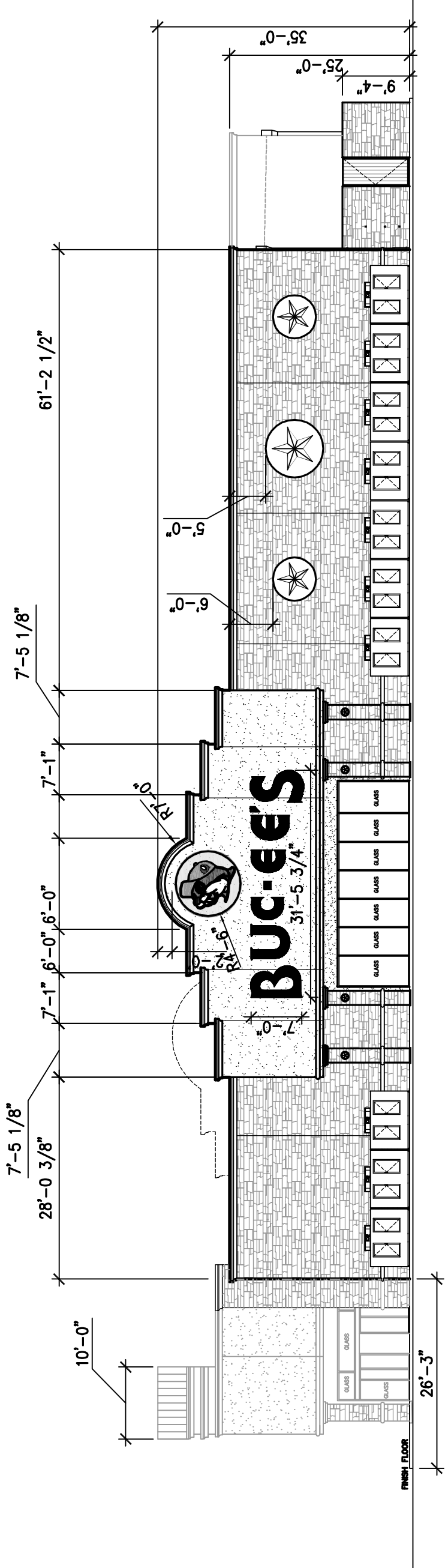
TAS COMMENTS:	05/10/2013
Issued for REVIEW:	10 MAY 2013
Issued for BID:	
Issued for PERMIT:	



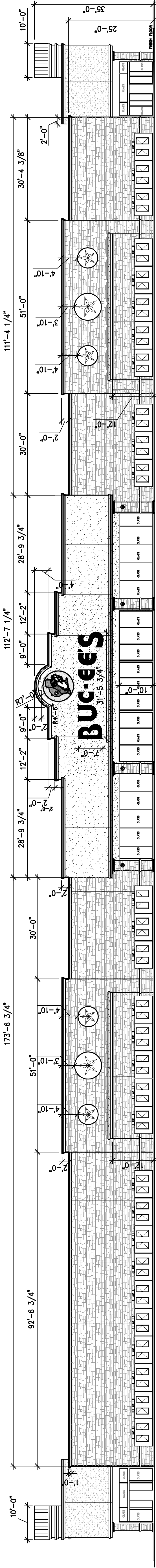
6 EAST ELEVATION
A3.0 SCALE: 1/16" = 1' - 0"



5 NORTH ELEVATION
A3.0 SCALE: 1/16" = 1' - 0"



2 SOUTH ELEVATION
A3.0 SCALE: 1/16" = 1' - 0"



1 WEST ELEVATION
A3.0 SCALE: 1/16" = 1' - 0"

BUC-EE'S #35

IH-35 @ LOOP 363
Temple, Texas

BUC-EE'S

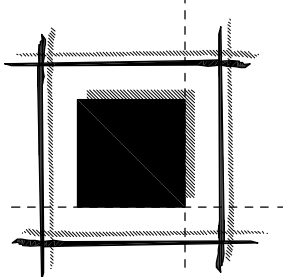


a Development of

Buc-ee's Ltd.

327 FM 2004
Lake Jackson, TX 77566

TEL: (979) 230-2920 FAX: (979) 230-xxxx

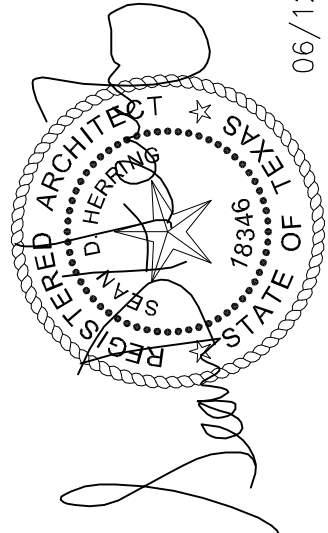


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1177 W. Loop South, Suite 900 Houston, Texas 77027
tel 713.787.0000 fax 713.650.8250

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REVISIONS



06/12/2013

TAS COMMENTS:

Issued for REVIEW: 12 JUNE 2013

Issued for BID:

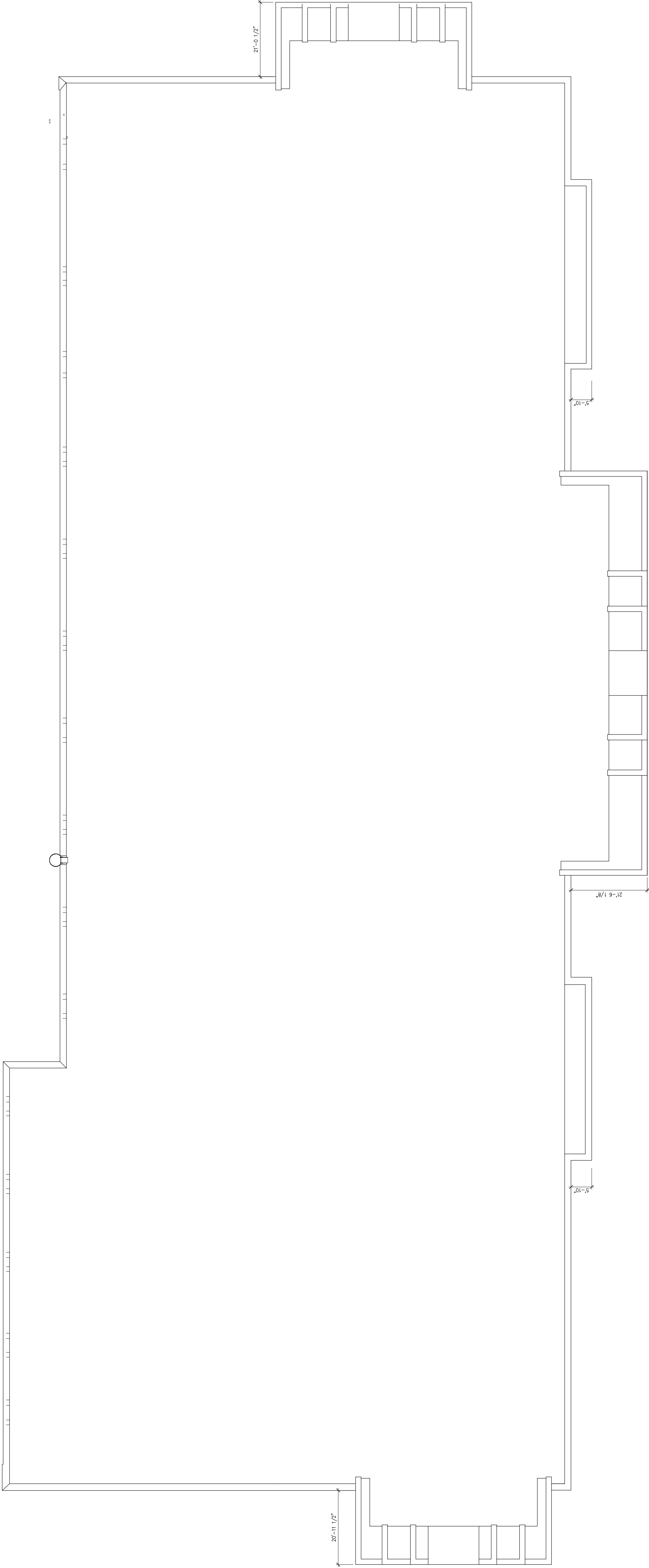
Issued for PERMIT:

A5.0

OVERALL ROOF PLAN

LAA Project Number: 2013-151.000

#35 -TEMPLE



1

OVERALL ROOF LINE PLAN

A5.0

SCALE: 1/16" = 1' = 0"

PLAN NORTH

490.625 SQ FT

BUC-EE'S LOGO FACING LEFT



NOTE: OPPOSITE SIDE LOGO

25'-0"

BUC-EE'S LOGO FACING RIGHT



25'-0"

100'-0"

73'-0"

←
STREET SIDE

SOUTHWEST SIGNS
www.southwestsigns.com
(210) 648-3221 / 800-927-3221

PRESENTATION DRAWING

Client:

Buc-ee's

Client's Location:

Temple, TX

Sales Rep: Greg B.

Project Manager: JTB

PM Approval:

Date: 5.9.13

Drawn By: JTB

Revision:

Scale: 1/16" = 1'-0"

Work Order# 33873-001 of 1

Sign Description:

Manufacture & Install (1) ONE
D/F main ID.

Please note that actual steel
size will be determined by
structural engineer

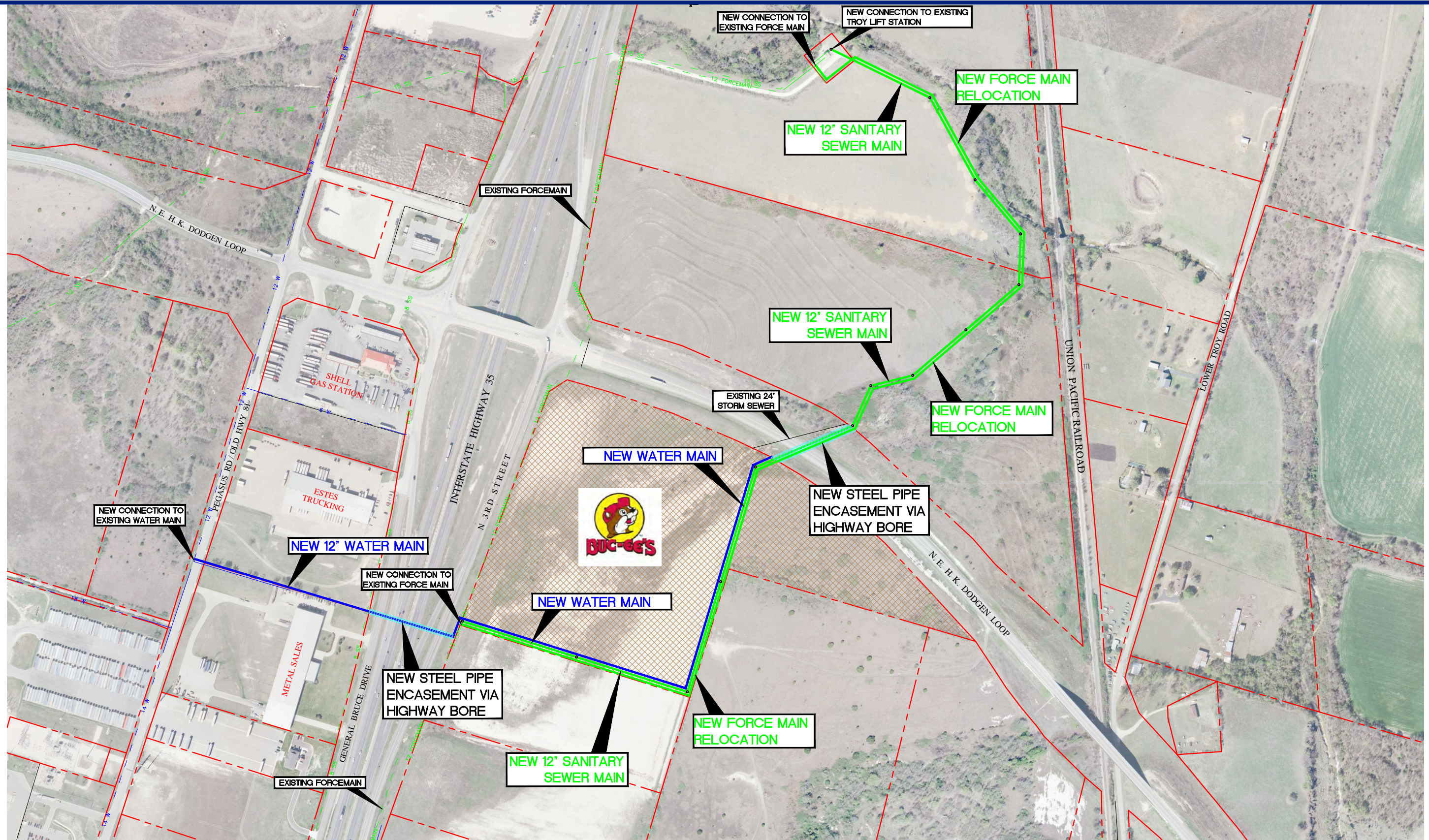
Underwriters
Laboratories Inc.,

**Primary wires provided by customer.
Sign voltage based upon 120v.**

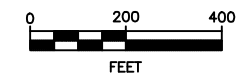
THIS IS AN ORIGINAL UN-PUBLISHED
DRAWING CREATED BY SWS SIGNS. IT
IS SUBMITTED FOR YOUR PERSONAL
USE IN CONJUNCTION WITH A PROJECT
BEING PLANNED FOR YOU BY SWS SIGNS.
IT IS NOT TO BE SHOWN TO ANYONE
OUTSIDE YOUR ORGANIZATION, NOR IT IS
TO BE USED, REPRODUCED, COPIED OR
EXHIBITED IN ANY FASHION.

Customer Approval:

— — — — —



PROPOSED BUC-EE'S RETAIL DEVELOPMENT WATER AND SEWER EXTENSIONS





**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

A Lloyd Thomas
18 North 3rd Street
Temple, Texas 76501

Zoning Application Number: Z-FY-13-22

Project Manager: Beverly Mesa-Zendt

Location: SE corner of North General Bruce Drive and NE H K Dodgen Loop

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

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

Comments:


Signature

A. Lloyd Thomas
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 17, 2013

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED

JUN 10 2013

City of Temple
Planning & Development

Number of Notices Mailed: 1

Date Mailed: June 6, 2013

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 17, 2013

ACTION ITEMS

Item 3: Z-FY-13-22: Hold a public hearing to consider and recommend action on a zone change from Commercial District (C) to Planned Development–Commercial (PD-C) on 29.659± acres of land out of the Uri Holbrook Survey, Abstract No. 1009, City of Temple, Bell County, Texas, being a portion of that 99.39 acre tract of land conveyed by deed and recorded in Volume 1858, Page 292, of the Deed Records of Bell County, Texas, located at the southeast corner of North General Bruce Drive and NE H K Dodgen Loop.

Ms. Beverly Zendt, Interim Director of Planning, stated the applicant was Arch Aplin III on behalf of Frank Mayborn Enterprises. This item will go to City Council first reading on July 11th and second reading on July 18th.

This is for a proposed travel convenience center, an approximately 6,000 square feet facility, with 829 parking spaces, and 88 fueling locations.

The landscape plan includes 40 interior and terminal parking islands. There is a 20 foot deep landscape buffer along I-35 and a 20 foot deep north landscape buffer bordering on H K Dodgen Loop, and a south landscape buffer. All parking islands will be fully landscaped.

Building materials and architecture will consist of stone, concrete tilt wall, EFIS, and aluminum frames. The applicant proposes a portico styled main, north and south entrances offset by 21 feet with supporting pillars. Additional five foot offsets are located at the front entrance that faces I-35.

Overall site layout is shown for Buc-ee's #22 located in New Braunfels which is very similar to the Temple location.

Screening, buffering and signage: a 100 foot tall pole sign is proposed. Applicant anticipates proposed enclosed trash compactors constructed of 100 percent stone on three sides with a gate enclosure constructed of heavy gauge metal to match the building colors.

The subject tract is zoned Commercial (C) and currently undeveloped. Surrounding properties include undeveloped land to the north, zoned Agricultural (AG), undeveloped land to the east, zoned C, (may be used for fill for other sites), undeveloped land to the south, zoned C, and across I-35, a drive through restaurant and fueling station, zoned C.

The Future Land Use and Character Map designate the area as Suburban-Commercial. The Comprehensive Plan describes Suburban-Commercial appropriate for retail and services adjacent to residential neighborhoods and in other areas such as gateways and high profile corridor locations.

The proposed zone change is not consistent with the Comprehensive Plan Future Land Use and Character Map. However, Staff recommends approval despite the inconsistency since

there is a lack of residential development in the area and the site is currently zoned C as are several abutting properties. Several surrounding areas are also zoned Light Industrial (LI). It is not likely the area will ever go residential. The subject tract is also located at the intersection of two expressways which is appropriate for commercial development. If this request is approved the Future Land Use and Character Map would have to be updated to reflect the change.

Per Unified Development Code (UDC) Section 3.4.3., in approving a Planned Development and the related development plans, a standard may not be modified unless the UDC expressly permits such modification. Uses are limited to those identified in the development plans provided.

Thoroughfare, sidewalks and utilities: Water and sewer are being extended to serve this site and multiple sites on the east side of the interstate. The UDC and Trail Master Plan do not call for trails or sidewalks in this area. H K Dodgen Loop and I 35 are existing expressways with sufficient capacity to support the proposed use.

One notice was mailed out and returned in favor of the request.

Staff recommends approval for the following reasons:

- The general lack of residential development in this area;

- The Surrounding industrial future land uses;

- The existing Commercial zoning designation of the subject tract and surrounding tracts to the east, west, and south;

- Location of the subject tract at the intersection of two expressways, I-35 and HK Dodgen Loop -is appropriate for commercial development;

- The request complies with the Thoroughfare Plan; and

- Public facilities will be available to subject property.

Chair Staats asked if the signage request was in compliance with the I-35 overlay. Ms. Zendt stated it was not. This is a special consideration item and is consistent with the corporate standard and other sites.

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

Commissioner Rhoads made a motion to approve Item 3, **Z-FY-13-22**, as presented, and Vice-Chair Sears made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

(PLANNING NO. Z-FY-13-22)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM COMMERCIAL DISTRICT (C) TO PLANNED DEVELOPMENT – COMMERCIAL (PD-C), ON APPROXIMATELY 29.659 ACRES OF LAND OUT OF THE URI HOLBROOK SURVEY, ABSTRACT NO. 1009, AND LOCATED AT THE SOUTHEAST CORNER OF NORTH GENERAL BRUCE DRIVE AND NORTHEAST HK DODGEN LOOP; 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 Commercial (C) to Planned Development – Commercial (PD-C)), on approximately 29.659 acres of land out of the Uri Holbrook Survey, Abstract 1009, situated in the City of Temple, Bell County, Texas and located at the southeast corner of North General Bruce Drive and Northeast HK Dodgen Loop, and 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 **11th** day of **July**, 2013.

PASSED AND APPROVED on Second Reading on the **18th** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/11/13
Item #6
Regular Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: P-FY-13-29: Consider adopting a resolution authorizing a Final Plat of The Groves At Lakewood Ranch Phase I, a \pm 43.560 acre, 63 lot, 7 block residential subdivision, with a developer requested exception to Section 8.3.1A of the Unified Development Code related to the payment of required park fees, being out of the John J. Simmons Survey, Abstract 737, Bell County, Texas located on the north side of West Adams Road (FM 2305), west of Starlight Drive and East of St. Andrews Place.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its June 3, 2013, meeting, the Planning and Zoning Commission voted 5 to 0 to recommend approval of the Final Plat for the Groves at Lakewood Ranch Phase I subject to the following condition:

1. That the applicant provide a preliminary plat within 12 months of plat approval for all contiguous phases of development in accordance with the Unified Development Code Section 3.6.5 to include but not limited to detailed information relating to anticipated: drainage, street and utility layout.

The Planning & Zoning Commission also voted 5 to 0 to recommend approval of the requested exception to Section 8.3 of the Unified Development Code relating to parks fees subject to the following conditions

1. That all park improvements, in the value of \$12,835, be made prior to submission of an application for building permit for the single-family portion of the plat.
2. That a letter be provided by the developer, prior to the submission of an application for a building permit for the single-family portion of the plat, providing the following information:
 - What the park fees were used for within the existing Lakewood Ranch Park; and
 - Documentation demonstrating that the value of completed improvements is equal to or greater than the required park fee of \$12,835.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

Staff recommends approval of the Final Plat for the Groves at Lakewood Ranch Phase I and the requested exception to Section 8.3 of the Unified Development Code relating to park fees as described and recommended for approval by the Planning & Zoning Commission.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat for the Groves at Lakewood Ranch Phase I on May 22, 2013. The plat was deemed administratively complete on May 30, 2013.

The Final Plat for the Groves at Lakewood Ranch Phase I, a 63-lot, 7 block, residential subdivision is located on West Adams Road (FM 2305) west of Starlight Drive and east of St. Andrews Place. The developer is proposing 57 single-family residential lots within the Single Family-1 (SF-1) zoning district; 5 non-residential lots along West Adams Avenue within the Neighborhood Services (NS) zoning district; and \pm 12.9 acres of multi-family development within the Multi-Family 2 (MF-2) zoning district.

A 12" wastewater line is available to serve the property on the south (along FM 2305) and will be extended in proposed Public Utility Easements (PUE's) to serve both commercial and residential lots within the subdivision and along the public right-of-way to the northern property boundaries. The area west of the proposed Clinite Grove Boulevard is served by a lift station and force mains. The force mains will discharge to a 12" gravity main on the east side of Clinite Grove Boulevard. A 14" waterline is available to serve the site on the south (along FM 2305) and will be extended along the public right-of-way to the northern property boundaries.

The storm water will be conveyed via underground pipes that eventually discharge to the southwest where the flow will be collected in an existing box culvert. The existing culvert discharges to the south of FM 2305, where drainage continues to flow in existing public drainage easements to a quarry approximately 500 feet to the south. As Texas Department of Transportation (TxDOT) facilities may be affected, TxDOT is currently reviewing development and drainage plans related to this project. At the time of staff report preparation, the developer has received a verbal approval of the drainage plans from TxDOT and a final approval is anticipated. Staff will provide an update at the time of City Council consideration. The City's Public Works Department has reviewed the post-development flows and the accompanying calculations analysis and has found the analysis acceptable.

The subject property will be accessed directly from West Adams Avenue by a proposed Collector Street, Clinite Grove Boulevard which provides the minimum 55' ROW and 36' pavement. It should be noted that Clinite Grove Boulevard will be developed with a narrowing arterial section with an enhanced entryway but will function as a collector street. Clinite Grove Boulevard will require a 4' wide sidewalk on one side. Additionally other proposed streets in the subdivision are identified as local streets and provide the minimum 50' ROW and 31' pavement width. Proposed streets will be extended at such time as additional phases to the north are developed.

Per UDC Section 3.6.5 – the applicant is required to submit a preliminary plat for:

- All development projects where the subdivision constitutes a unit of a larger tract or group of tracts that is 100 acres or larger under common ownership or control; and
- All development projects where the subdivision is planned for multiple phases.

The developer has indicated that a Preliminary Plat will be provided within 12 months of final plat approval. The preliminary plat will provide information relating to contiguous tracts north of the subject tract under common ownership/ control. The applicant has provided the following information relating to the future utility and street configuration:

- The area north of the existing Lakewood Ranch and the Highlands is approximately 64 acres and will be developed as single family lots ranging in size from 10,000 S.F. to more than 1 acre as a part of the Campus at Lakewood Development. Detention is proposed for this 64 acre tract and will occur upstream of the Highlands development and will not only serve the future Campus at Lakewood Ranch development but will also mitigate existing problems within the Highlands development.
- Clinite Grove Boulevard will serve as a collector that will eventually connect with the E. Cedar Crest Lane in the Windmill Farms Subdivision (existing) to the east. It is anticipated that E. Cedar Crest Lane will continue to be extended west and will likely intersect with streets projecting north from the Groves at Lakewood Ranch and with the anticipated Lakewood Ranch Drive, a future collector street.

The developer has requested an exception to UDC Section 8.3 related to how required park fees are paid. The request is that required park fees would be paid to the homeowners association (HOA) who would have authority to decide how the fees would be paid. Staff is supportive of this exception with the following conditions:

1. That all park improvements, in the value of \$12,835, be made prior to submission of an application for building permit for the single-family portion of the plat.
2. That a letter be provided by the developer, prior to the submission of an application for a building permit for the single-family portion of the plat, providing the following information:
 - What the park fees were used for within the existing Lakewood Ranch Park; and
 - Documentation demonstrating that the value of completed improvements is equal to or greater than the required park fee of \$12,835.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Final Plat

Utility Plan

Requested Exception (Description & Justification)

PZ Excerpts

Resolution

CURVE	LENGTH	RADIUS	CHORD
C1	8.21	710.00	S 03°21'13" W, 8.21
C2	45.87	530.00	S 01°12'21" W, 45.85
C3	345.78	1072.81	S 28°58'17" W, 344.28
C4	316.77	982.81	S 28°58'17" W, 315.40
C5	683.56	845.00	N 15°01'49" E, 665.07
C6	361.73	755.00	N 24°28'45" E, 358.28
C7	108.47	755.00	N 02°50'33" E, 108.38
C8	647.16	800.00	N 15°01'49" E, 629.65
C9	331.27	1027.81	S 28°58'17" W, 329.84
C10	217.35	1072.81	S 25°32'31" W, 216.98
C11	128.43	1072.81	S 34°46'32" W, 128.35
C12	178.50	982.81	S 24°56'27" W, 178.25
C13	138.28	982.81	S 24°10'28" W, 138.16
C14	2.22	755.00	N 38°07'14" E, 2.22
C15	82.48	755.00	N 34°54'23" E, 82.44
C16	87.79	755.00	N 28°26'43" E, 87.74
C17	87.79	755.00	N 21°46'59" E, 87.74
C18	101.44	755.00	N 14°36'10" E, 101.37
C19	409.79	800.00	N 23°31'50" E, 405.32
C20	237.37	800.00	N 09°21'21" E, 236.50
C21	614.44	710.00	S 01°12'21" W, 614.43
C22	532.3	710.00	S 00°52'28" W, 532.2
C23	59.28	685.00	S 01°12'21" W, 59.26
C24	57.12	660.00	S 01°12'21" W, 57.10
C25	54.77	175.00	S 82°18'24" E, 54.55
C26	62.60	200.00	S 82°18'24" E, 62.34
C27	70.42	225.00	S 82°18'24" E, 70.14
C28	106.09	600.00	S 03°47'29" E, 105.34
C29	76.65	575.00	N 02°32'43" E, 76.59
C30	85.49	625.00	N 02°38'42" E, 85.42
C31	248.70	625.00	N 22°32'53" E, 247.07
C32	302.05	600.00	N 23°16'40" E, 298.87
C33	264.45	575.00	N 24°31'25" E, 262.13
C34	20.55	50.00	S 22°10'26" W, 20.41
C35	143.72	67.50	N 72°23'51" E, 118.07
C36	54.16	45.00	N 72°10'47" E, 50.95
C37	24.07	20.00	N 72°10'47" E, 22.64
C38	22.46	50.00	N 60°28'20" W, 22.27
C39	121.53	575.00	N 31°38'40" E, 121.31
C40	142.92	575.00	N 18°28'77" E, 142.55
C41	16.15	50.00	N 64°05'06" W, 16.08
C42	6.31	50.00	N 51°13'02" E, 6.30
C43	58.91	67.50	S 72°36'30" E, 57.06
C44	54.57	67.50	N 59°13'43" E, 53.09
C45	30.24	67.50	N 23°14'05" E, 29.99
C46	23.69	625.00	N 32°51'44" E, 23.68
C47	72.68	625.00	N 28°26'43" E, 72.63
C48	72.68	625.00	N 21°46'59" E, 72.63
C49	79.67	625.00	N 14°49'01" E, 79.61
C50	71.51	525.00	S 77°14'31" E, 71.45
C51	68.10	500.00	S 77°14'31" E, 68.05
C52	64.70	475.00	S 77°14'31" E, 64.65
C53	12.92	475.00	S 74°07'11" E, 12.92
C54	51.77	475.00	S 78°01'18" E, 51.75
C55	36.20	525.00	S 79°18'55" E, 36.19
C56	35.31	525.00	S 79°13'02" E, 35.30
C57	23.32	50.00	N 86°42'06" W, 23.11
C58	13.47	50.00	S 87°39'16" W, 13.43
C59	9.85	50.00	N 78°59'02" W, 9.83
C60	70.69	45.00	S 28°20'24" E, 63.64
C61	31.42	20.00	S 28°20'24" E, 28.28
C62	168.99	67.50	S 28°20'24" E, 128.19
C63	55.11	67.50	S 76°40'20" E, 53.60
C64	54.49	67.50	S 30°39'11" E, 53.03
C65	59.39	67.50	S 18°10'45" W, 57.49
C66	23.32	50.00	N 30°01'17" E, 23.11
C67	5.89	50.00	N 40°00'37" E, 5.88
C68	17.43	50.00	N 26°38'55" E, 17.35

LINE	LENGTH	BEARING
L1	36.10	N 63°31'09" E
L2	35.89	S 24°23'48" E
L3	71.78	N 19°44'16" E
L4	69.25	N 19°44'16" E
L5	94.87	S 19°44'16" W
L6	150.00	S 01°16'25" E
L7	58.85	N 08°08'38" W
L8	80.21	N 08°08'38" W
L9	6.36	N 88°43'35" E
L10	31.96	N 88°43'35" E
L11	6.96	N 88°43'35" E
L12	81.67	S 81°08'38" E
L13	56.13	S 81°08'38" E
L14	56.13	S 81°08'38" E

NO.	NORTHING	EASTING
TA-515	10384306.7043	3197837.1675
TA-516	10384595.2687	3197996.9331
TA-517	10384966.8901	3198158.7499
TA-518	10385203.3830	3198320.2150
TA-519	10384997.6805	3197961.1342
TA-520	10385324.6435	3197963.2205
TA-521	10385431.2228	3197960.8512
TA-522	10384698.9377	3197823.2927
TA-523	10384843.2791	3197340.9511
TA-524	10385140.2664	3197429.8249
TA-525	10385437.2537	3197518.6988

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

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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506 THE THETA ANGLE AT SAID CITY MONUMENT IS 01°29'04".

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852.

PUBLISHED CITY COORDINATES ARE X=1,138,199.05 Y=10,383,950.33

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS N64°27'34"W, 961.80 FEET.

Tract surveyed April 15, 2013

NOTES:

BL - Building Line
 UE - Utility Easement
 DE - Drainage Easement
 POB - Point of Beginning
 - Block Designation
 - TxDOT ACCESS DENIAL LINE

Owners: Kiella Development Inc.,
 John Kiella President and
 Clintine-Miller, Inc, Edward Clintine,
 President
 Total= 43,560 Acres
 BLOCKS- 7
 LOTS- 63

Residential lots shall have a 25 feet front building setback line and a 10 feet rear building setback line. Side building setback lines shall be 10% of the lot width with a minimum of 6 feet and a maximum of 7.5 feet. There shall be a 15 feet side building setback line adjacent to street rights-of-way.

A 4' wide sidewalk shall be constructed along one side of Clintine Grove Boulevard.

Park improvements in the value of \$12,835 will be made prior to submission of an application for building permit for the single family portion of this plat.

Landscape easement shown on Lot 1, Block 2 and Lot 1, Block 7 are to be maintained by Lakewood Ranch Home Owners Association.

A blanket Joint Use Cross Access Easement shall be created by separate instrument which will allow for cross access between Lots 1, 2 and 3, Block 3 as shown herein. This document is of record in Document No. _____, Bell County, Texas.

TAX CERTIFICATE

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

DATED THIS _____ DAY OF _____, 2013.

BELL COUNTY TAX APPRAISAL DISTRICT

BY: _____

This property is not within the Special Flood Hazard Area as per the Federal Emergency Management Agency Federal Insurance Administration Map No. 48027C0175E and 48027C0330E, dated September 26th 2008.



STATE OF TEXAS
 COUNTY OF BELL

KIELLA DEVELOPMENT, INC. AND CLINTINE-MILLER, INC., OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE GROVES AT LAKEWOOD RANCH, PHASE I, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, AND WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

KIELLA DEVELOPMENT, INC., A TEXAS CORPORATION

JOHN KIELLA, PRESIDENT
 CLINTINE-MILLER, INC., A TEXAS CORPORATION

EDWARD CLINTINE, PRESIDENT

STATE OF TEXAS
 COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2013 BY JOHN KIELLA, PRESIDENT OF KIELLA DEVELOPMENT, INC., A TEXAS CORPORATION, ON BEHALF OF SAID CORPORATION.

NOTARY PUBLIC

STATE OF TEXAS
 COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2013 BY EDWARD CLINTINE, PRESIDENT OF CLINTINE-MILLER, INC., A TEXAS CORPORATION, ON BEHALF OF SAID CORPORATION.

NOTARY PUBLIC

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.

DATED THIS _____ DAY OF _____, 2013.

SECRETARY TO PLANNING & ZONING COMMISSION:

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 _____, 2013.

CHAIRPERSON:

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

DATED THIS _____ DAY OF _____, 2013.

CITY SECRETARY:

STATE OF TEXAS
 COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

Jennifer Ryken
 JENNIFER RYKEN
 106277

STATE OF TEXAS
 COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

Michael E. Alvis
 MICHAEL E. ALVIS
 NO. 5402

FINAL PLAT OF:
 THE GROVES AT LAKEWOOD RANCH
 PHASE I

7 BLOCKS, 63 LOTS
 LOTS 1 thru 2, BLOCK 1
 LOTS 1 thru 24, BLOCK 2
 LOTS 1 thru 4, BLOCK 3
 LOTS 1 thru 12, BLOCK 4
 LOTS 1 thru 11, BLOCK 5
 LOTS 1 thru 4, BLOCK 6
 LOTS 1 thru 6, BLOCK 7

43,560 ACRES

OUT OF AND A PART OF THE JOHN J. SIMMONS SURVEY, ABST. #737
 A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

43,560 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES
 TRACT SURVEYED APRIL 15, 2013

ENGINEERING • PLANNING • SURVEYING
 CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd St. Temple, Texas 76701 (254) 773-2400
 E-MAIL: VTURLEY@AOL.COM (254) 773-3998

FINAL PLAT OF:
 THE GROVES AT LAKEWOOD RANCH
 PHASE I

JOHN J. SIMMONS SURVEY, ABSTRACT No. 737
 BELL COUNTY TEXAS

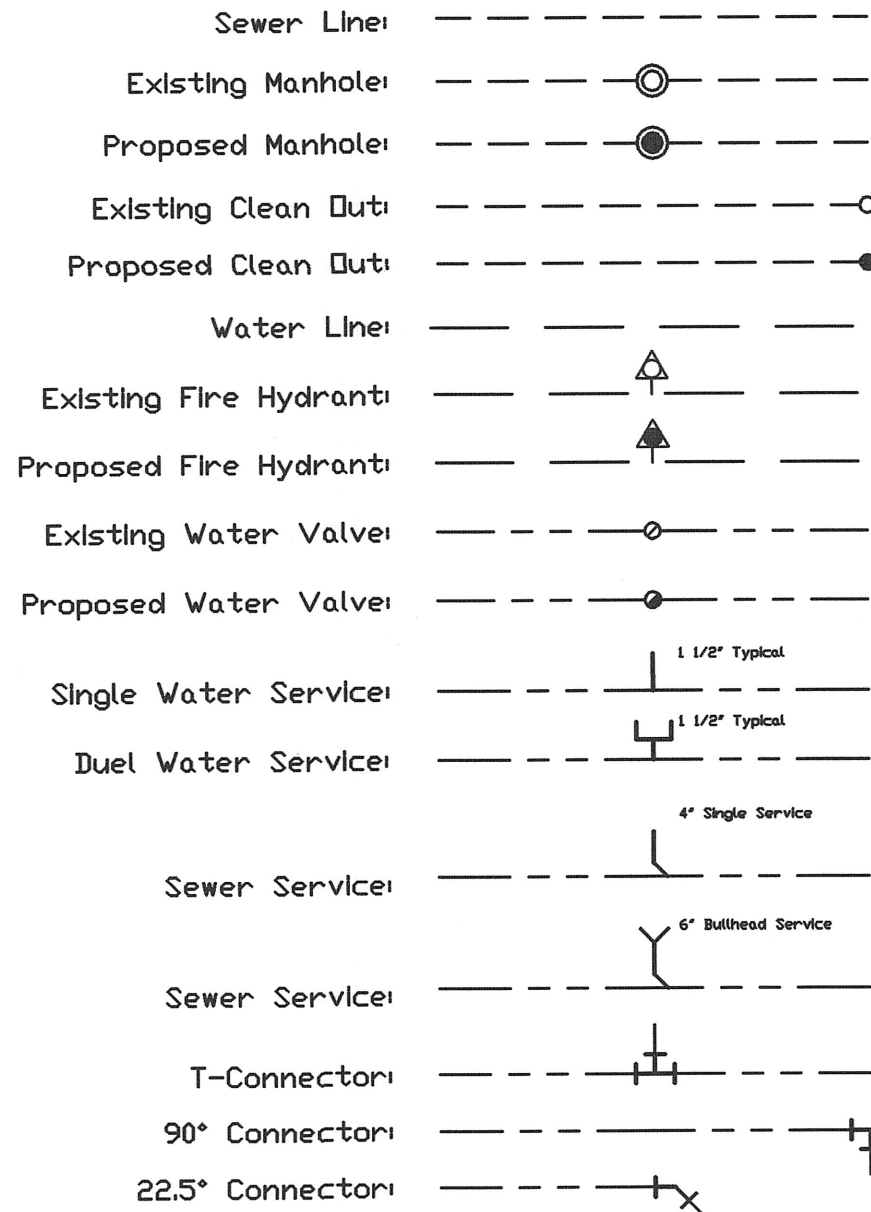
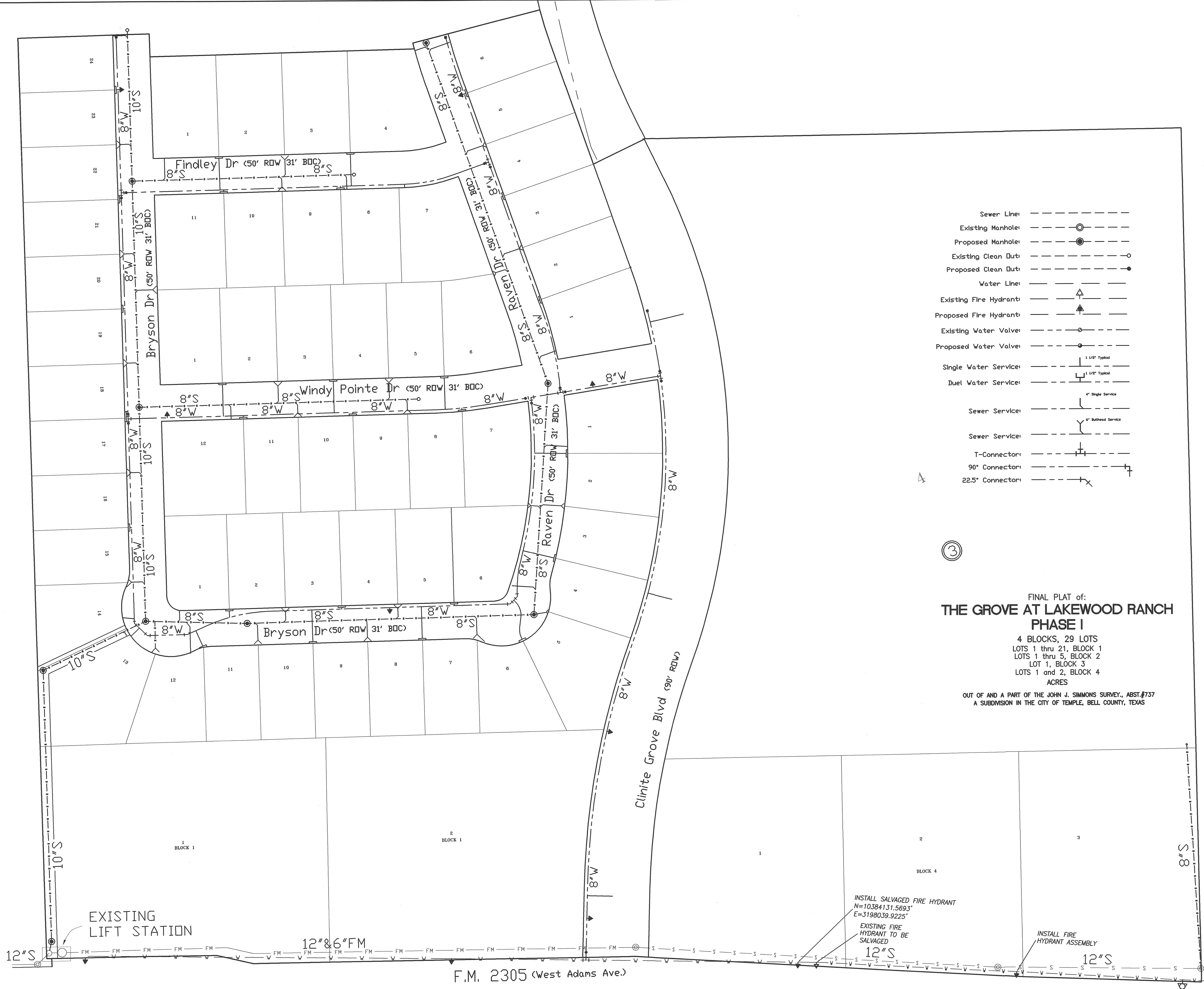
ORDERED BY:
KIELLA LAND INVESTMENTS, LTD.
 P.O. BOX 1344
 TEMPLE, TEXAS 76703

REVISIONS	COMMENTS	MEA
05/24/13		

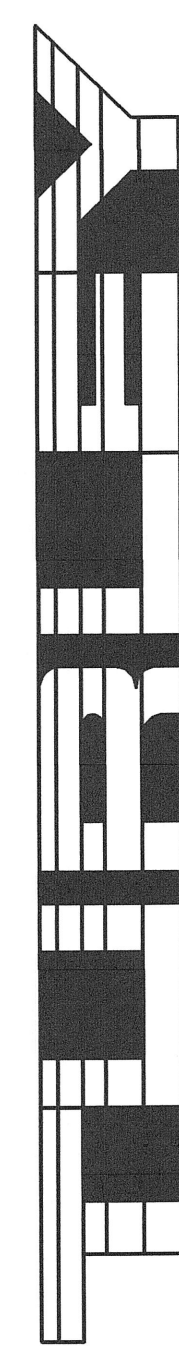
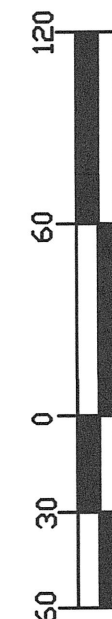
DATE: April 30, 2013
 DRN. BY: MEA
 REF.:

FB/LB: DATA COL.
 JOB NO.: 13-243
 SHEET 1 OF 1
 COMPUTER DWG. NO. 13243 FP

12685-D
 FILE NO.



FINAL PLAT of:
THE GROVE AT LAKEWOOD RANCH
PHASE I
4 BLOCKS, 29 LOTS
LOTS 1 thru 21, BLOCK 1
LOTS 1 thru 5, BLOCK 2
LOT 1, BLOCK 3
LOTS 1 and 2, BLOCK 4
ACRES
OUT OF AND A PART OF THE JOHN J. SIMMONS SURVEY, ABST.#737
A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: VTURLEY@AOL.COM (254) 773-3998



UTILITY LAYOUT:
THE GROVE AT LAKEWOOD RANCH
JOHN J. SIMMONS SURVEY, ABSTRACT #737
A SUBDIVISION IN THE
BELL COUNTY TEXAS

DEVELOPED BY:
KIELLA DEVELOPMENT
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS

DATE: 04/15/2013
DRN. BY: TJJ
REF.:
FIELD BOOK: -
JOB NO.: 13-243
SHEET 3 OF 23
COMPUTER DWG. NO. Utilities.dwg

12685-D
DRAWING NUMBER



TURLEY ASSOCIATES, INC.

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

June 11, 2013

City of Temple
Attn: Beverly Zendt
Interim Planning Director
2 North Main Street
Temple, TX 76501

RE: The Groves at Lakewood Ranch

Dear Beverly:

On behalf of our client, Turley Associates, Inc. would like to formally request an exception to the *Unified Development Code* for the above referenced project.

The exception that is requested regards the park fee requirement. The developer would like to pay the required fees of \$12,835.00 to the Lakewood HOA. These funds will be used to make improvements to the existing Lakewood Ranch Park. Improvements will include the creation of a new soccer field. This will consist of importing fill material, compaction, topsoil import and grass seeding. The improvements will also include two new soccer goals. We estimate that these improvements will exceed the above mentioned fees. Improvements to the park will coincide with the construction of the subdivision and will be complete prior to the City's issuance of the first home building permit. Documentation of the improvements and their costs will be submitted with the first home building permit for the Planning Department's review.

We appreciate your consideration on this matter and are available at your convenience to discuss these items or answer any questions.

Sincerely,
TURLEY ASSOCIATES, INC.

A handwritten signature in black ink that reads "Jennifer Ryken". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Jennifer Ryken, P.E.
Project Engineer

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 3, 2013**

ACTION ITEMS

Item 2: P-FY-13-29: - Consider and recommend action on the Final Plat of The Groves At Lakewood Ranch, a \pm 43.560 acre, 63 lot, 7 block residential subdivision, with a developer requested exception to Section 8.3.1A of the Unified Development Code related to the payment of required park fees, being out of the John J. Simmons Survey, Abstract 737, Bell County, Texas located on the north side of West Adams Road (FM 2305), west of Starlight Drive and East of St. Andrews Place. (Applicant: John Kiella)

Mr. Mark Baker, Planner, stated City Council would be the final authority on this plat since the applicant has requested an exception to the UDC. City Council first reading will be July 11, 2013.

This plat was deemed complete by DRC on May 30, 2013. The subject property contains three zoning districts: Neighborhood Services (NS), Multi-Family-Two (MF-2) and Single Family-One (SF-1). This project consists of a 67 lot, 7 block subdivision which proposes 57 single family residential lots, five non-residential lots, and \pm 12.9 acre multi-family development.

Clinite Grove Boulevard is designated as a collector street and Bryson Drive, Findley Drive, Windy Pointe Drive, Raven Drive, and Keller road are all designated as local streets.

Water will be provided through a 14 inch line on the south side along FM 2305 and wastewater services will be provided through a 12 inch line on the south side along FM 2305.

Per UDC Section 3.6.5, the applicant is required to submit a preliminary plat for:

- a. All development projects where the subdivision constitutes a unit of a larger tract or group of tracts that is 100 acres or larger under common ownership or control; and
- b. All development projects where the subdivision is planned for multiple phases.

The developer has indicated that a preliminary plat will be provided within 12 months of final plat approval.

The applicant has requested an exception relating to Unified Development Code (UDC) Section 8.3, relative to how park fees are paid. The request is that the required park fees will be paid to the Homeowners Association who would have authority to decide how the fees would be paid. Staff supports this request subject to the following conditions:

- 1. That all park improvements in the value of \$12,835 be made prior to submission of an application for building permit for the single-family portion of the plat.

2. That a letter be provided by the developer, prior to the submission of an application for a building permit for the single-family portion of the plat, providing the following information:
 - a. What the park fees were used for within the existing Lakewood Ranch Park; and
 - . Documentation demonstrating that the value of completed improvements is equal or greater than the required park fee of \$12,835.

In the justification letter attached to the report packet, there is a reference to the exception to the Drainage Criteria and Design Manual. This is not an exception to the UDC, but rather a request to waive the requirements for on-site detention. This was discussed in more detail in the report related to discharge of drainage across or under FM 2305 through a box culvert and downstream to a quarry approximately 500 feet south of the subject property. Public Works has reviewed the post development flows and accompanying calculation analysis and has found the analysis acceptable.

Staff recommends approval of the final plat for the Groves at Lakewood Ranch subject to the following condition:

1. That the applicant provide a preliminary plat within 12 months of plat approval for all contiguous phases of development in accordance with the Unified Development Code Section 3.6.5, to include but not limited to, detailed information relating to anticipated: drainage, street, and utility layout, and;

Staff Recommends approval of the requested exception to Section 8.3 of the UDC relating to park fees subject to the following conditions:

1. That all park improvements, in the value of \$12,835, be made prior to submission of an application for building permit for the single-family portion of the plat and;
2. That a letter be provided by the developer prior to the submission of an application for a building permit for the single-family portion of the plat, providing the following information:
 - a. What the park fees were used for within the existing Lakewood Ranch Park; and,
 - b. Documentation demonstrating that the value of completed improvements is equal or greater than the required park fee of \$12,835.

A public hearing is not required for this plat.

Vice-Chair Sears asked if the applicant was in agreement the conditions proposed and Mr. Baker replied he believed so. The applicant was present to answer any questions.

Mr. John Kiella, 11122 Whiterock Dr., Temple, Texas, stated he was in agreement with Staff.

Commissioner Johnson asked what park was being upgraded and Mr. Kiella stated it was the one across the street with the soccer field, pool, and playground. It is a private park but is used

by the whole community. Mr. Kiella talked with the Parks Department and stated Mr. Cicora said he did not have a park in the area to put the money in to so the other park should be used and improved.

Commissioner Jones made a motion to approve Item 2, **P-FY-13-29**, and Commissioner Magaña made a second.

Motion passed: (5:0)

Commissioners Talley, Rhoads, Martin and Chair Staats absent

RESOLUTION NO. _____

(PLANNING NO. P-FY-13-29)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FINAL PLAT OF THE GROVES AT LAKEWOOD RANCH, PHASE I, AN APPROXIMATELY 43.560 ACRE, 63-LOT, 7-BLOCK, RESIDENTIAL SUBDIVISION, WITH DEVELOPER'S REQUESTED EXCEPTION TO SECTION 8.3.1A OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE PAYMENT OF REQUIRED PARK FEES, BEING OUT OF THE JOHN J. SIMMONS SURVEY, ABSTRACT NO. 737, BELL COUNTY, TEXAS, LOCATED ON THE NORTH SIDE OF WEST ADAMS ROAD (FM 2305), WEST OF STARLIGHT DRIVE AND EAST OF ST. ANDREWS PLACE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 3, 2013, the Planning and Zoning Commission approved the final plat for of the Groves at Lakewood Ranch, Phase I, an approximately 43.560 acre, 63-lot, 7-block Residential Subdivision, located on the north side of West Adams Road (FM 2305), west of Starlight Drive and East of St. Andrews Place, with the developer's requested exception to Section 8.3.1A of the Unified Development Code related to the payment of required park fees;

Whereas, the Staff recommends approval of the final plat of the Groves at Lakewood Ranch, Phase I, 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 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 final plat of the Groves at Lakewood Ranch, Phase I, an approximately 43.560 acre, 63-lot, 7-block Residential Subdivision, located on the north side of West Adams Road (FM 2305), west of Starlight Drive and East of St. Andrews Place, with the developer's requested exception to Section 8.3.1A of the Unified Development Code related to the payment of required park fees.

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

PASSED AND APPROVED this the **11th** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney