MEETING OF THE

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, AUGUST 1, 2013

3:00 P.M.

WORKSHOP AGENDA

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

2. Receive a City Council continuing education briefing on Texas Public Information Act.

3. Discuss upcoming appointments to various City boards and commissions.

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. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) "Safe Digging Day" August 11, 2013

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. BUDGET ITEMS

4. (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the proposed 2013-2014 operating budget.

   (B) 2013-7003-R: Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 29, 2013.

V. CONSENT AGENDA

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

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

Contracts, Leases, & Bids

(A) 2013-7004-R: Consider adopting a resolution ratifying a contract with Alsay, Inc. out of Houston for the emergency purchase of two replacement pumps at the Conventional Raw Water Plant in the amount of $27,730.

(B) 2013-7005-R: Consider adopting a resolution ratifying the execution of an engagement letter with Lloyd Gosselink Rochelle & Townsend, P.C. for outside legal representation related to the City's accounting, management and oversight of the City's surface water supplies.

Ordinances – Second & Final Reading

(C) 2013-4601: SECOND READING - Z-FY-12-50: Consider adopting an ordinance authorizing a zoning change from PD Planned Development-Urban Estates District (PD-UE) to Planned Development-Single Family-1 District (PD-SF-1) on 39.3± acres of land, being part of the William Frazier Survey, Abstract #310 located south of FM 93 along the west side of Dubose Road.

(D) 1. 2013-4602: SECOND READING - Z-FY-13-23: Consider adopting an ordinance authorizing a zoning change from Light Industrial District (LI) to Central Area District (CA) on Lot 1, Block 34, Original Town of Temple, County of Bell, Texas, according to the map or plat recorded in volume 36, page 640 of the real property records of Bell County, Texas, located at 201 South Main Street.

2. 2013-4603: SECOND READING - Z-FY-13-24: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be more than 75% of the gross revenue for Vidana's Place, on Lot 1, Block 34, Original Town of Temple, County of Bell, Texas, according to the map or plat recorded in volume 36, page 640 of the real property records of Bell County, Texas, located at 201 South Main Street.

(E) 2013-4604: SECOND READING – Z-FY-13-25: Consider adopting an ordinance authorizing a zoning change from Office One District (O-1) to General Retail District (GR) on 1.317± acres being a part of Lot 2, Block 1, Joshlin Subdivision, an addition to the City of Temple, Bell County, Texas, located at 6768 West Adams Avenue, west of Holy Trinity Catholic High School and east of Hilliard Road.

Misc.

(F) 2013-7006-R: A-FY-13-16: Consider adopting a resolution authorizing the release of an existing 20' sanitary sewer easement being approximately 3,400' in length, located within the main campus of Scott and White Memorial Hospital starting at South 31st Street and ending at a point north of the Oakbrook Apartments, approximately 604 feet east of South 13th Street.

(G) 2013-7007-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

VI. REGULAR AGENDA

ORDINANCES

6. 2013-4605: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

RESOLUTIONS

7. 2013-7008-R: P-FY-12-31: Consider adopting a resolution authorizing the revised Preliminary Plat of Valley Ranch Addition, a 39.3 ± acre, 94-lot residential subdivision with a requested exception to Unified Development Code Section 8.2.1., allowing the use of Local Rural Streets with 50-foot wide rights-of-way and 28-foot wide streets (back of curb to back of curb), located at the southwest corner of FM 93 and Dubose Road.

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 12:10 PM, on July 26, 2013.

Lacy Borgeson

Lacy Borgeson, TRMC
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at _____on the

_____ day of _____ 2013. _____.

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Daniel A. Dunn, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

3. (A) "Safe Digging Day" August 11, 2013

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY(A) This proclamation was requested by Michael Street, Manager of Public Affairs, Atmos Energy, and will be presented to Chad Saylors, Temple Operations Supervisor. Atmos Energy, along with all other underground utilities, will be promoting the Texas 811 Safe Digging Day. This community and media event is designed to promote public safety through damage prevention awareness

FISCAL IMPACT: None

ATTACHMENTS: None

COUNCIL AGENDA ITEM MEMORANDUM

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

ITEM DESCRIPTION: (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the proposed 2013-2014 operating budget.

(B) Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 29, 2013.

STAFF RECOMMENDATION: (A) Receive presentation and conduct public hearing. Final action is to be taken by the Council at the August 29th meeting; (B) Adopt resolution as presented in item description.

ITEM SUMMARY: (A) Budget- Public Hearing - The City Manager's recommended budget was filed in accordance with the City Charter on June 28, 2013. Council has met for budget related work sessions on July 11th, 18th and 25th.

This is the initial public hearing on the proposed 2013-2014 budget, and complies with the State and Charter requirements that must be met before the budget can be adopted by the Council. A supplemental second public hearing on the budget will be conducted at the August 29th Special Council meeting, prior to budget adoption.

(B) Proposed Tax Rate – Resolution setting date for adoption - The proposed tax rate will be presented and discussed at the 5:00 pm meeting, prior to adoption of a resolution scheduling the adoption of the proposed tax rate for August 29th.

These proposed meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth by State Law and the City Charter.

FISCAL IMPACT:

(A) Budget: The proposed FY 2014 budget as filed on June 28, 2013:

Revenues/Other Sources	Adopted Budget FY 2013	Filed Budget FY 2014	% Increase/ (Decrease)
General Fund	$ 57,614,525	$ 60,225,562	4.53%
Water & Wastewater Fund	28,684,076	31,050,159	8.25%
Debt Service Fund	8,437,407	9,400,112	11.41%
Hotel/Motel Tax Fund	1,702,900	1,752,700	2.92%
Federal/State Grant Fund	386,943	408,865	5.67%
Drainage Fund	1,079,523	1,078,803	-0.07%
Internal Service Fund	3,295,525	100,000	-96.97%
Reinvestment Zone No. 1 Fund	4,706,824	4,861,829	3.29%
Total Revenues/Other Sources	**$ 105,907,723**	**$ 108,878,030**	**2.80%**

Expenditures/Transfers	Adopted Budget FY 2013	Filed Budget FY 2014	% Increase/ (Decrease)
General Fund	$ 59,069,645 [(1)]	$ 63,550,562 [(2)]	7.59%
Water & Wastewater Fund	28,330,899	30,020,581	5.96%
Debt Service Fund	9,725,715	9,876,523	1.55%
Hotel/Motel Tax Fund	1,702,900	1,882,700	10.56%
Federal/State Grant Fund	386,943	408,865	5.67%
Drainage Fund	1,079,523	1,214,183	12.47%
Internal Service Fund	3,295,525	100,000	-96.97%
Reinvestment Zone No. 1 Fund	6,534,108	5,855,297	-10.39%
Total Expenditures/Transfers	**$ 110,125,258**	**$ 112,908,711**	**2.53%**

[(1)] Includes $1,455,120 in Capital ($773,400); TEDC Matrix allocation ($400,000); and Strategic Investment Zone ($100,000) funded with Undesignated Fund Balance - Capital Projects; and Health Insurance Cost ($181,720) from Fund Balance Designated for Health Insurance

[(2)] Includes $3,325,000 in Capital ($1,400,000); TEDC Matrix allocation ($1,825,000); and Strategic Investment Zone ($100,000) funded with Undesignated Fund Balance - Capital Projects

Changes from the preliminary budget filed on June 28, 2013 to the proposed budget as presented August 1, 2013, with a proposed tax rate of 58.64¢. Adjustments are as indicated on the attached documents.

Revenues/Other Sources	Adopted Budget FY 2013	Proposed Budget FY 2014	% Increase/ (Decrease)
General Fund	$ 57,614,525	$ 60,684,031	5.33%
Water & Wastewater Fund	28,684,076	31,050,159	8.25%
Debt Service Fund	8,437,407	9,574,980	13.48%
Hotel/Motel Tax Fund	1,702,900	1,752,700	2.92%
Federal/State Grant Fund	386,943	408,865	5.67%
Drainage Fund	1,079,523	1,078,803	-0.07%
Internal Service Fund	3,295,525	100,000	-96.97%
Reinvestment Zone No. 1 Fund	4,706,824	4,861,829	3.29%
Total Revenues/Other Sources	**$ 105,907,723**	**$ 109,511,367**	**3.40%**

Expenditures/Transfers	Adopted Budget FY 2013	Proposed Budget FY 2014	% Increase/ (Decrease)
General Fund	$ 59,069,645 [1]	$ 64,009,031 [2]	8.36%
Water & Wastewater Fund	28,330,899	30,020,581	5.96%
Debt Service Fund	9,725,715	9,876,523	1.55%
Hotel/Motel Tax Fund	1,702,900	1,882,700	10.56%
Federal/State Grant Fund	386,943	408,865	5.67%
Drainage Fund	1,079,523	1,214,183	12.47%
Internal Service Fund	3,295,525	100,000	-96.97%
Reinvestment Zone No. 1 Fund	6,534,108	5,855,297	-10.39%
Total Expenditures/Transfers	**$ 110,125,258**	**$ 113,367,180**	**2.94%**

[1] Includes $1,455,120 in Capital ($773,400); TEDC Matrix allocation ($400,000); and Strategic Investment Zone ($100,000) funded with Undesignated Fund Balance - Capital Projects; and Health Insurance Cost ($181,720) from Fund Balance Designated for Health Insurance

[2] Includes $3,325,000 in Capital ($1,400,000); TEDC Matrix allocation ($1,825,000); and Strategic Investment Zone ($100,000) funded with Undesignated Fund Balance - Capital Projects

(B) Tax Rate: The proposed tax rate for FY 2014 is 58.64¢. This rate is comprised of two components, maintenance and operations (M&O) of 33.24¢ and the interest & sinking (I&S) rate of 25.40¢. The proposed tax rate represents a 4.66% increase above the effective tax rate of 56.03¢. The current FY 2013 tax rate is 58.64¢.

	2013	2014	+/-
I &S Rate	$ 0.2564	$ 0.2540	$ (0.0024)
M& O Rate	0.3300	0.3324	0.0024
Total Rate	0.5864	0.5864	-

The effective tax rate is the calculated rate that would provide the same amount of revenue received in the previous year on properties taxed in both years.

Note: The tax rate proposed in the budget document filed on June 28, 2013 was 58.64¢. The rate was developed based on estimates. Subsequent to the budget filing, staff received the Certified Roll and the Effective Tax Rate calculations.

ATTACHMENTS:
FY 2013-2014 Budget Message
Schedule of Adjustments
Resolution

June 28, 2013

Honorable Mayor and City Council,

I am pleased to present the Fiscal Year 2013-2014 Preliminary Budget (FY 2014 Budget) for the City of Temple totaling $112,908,711 for all funds.

The emphasis and focus on this FY 2014 Budget, as with previous budgets, is on providing and delivering services to our residents. Whether it is providing a place where residents can check out books, to places where residents can swim, walk along a trail, or play ball, or whether it is simply picking up the trash, the City provides multiple services to our residents. That is what we do and who we are….a service-delivery organization.

"Temple Tomorrow", our strategic plan, identifies four (4) strategic focus areas:

1) Serving Our Community
2) Improving Our Infrastructure
3) Expanding the Tax Base
4) Growing the Health and Biosciences Industries

All four (4) focus areas provide the foundation for our planning, budgeting, and work plans. Accordingly, the FY 2014 Budget, as with past budgets, continues to allocate resources with all four (4) of these strategic focus areas in mind.

Two focus areas I would like to highlight in the FY 2014 Budget relate to 'Serving Our Community' and 'Improving our Infrastructure'. With regard to 'Serving Our Community', the FY 2014 Budget continues the priority and the planning process to increase and enhance our public safety services. Detailed later in this transmittal letter, the FY 2014 Budget adds personnel to the police patrol division. While the addition of these positions is necessary and beneficial to our service delivery in public safety, they are also simply a continuation of steps in a multi-year process.

I would also like to highlight the focus area relating to 'Improving Our Infrastructure'. The FY 2014 Budget includes the second year of a multi-year transportation capital improvement program (FY 2013-18 Transportation CIP, or 'TCIP'). The $60,180,000 TCIP is a result of our recent assessments and reports on both the condition of our transportation infrastructure and the need to improve our mobility. The project areas identified in the TCIP are intended to address both the need to improve our existing transportation infrastructure and provide new capacity and connectivity.

Budget Development & Background

Budget Process – The budget is now a year round process and the framework for the development of this budget began in late 2012 with the City Manager working on timelines and issue identification. Through late 2012 and early 2013, the Manager worked with Finance to develop the budget calendar and process for the FY 2014 Budget.

In January, the City Manager held a planning retreat with Departments to identify and discuss issues for the upcoming budget and in February, the City Manager and Finance staff met with Departments to conduct a status review of current year budget and performance indicators and provide initial direction regarding issues identified in the planning retreat.

In mid-February, the City Council held a strategic planning retreat to review and, as might be needed, update the City's strategic plan, "Temple Tomorrow: Strategic Vision and Plan". This establishes the mission and vision of the City, identifies four (4) major areas of focus, and

establishes the City's goals and objectives. The areas of focus identified in the Plan were: Expand the Tax Base, Grow Health and Bioscience, Improve Our Infrastructure, and Serve our Community. These focus areas and their associated goals and objectives guided the development of the FY 2014 Budget. During the planning retreat, Council also reviewed the budget calendar and parameters and received information regarding potential budget issues identified by staff.

The City has invested almost $60,000,000 over the past 5 years in improving and extending our water and sewer infrastructure. The FY 2014 Budget includes an additional $33,645,000 over the next 5 years to continue this work. Our utility infrastructure, no less so than our transportation infrastructure, is extremely important to our ability to deliver services in one of our core mission areas. I believe your strategic plan, our strategic focus areas, and our community expectations relative to the services we provide, should reflect this.

From February through the delivery of the FY 2014 Budget, staff has worked countless hours on preparing, reviewing, researching and responding to questions from Finance and the Manager relating to the programs and services this Preliminary Budget recommends.

Budget Approach – The FY 2014 Budget continues the 'activity-based' perspective that began in FY 2010. Each Department was asked to identify each and every activity that they provide. They were also asked to identify the cost for providing each activity. This 'activity-based' approach allows for better identification of the services and service levels that we provide.

Budget 'Fence Posts' – This year's budget, as with every budget I have presented you, has been developed within the framework of the strategic plan priorities adopted by the City Council and the budget parameters, or 'fence posts', that were briefed to the Council at the February 14 planning retreat and the April 4 and May 16, 2013 work sessions. Those 'fence posts' are:

1. Maintain fiscal soundness
2. Maintain tax rate
3. Focus on people
4. Improve core services
5. Alignment of strategic, financial & tactical plans

The FY2014 Preliminary Budget is within these parameters. I would like to highlight that, while we are continuing the most aggressive capital improvement program in the history of our city, this budget contains no increase in the property tax rate.

Financial Highlights

As indicated in the opening sentence of this transmittal letter, the FY 2014 Budget authorizes and allocates a total of $112,908,711. Of this amount, $106,490,804 is allocated for the operations and maintenance budget which includes debt service and transfers and $6,417,907 is allocated for routine capital for the general operating budget which includes equipment and public infrastructure projects. In accordance with current fiscal and financial policies, $2,242,808 of the routine capital is funded with fund balance or retained earnings. The breakdown of this amount is as follows:

$1,150,000 – General Fund

$ 827,428 – Reinvestment Zone No. 1 Fund

$ 135,380 – Drainage Fund

$ 130,000 – Hotel/Motel Tax Fund

As in previous years, the FY 2014 Budget is a balanced budget under the policies and parameters discussed in earlier planning sessions with the City Council.

In addition, $16,285,000 is included for capital improvements programs (CIP).

- Multi-year Non-Routine Capital Recommended for Utility Revenue Bond Funding (U.R. CIP) - $16,285,000

City Manager's Highlights

With the above background in mind, I would like to highlight a few areas of general priority and significance in the FY 2014 Budget.

Serving our Community –

On May 2, 2013, City Council approved implementation of a ***City-wide residential curbside recycling program***. The City will receive $5 per ton ($.0025 per pound) for recyclable materials, which based on volumes realized in pilot program, is estimated to be approximately $15,000 paid to the City annually (3,000 tons per year). The estimated savings of diverting the 3,000 tons out of the landfill is approximately $65,000. Additional recycling containers will be funded using a short-term financing arrangement. It is anticipated that the additional administrative expenditures required to successfully implement the City-wide program will be offset by the revenues received for the recyclable materials along with the reduction in landfill tipping fees as a result of the waste being diverted from the landfill.

In FY 2013, Council authorized construction of a ***compressed natural gas ('CNG') fueling station***. Construction of the facility will be complete by October 2013. In addition to the construction of the facility, Council also authorized the purchase of fourteen (14) and will consider two (2) additional CNG garbage trucks in July 2013. The fueling station, building improvements and sixteen (16) CNG solid waste trucks will be financed with Limited Tax Notes. The payback for the notes will be from the combination of fuel savings recognized as a result of the use of CNG and sanitation system revenue. This includes a .40¢ increase in the residential base rate.

The FY 2014 Budget also includes funding to address needs identified in the recent community meetings relating to East Temple redevelopment. While the Council has not adopted a specific redevelopment plan for East Temple, there has been significant planning and discussion by a stakeholder group and Council work shop discussions. These discussions have provided the basis for the recommendations within the FY 2014 Preliminary Budget for various projects and proposals relating to the redevelopment of East Temple.

Among the key items recommended in the FY 2014 Budget relating to East Temple redevelopment are:

- Greenfield Housing Development ('GHD'). The FY 2014 Preliminary Budget recommends reallocation of a portion of the Water/Sewer Extension Fund to fund a yet-to-be defined project and process for a major, new GHD in East Temple. The FY 2014 Budget envisions a 2 year commitment by the City of $400,000 each year for the next two fiscal years, combined with an additional $200,000 from the TCIP over the same 2 fiscal years, for a total of $1,000,000 toward this GHD. These funds would be available contingent upon a successful process and project being identified and approved by the City Council. The GHD will be entirely dependent upon a successful public/private partnership.

- Code Enforcement. The FY 2014 Preliminary Budget is recommending the addition of a new code enforcement position. Not only will the position be new, but it is intended that, with the addition of this new position, a new operational strategy for code enforcement can be deployed. The strategy will define and assign the code enforcement officer to a specific geographical area (East Temple). The strategy will also be for the officer to be more proactive in our code enforcement efforts, to include education and outreach about community programs and processes that should help our overall code enforcement efforts. The cost for this initiative is $67,420.

- Neighborhood Programs. In addition the FY 2014 Budget is recommending continuing our investment in East Temple redevelopment thru existing programs like the home down payment assistance program partnership with the Central Texas Housing Consortium. Over the years the City and the Housing Consortium have partnered to provide down payment assistance for qualified individuals. The FY 2014 Preliminary Budget also recommends continuing our 'Tree for Me' program and our 'Neighborhood Clean Up' program. The FY 2014 Preliminary Budget recommends allocating $20,000 for neighborhood improvement and cleanup in East Temple. In addition, the FY 2014 Preliminary Budget recommends continuing our demolition and public infrastructure investment efforts thru our Community Development Block Grant Action Plan. All total, these efforts amount to $587,420 in the FY 2014 Preliminary Budget.

- Finally, the FY 2014 Preliminary Budget envisions additional potential partnerships and collaborative efforts with regard to East Temple redevelopment. Discussions are active at the time of the preparation of this letter with multiple entities for programs and projects relating to a property tax foreclosure acquisition fund and a work force training center. While these programs and projects are not specifically recommended for funding at this time, I do believe they have merit and should be considered when more specific proposals are presented.

You have heard me say many times that our most important asset isn't our brick and mortar, it isn't our trucks or tools….it is our people. Our ability to provide and deliver services is dependent upon our employees.

Accordingly, the FY 2014 Budget includes the continuation of a multi-year plan to enhance police services. In FY 2011, we added 1 police officer (a school resource officer position). In FY 2012, we added 2 more police officers (additions to the traffic unit). In FY 2013, we added 2 police officers for the purpose of enhancing our Criminal Investigations Division ('CID'). The FY 2014 Budget includes 2 more police officers to continue our efforts to improve service delivery for police services.

In regard to our Parks & Leisure Services Department, the FY 2014 Preliminary Budget provides for $3,330,047 in overall spending in Parks. Of that, $579,579 is allocated for capital improvement projects and repair and maintenance in our Parks. The allocation represents an increase of $178,000 over the FY2013 Budget.

With regard to new positions being recommended, the FY 2014 Budget also recommends adding a Fleet Services Shop Foreman as part of a succession plan. This position was added with the condition that the current Fleet Services Assistant Director position will be eliminated once the succession has taken place. The cost for this position is $54,989.

A CIP R.O.W. Agent position is also recommended for FY 2014. This position will be funded with bond funds from the T.C.I.P., utility bonds and drainage funds. I consider this position perhaps the most critical position being recommended in the FY2014 Preliminary Budget. The cost for this position is $78,339.

A Management Analyst position is also being recommended to assist the City Manager's Office in various departments. It is anticipated that the position will be deployed to departments on a case-by-case basis and for extended periods of time working on projects and processes of strategic significance. The cost for implementing this position is $52,955.

In addition, a Recycling position is recommended as part of the approved City-wide curbside recycling program. The cost for implementing this position is $103,086.

With regard to focusing on our primary assets, our people, the FY 2014 Budget also provides $488,821 for a Compensation Study implementation for the civil service pay plans. These pay plan adjustments are based on an updated study which included multiple factors in comparison to market cities such as sales tax revenue, population, calls for service, per capita income, and geographic proximity. The pay plan adjustments vary between the two civil service pay plans based upon the market data.

The offering of group health insurance is a key and critical benefit for the organization. The City has provided for a group health insurance plan for many years. The plan design has been modified many times over the years, and for the past three years the City has been self-funded. As we do each year, we initiated a process for competitive bidding for our health insurance business. We received proposals for both self-funded and fully-insured plans, and the most cost effective option was a fully-insured plan. Accordingly, the FY 2014 Budget recommends that we enter into a two year contract with the Scott & White Health Plan for a fully-insured medical and prescription plan. As mentioned, this was the most cost-effective option for FY 2014 and Scott & White Health Plan is guaranteeing a premium increase not to exceed 9% for FY 2015. As an element of the agreement, Scott & White Health Plan will be implementing an onsite VitalityCare program, which will provide for preventative care services to employees.

Finally, the FY 2014 Budget recommends $290,000 for lump sum performance pay for General Government employees.

Improving our Infrastructure –

In FY 2010, Temple's Street Department completed a comprehensive Pavement Condition Assessment ('PCA') for all city streets and alleys. The PCA found the overall condition of our streets to be in good condition. The PCA, and a 2012 Mobility Report which included a listing of street projects, also found significant challenges ahead for the City to maintain the overall good condition of the majority of our streets. The reports identified almost $1 billion dollars in maintenance and project needs. The streets project listing alone identified approximately $200 million in projects. Also recommended was a more comprehensive street maintenance program that includes more aggressive approaches for crack seal, seal coat, overlay, and reconstruction.

The FY 2011 Budget funded the first phase of a multi-year approach to work toward recommended maintenance strategy. The first phase of that strategy was the establishment of a five member year-round crack sealing crew. The second phase, an enhanced seal coat program in the amount of $1,000,000 from unreserved fund balance designated for capital expenditures was funded in the FY 2012 Budget. This funding allowed for approximately 60 additional lane miles of streets to be seal coated.

With the completion of the 2012 Mobility Report, a better, more comprehensive view of our transportation needs and issues was provided. This report provides a compilation of existing master plans, transportation studies, thoroughfare plans, capital improvement projects, inspection reports, and local policies related to Temple's transportation system and identifies specific transportation project recommendations to address needs in the categories of connectivity, congestion, capacity, condition, and multi-modal options.

The FY 2013 Budget proposed a multi-year capital improvement program to focus on reconstruction, capacity, and connectivity transportation projects. All total, $60,180,000 worth of transportation projects are recommended. The FY 2014 Budget includes a continuation of this multi-year program.

The cost for this transportation initiative to the tax rate was 1.25 cents in FY 2013.

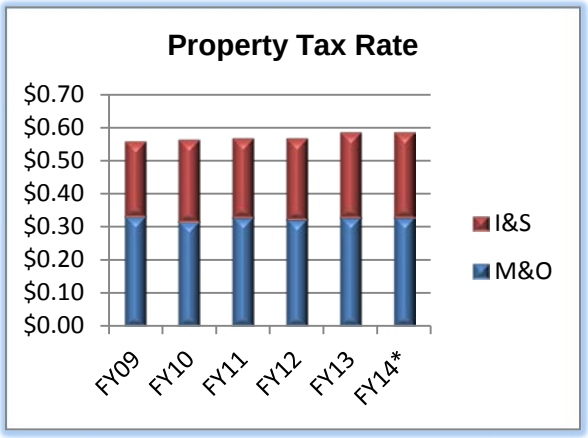
Financial Highlights by Fund

General Fund Revenues – Total revenues for the FY 2014 General Fund Budget are presented at $60,225,562, an increase of 4.53% compared to the FY 2013 Adopted Budget. The three largest sources or revenue for the General Fund are sales tax, property tax, and solid waste charges.

Property Tax – In the FY 2014 Budget, property tax accounts for 19.7% of the General Fund budgeted revenues and is the second largest revenue source of the General Fund. The preliminary tax rate for FY 2014 is proposed at 58.64¢ per $100 valuation, which is the same tax rate as FY 2013.

I think it is worth noting that the tax rate proposed for FY 2014 is lower than the tax rate that was set in 2001. I think this speaks volumes about our economic development policies and strategies.

This rate is based on preliminary appraisal of $3,483,874,044 (net taxable value not adjusted for frozen values). The tax rate is comprised of two components, the Maintenance and Operations rate (M&O) and the Interest Sinking rate (I&S). This year's proposed tax rate is 33.00¢ for the M&O rate and 25.64¢ for the I&S rate.

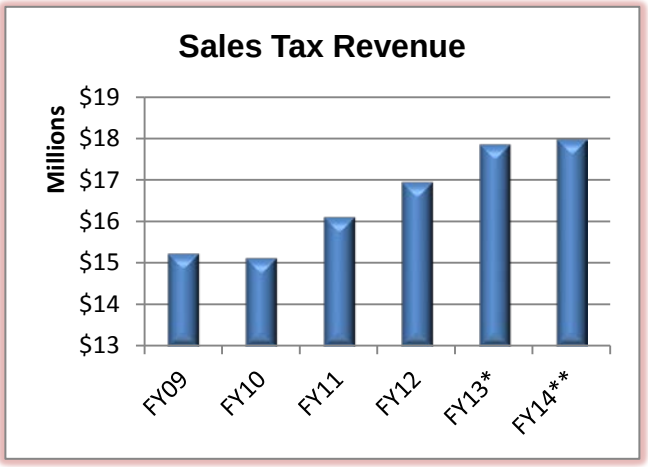


**FY 2014 Proposed Tax Rate*

The certified appraisal roll for Ad Valorem taxes will not be available from the Appraisal District of Bell County until late July. Therefore, the proposed tax rate is based on assumptions and may require adjustments prior to the final adoption of the budget to reflect the current parameters set forth by Council.

Sales Tax – While much attention is focused on the property tax rate number, our single largest source of revenue for the General Fund continues to be sales tax revenue. In the FY 2014 Budget, sales tax is projected to account for 30.39% of the General Fund budgeted revenues and continues to be the single largest revenue source of the General Fund.

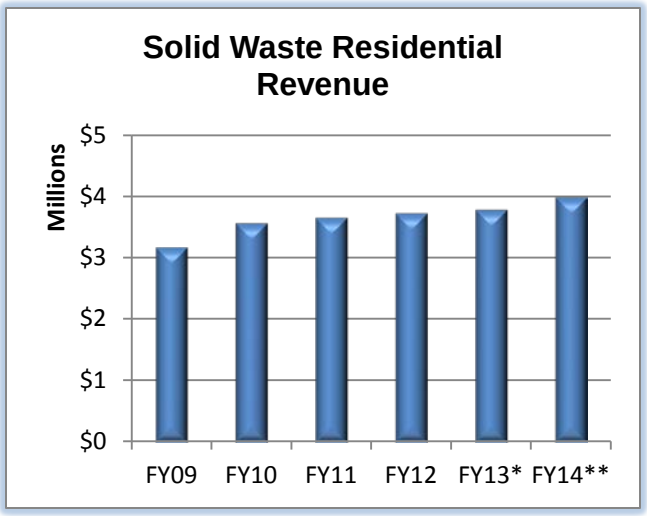
The FY 2014 Budget estimates $18,300,000 in sales tax revenue, a 9.78% increase in sales tax revenue over budgeted FY 2013 sales tax revenue.



**Forecasted for FYE 2013*

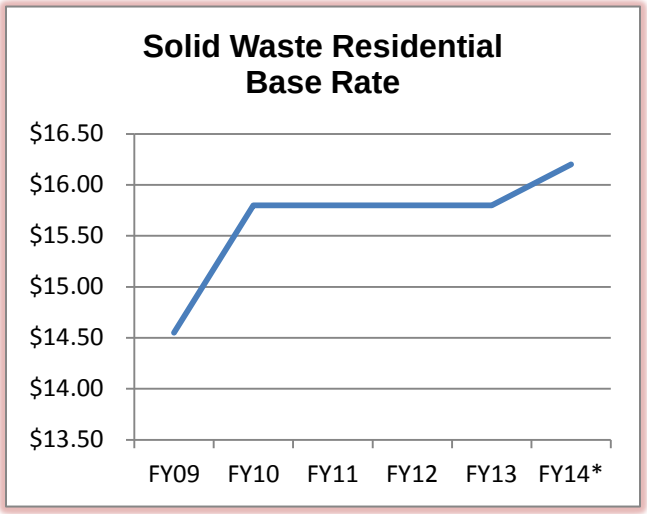
***Budgeted for FY 2014*

Solid Waste Rates – Charges associated with solid waste services represent the third largest source of revenue for the General Fund and are projected to account for 14.45% of total General Fund revenues. $8,703,942 in solid waste revenue is projected for FY 2014, representing a 2.36% increase from the FY 2013 solid waste revenue adopted budget of $8,503,630. These revenues are based on an increased monthly residential base rate from $15.80 to $16.20 due to the implementation of the City-wide residential curbside recycling program and unchanged commercial rates.



**Forecasted for FYE 2013*

***Budgeted for FY 2014*



**FY 2014 Proposed Residential Base Rate*

General Fund Expenditures – Total expenditures for the FY 2014 General Fund Budget are presented at $63,550,562, an increase of 7.59% compared to the FY 2013 adopted budget. As noted above, a significant emphasis in the FY 2014 Budget that has contributed to this increase includes the following:

- Civil Service Compensation Plans
- Curbside Recycling Program

- East Temple Redevelopment Plan
- Public Safety Staffing

The FY 2014 Budget continues to provide funding to Public Service Agencies ('PSAs'). As you are aware, our PSAs provide much needed services to the community and our support to them 'leverages' their resources with ours. The FY 2014 Budget recommends $379,795 in funding for thirteen organizations. Many of these organizations are funded through the City's General Fund. Organizations whose services are eligible for funding by hotel/motel tax revenues are funded through the City's Hotel/Motel Tax Fund.

One of the strategic focus areas identified in our Strategic Plan is to 'expand the tax base'. In order for us to continue to meet the demands for current service, and in order for us to meet the needs of projected growth and development, it is critical that this objective be met. As Council will recall, the FY 2008 Budget included a funding commitment to a 'matrix incentive pool' at $800,000. This 'matrix incentive pool' was intended to provide funding for economic development incentives relating to economic development agreements with new and/or expanding businesses. The FY 2014 Budget continues that commitment and includes a $1,825,000 'placeholder' investment to maintain and replenish the matrix funding level.

Capital Improvement Program – The City of Temple continues to manage the largest capital improvement program in the history of the community. As of March 31, 2013, a total of $125,700,051 has been allocated for various capital projects including such improvements as water and sewer infrastructure, transportation infrastructure, parks improvements, and public safety infrastructure.

Funding sources for these projects can be identified in eight major areas:

- Utility Revenue Bonds
- General Obligation Bonds
- Certificates of Obligation
- General Operating Budget Funding
- Limited Tax Notes
- TxDOT Pass Through Finance Agreement
- Grants
- Reinvestment Zone No. 1

During FY 2012, the City of Temple began construction on the single largest capital improvement project ever undertaken by the community- the expansion of the NW Loop 363. This is a significant project for the City and one that has been a desire of the community for many decades. The project includes upgrading approximately four miles of the existing two lane NW Loop from just west of the BNSF railroad crossing to FM 2305. This will create a continuous four lane highway from the NW Loop at I-35 to the SW Loop at I-35. The project includes grade separated interchanges at both SH 36/Airport Road and Wendland Road.

The FY 2014 Budget includes $6,417,907 for routine capital for the general operating budget which includes equipment and public infrastructure projects that are underway and/or planned for this fiscal year. In accordance with current fiscal and financial policies, $2,242,808 of the routine capital is funded with fund balance or retained earnings. The breakdown of this amount is as follows:

$1,150,000 – General Fund

$ 827,428 – Reinvestment Zone No. 1 Fund

$ 135,380 – Drainage Fund

$ 130,000 – Hotel/Motel Tax Fund

Within the Capital Improvement Projects section of this document, the specific projects recommended are listed within three categories. The categories are routine capital, multi-year non-routine capital, and projects identified for future funding.

Water and Wastewater Fund – Total revenues for the FY 2014 Water and Wastewater Fund Budget are presented at $31,050,159, an increase of 8.25% compared to the FY 2013 adopted budget.

Expenses, capital improvements, and debt service for the FY 2014 Water and Wastewater Fund Budget are presented at $30,020,581, an increase of 5.96% compared with prior year. Cost drivers for this increase include: 1) updating our cost accounting recovery methodology in FY 2013; 2) cash capital outlays; and 3) debt service associated with the water and sewer CIP. The capital improvements include the allocation of $16,285,000 to continue the long-term replacement program of water and sewer infrastructures and equipment needs. A 6.39% rate increase was approved in the FY 2013 Budget to support these operational and capital programs.

Hotel/Motel Tax Fund – Total revenues for the Hotel/Motel Fund Budget are presented at $1,752,700, an increase of 2.92% compared to the FY 2013 adopted budget. Expenditures for the Hotel/Motel Fund Budget are presented at $1,882,700, an increase of 10.56% compared to the FY 2013 adopted budget. Funding for the Mayborn Center, Tourism/Marketing, and Railroad & Heritage Museum are funded through the Hotel/Motel Tax Fund. Public Service Agencies whose services are eligible for funding by hotel/motel tax revenues are also funded through the Hotel/Motel Tax Fund.

In FY 2013, the City resumed the management and operation of the Temple Railroad and Heritage Museum previously operated by the non-profit.

Federal and State Grant Fund – Total revenues and expenditures for Federal and State Grant Fund Budget are presented at $408,865, an increase of 5.67% compared to the FY 2013 adopted budget. Total revenues include the award of the Community Development Block Grant (CDBG) at $408,865. The proposed allocation of CDBG funds are as follows:

- Public service agencies - $57,000
- Demolition - $85,000
- Sidewalk improvements - $200,000
- MLK, Jr. Park - $9,865
- General administration - $57,000

Drainage Fund – Total revenues are presented at $1,078,803, a 0.07% decrease from prior year. Expenditures are presented at $1,214,183, an increase of 12.47% compared to the FY 2013 adopted budget. The expenditures of the drainage fund represent personnel, operational, and capital cost related to maintenance of existing drainage systems.

Conclusion

I have attempted to provide you with a brief synopsis of the Preliminary Budget for FY 2014. Developing the budget is a team effort that requires participation and input by citizens, City Council and City staff. My thanks to all of the Department and Division Heads who helped put this Preliminary Budget together. Their ability to respond, many times on short notice, to my inquiries and requests for additional information was appreciated and helpful.

I also want to extend a special word of appreciation to Director of Finance, Traci Barnard and her staff for the many hours of work and effort they put in toward the development of this Preliminary Budget. Of special note is the work done by Assistant Director of Finance

Melissa Przybylski, Senior Accountant Miranda Hennig, Accountant Stacey Hawkins, and Accountant Jennifer Emerson. I also need to recognize Director of Administrative Services Brynn Myers for her work and input into the development of this Preliminary FY 2014 Budget. Quite simply, this document could not have been produced without them.

I look forward to the coming weeks of discussion, review, and direction by Council.

Respectfully Submitted,

David Blackburn | City Manager

FY 2014
GENERAL FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget			
	Filed Copy as of 6-28-13	Current as of 8-1-13	Increase (Decrease)	
Projected Revenues	$ 60,225,562	$ 60,684,031	$ 458,469	A
Proposed Budget Expenditures	62,572,904	63,031,373	458,469	B
Excess Revenues Over (Under) Expenditures	**(2,347,342)**	**(2,347,342)**	**-**	
Transfers In (Out):				
Less: Transfer Out To Debt Service Fund -				
Solid Waste/CNG	(754,688)	(754,688)	-	
Landfill CO's	(137,970)	(137,970)	-	
Transfer Out To Internal Service Fund [Health Ins]	(85,000)	(85,000)	-	
Total Transfer In (Out)	**(977,658)**	**(977,658)**	**-**	
Excess Revenues Over (Under) Expenditures for FY 2014	**$ (3,325,000)**	**$ (3,325,000)**	**$0.00**	
Recommended Use of Undesignated Fund Balance-Capital Projects				
-TEDC Matrix Funding	$ 1,825,000	$ 1,825,000	$ -	
-Capital Equipment Funding	1,150,000	1,150,000	-	
-Capital Replacement - Garbage Trucks	250,000	250,000		
-Strategic Investment Zone Funding	100,000	100,000	-	
	$ 3,325,000	$ 3,325,000	$ -	

Explanation of Changes from Filed Budget to Proposed Budget @ 8/1/2013:

A ***Revenue Changes:***	
Required adjustment from preliminary to certified tax roll	$ 458,469
Total Revenue Changes	$ 458,469
B ***Expenditure Changes:***	
Correct error to Police Department overtime for GIU Division	11,516
Reduce contingency for adjustment to correct error	(11,516)
Increase contingency for additional revenues from preliminary to certified tax roll	458,469
Total Expenditures Changes	$ 458,469
Net Revenue Over (Under) Expenditures	$ -

FY 2014
WATER & WASTEWATER FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		
	Filed Copy as of 6-28-13	Current as of 8-1-13	Increase (Decrease)
Projected Revenues	$ 31,050,159	$ 31,050,159	$ -
Proposed Budget Expenses	30,007,581	30,007,581	-
Net Revenues	**$ 1,042,578**	**$ 1,042,578**	**$ -**
Transfers In (Out):			
Less: Transfer Out To Internal Service Fund [Health Ins]	(13,000)	(13,000)	-
Total Transfer In (Out)	**(13,000)**	**(13,000)**	**-**
Net Revenues for FY 2014	**$ 1,029,578**	**$ 1,029,578**	**$0.00**

FY 2014
DEBT SERVICE FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget			
	Filed Copy as of 6-28-13	Current as of 8-1-13	Increase (Decrease)	
Projected Revenues	$ 8,484,054	$ 8,658,922	$ 174,868	A
Proposed Budget Expenditures	9,876,523	9,876,523	-	B
Excess Revenues Over (Under) Expenditures	**$ (1,392,469)**	**$ (1,217,601)**	**174,868**	
Transfers In (Out):				
Plus: Transfer In From Hotel/Motel Fund [Energy Program]	23,400	23,400	-	
Plus: Transfer In From General Fund -				
Solid Waste/CNG	754,688	754,688		
Landfill CO's	137,970	137,970	-	
Total Transfer In (Out)	916,058	916,058	-	
Excess Revenues Over (Under) Expenditures for FY 2014	**$ (476,411)**	**$ (301,543)**	**$ 174,868**	
Recommended Use of Undesignated Fund Balance	476,411	301,543	(174,868)	A
	$ -	$ -	$ -	

Explanation of Changes from Filed Budget to Proposed Budget @ 8/1/2013:

A ***Revenue Changes:***

Adjustment from preliminary to certified tax roll	$ 174,868
Total Revenue Changes	$ 174,868

B ***Expenditure Changes:***

Total Expenditures Changes	$ -
Net Revenue Over (Under) Expenditures	$ 174,868

FY 2014
HOTEL/MOTEL TAX FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		
	Filed Copy as of 6-28-13	Current as of 8-1-13	Increase (Decrease)
Projected Revenues	$ 1,752,700	$ 1,752,700	$ -
Proposed Budget Expenditures	1,858,300	1,858,300	-
Excess Revenues Over (Under) Expenditures	**$ (105,600)**	**$ (105,600)**	**-**
Transfers In (Out):			
Less: Transfer Out To Debt Service [Energy Loan]	(23,400)	(23,400)	-
Transfer Out To Internal Service Fund [Health Ins]	(1,000)	(1,000)	-
Total Transfer In (Out)	**(24,400)**	**(24,400)**	**-**
Excess Revenues Over (Under) Expenditures for FY 2014	**$ (130,000)**	**$ (130,000)**	**$0.00**
Recommended Use of Undesignated Fund Balance - Capital Projects			
-Replace Roof at Mayborn Center	130,000	130,000	
	$ -	$ -	$ -

FY 2014
FEDERAL/STATE GRANT FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		
	Filed Copy as of 6-28-13	Current as of 8-1-13	Increase (Decrease)
Projected Revenues	$ 408,865	$ 408,865	$ -
Proposed Budget Expenditures	408,865	408,865	-
Excess Revenues Over (Under) Expenditures for FY 2014	**$0.00**	**$0.00**	**$0.00**

FY 2014
DRAINAGE FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		
	Filed Copy as of 6-28-13	Current as of 8-1-13	Increase (Decrease)
Projected Revenues	$ 1,078,803	$ 1,078,803	$ -
Proposed Budget Expenditures	1,213,183	1,213,183	-
Excess Revenues Over (Under) Expenditures	**$ (134,380)**	**$ (134,380)**	**-**
Transfers In (Out):			
Less: Transfer Out To Internal Service Fund [Health Ins]	(1,000)	(1,000)	**-**
Total Transfer In (Out)	**(1,000)**	**(1,000)**	**-**
Excess Revenues Over (Under) Expenditures for FY 2014	**$ (135,380)**	**$ (135,380)**	**$0.00**
Recommended Use of Undesignated Fund Balance-Capital Projects			
-Capital Project Funding	135,380	135,380	-
	$ 135,380	$ 135,380	$ -

FY 2014
REINVESTMENT ZONE NO. 1 FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget [1]		
	Filed Copy as of 6-28-13	Current as of 8-1-13	Increase (Decrease)
Projected Revenues	$ 4,861,829	$ 4,861,829	$ -
Proposed Budget Expenditures	5,855,297	5,855,297	-
Excess Revenues Over (Under) Expenditures for FY 2014	**$ (993,468)**	**$ (993,468)**	**$ -**

[1] ***- As amended in Financing Plan approved by Council on June 20, 2013***

FY 2014
INTERNAL SERVICE FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		
	Filed Copy as of 6-28-13	Current as of 8-1-13	Increase (Decrease)
Projected Revenues	$ -	$ -	$ -
Proposed Budget Expenses	100,000	100,000	-
Net Revenues	**($100,000)**	**($100,000)**	**$ -**
Transfers In (Out):			
Plus: Transfer In From General Fund [Health Ins]	85,000	85,000	-
Transfer In From Water & Sewer Fund [Health Ins]	13,000	13,000	-
Transfer In From Hotel/Motel Tax Fund [Health Ins]	1,000	1,000	-
Transfer In From Drainage Fund [Health Ins]	1,000	1,000	-
Total Transfer In (Out)	**100,000**	**100,000**	**-**
Net Revenues for FY 2014	**$0.00**	**$0.00**	**$0.00**

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SCHEDULING THE ADOPTION OF THE PROPOSED TAX RATE FOR AUGUST 29, 2013; DECLARING FINDINGS OF FACTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 26 of the Property Tax Code requires all taxing entities to comply with truth-in-taxation laws in adopting their tax rates in an effort to make taxpayers aware of tax rate proposals and, in certain cases, to roll back or limit a tax increase;

Whereas, the City Manager's recommended budget was filed in accordance with the City Charter on June 28, 2013;

Whereas, the proposed tax rate of 58.64¢ per $100 of assessed property valuation represents a 4.66% increase above the effective tax rate of 56.03¢ – the current FY 2013 tax rate is 58.64¢; and

Whereas, the City Council has determined that it is in the public interest to schedule the adoption of the proposed tax rate for August 29, 2013.

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

Part 1: The City Council sets the proposed tax rate at 58.64¢ per $100 of assessed property valuation, and schedules the adoption of the proposed tax rate for August 29, 2013, at the regular scheduled meeting at 5:00 p.m. in the City Council Chambers on the second floor of the Municipal Building located at Main and Central in Temple, Texas.

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 **1st** day of **August,** 2013.

THE CITY OF TEMPLE, TEXAS

_____
DANIEL A. DUNN, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

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

ITEM DESCRIPTION: Consider adopting a resolution ratifying a contract with Alsay, Inc. out of Houston for the emergency purchase of two replacement pumps at the Conventional Raw Water Plant in the amount of $27,730.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The spray wash pump at the Conventional Raw Water Plant has been out of service since November, 2012 and the backup spray wash pump recently went out of service. The spray wash pumps are used to clean debris off of rotating bar screens at the Plant. The pumps operate 24 hours a day and are important for preventing debris from escaping into the system. The pumps are of great importance in the operation of the Plant. For this reason, staff has determined the situation to be a significant health, safety and environmental hazard; therefore replacement must take place as soon as possible. Accordingly, per Local Government Code 252.022, this project is exempt from the competitive bid process.

Due to the urgent nature of the project, the Water Treatment Plant staff received a quote from Alsay, Inc. out of Houston, Texas. Alsay has ordered the replacement pumps which will be delivered 4-6 weeks from the date of order. Alsay will deliver the pumps and provide startup services for a not to exceed amount of $27,730.

FISCAL IMPACT: Funding for the emergency replacement of spray wash pumps at the Conventional Raw Water Plant in the amount of $27,730 is appropriated in the account 520-5122-535-63-10project # 100913 Repair, Replacement of Pumps, Drives and Motors.

ATTACHMENTS:
Quote
Resolution

ALSAYWATER.COM

Scope of Supply

July 16, 2013

Job: City of Temple / Wash Down Pumps

Attention:

2 – Vertical Turbine Deep Set Pumps

Design Capacity – 100 GPM @ 340' TDH or 15 HP
MFG. Goulds

Bowl Assembly: Cast iron Bowls, Stainless Steel Impellers, Stainless Steel Collets, bell suction, Stainless Steel Basket Strainer

23.5 Total Pump Length
Column Assembly: 4" Flanged Fabricated Pipe; 1" x 416 s.s. Pump Shafting Stainless Couplings; Bronze Bearing Retainers

Discharge Head: 4" Fabricated Steel; Standard Packing Box; Threaded Head Shaft Assembly

Driver:
15 HP 3/460v; 3600 RPM; TEFC; Standard Efficiency; USEM

Raw Water Pumps Each	$11,020.00	
Total For Raw Water Pumps 1-2		**$ 22,040.00**
Crane and Technician Crew to Pull 1 Old Pump and Haul discharge head to Shop		**$ 2,440.00**
Crane and Technician Crew to Install Two New Pumps		**$ 3,250.00**
Grand Total		**$ 27,730.00**

Cost Includes Start-Up
Delivery is 6-8 Weeks after Approved Submittals
FOB: Job Site

Scott Freeman
Service Manager

Johnathan McDonald
Outside Sales

HOUSTON | 6615 GANT ROAD | HOUSTON, TEXAS 77066 | 281.444.6860 | SAN ANTONIO | 3359 SE LOOP 410 | SAN ANTONIO, TEXAS 78222 | 210.626.1090

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF A CONTRACT WITH ALSAY, INC, OF HOUSTON, TEXAS, FOR THE EMERGENCY PURCHASE AND INSTALLATION OF TWO REPLACEMENT PUMPS AT THE CONVENTIONAL RAW WATER PLANT, IN THE AMOUNT OF $27,730; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the spray wash pump at the conventional raw water plant has been out of service since November, 2012 and the backup spray wash pump recently went down;

Whereas, the spray wash pumps are used to clean debris off of rotating bar screens – they operate 24 hours a day and are important for preventing debris from entering into the water system;

Whereas, these pumps are of great importance in the operation of the plant and for this reason, staff has determined the situation to be a significant health, safety and environmental hazard, therefore replacement must take place as soon as possible;

Whereas, funds are available for this project in Account No. 520-5122-535-6310, Project No. 100913; 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 execution of a contract between the City of Temple and Alsay, Inc., of Houston, Texas. and authorizes the City Manager, or his designee, to execute the contract, after approval as to form by the City Attorney, for the emergency purchase and installation of two replacement pumps at the conventional raw water plant, in the amount of $27,730.

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 **1st** day of **August**, 2013.

THE CITY OF TEMPLE, TEXAS

_____
DANIEL A. DUNN, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, Director of Public Works
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution ratifying the execution of an engagement letter with Lloyd Gosselink Rochelle & Townsend, P.C. for outside legal representation related to the City's accounting, management and oversight of the City's surface water supplies.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The management of the City's water rights is of great importance as the City's population continues to grow and water supplies throughout the state became more limited. In the past several months, the City has received numerous letters and questionnaires from the Texas Commission on Environmental Quality ("TCEQ") related to the City's water resources and how those resources are being used in relationship to the City's existing water rights. City Staff has worked diligently to provide thorough answers and evaluate procedures for conservative use of the City's water resources. However, water resources in Texas have become more limited over the past several years and Staff feels it is necessary to seek outside advice and assistance regarding the conservation, management and oversight of the City's water rights.

Staff approached Lloyd Gosselink Rochelle & Townsend, P.C. ("Lloyd Gosselink") seeking assistance regarding the above. The attorneys and staff at Lloyd Gosselink are experienced in handling water rights issues and are knowledgeable in water rights law in Texas. Martin Rochelle, a partner with the firm, has agreed to assist the City with the accounting, management and oversight of the City's surface water supplies. Staff believes that Lloyd Gosselink's services are needed at this time, especially in light of recent communications with TCEQ. Staff does not anticipate the total cost of legal fees to be over $25,000; however, if it is later anticipated that legal fees will reach that amount Staff will seek Council approval.

FISCAL IMPACT: Mr. Rochelle charges $350/hour for legal services plus additional fees including work done by associates and paralegals with the firm. Funds for legal services needed by the Public Works Department are available in account 520-5000-535-2616.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF AN ENGAGEMENT LETTER WITH LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C., FOR OUTSIDE LEGAL REPRESENTATION RELATED TO THE ACCOUNTING, MANAGEMENT AND OVERSIGHT OF THE CITY'S SURFACE WATER SUPPLIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the management of the City's water rights is of great importance as the City's population continues to grow and water supplies throughout the state become more limited;

Whereas, the City has received numerous letters and questionnaires from the Texas Commission on Environmental Quality (TCEQ) related to the City's water resources and how those resources are being used in relationship to the City's existing water rights;

Whereas, City staff has worked diligently to provide thorough answers and evaluate procedures for conservative use of the City's water resources, however, water resources in Texas have become more limited over the past several years and staff feels it necessary to seek outside council advice and assistance regarding the conservation, management and oversight of the City's water rights;

Whereas, staff believes that Lloyd Gosselink Rochelle & Townsend, P.C.'s services are needed at this time, especially in light of recent communications with TCEQ;

Whereas, funds are available for this project in Account No. 520-5000-535-2616; and

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

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

Part 1: The City Council authorizes the execution of a the engagement letter between the City of Temple and Lloyd Gosselink Rochelle & Townsend, P.C., and authorizes the City Manager, or his designee, to execute a contract, after approval as to form by the City Attorney, for outside legal representation related to the accounting, management and oversight of the City's surface water rights.

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 **1st** day of **August**, 2013.

THE CITY OF TEMPLE, TEXAS

_____

DANIEL A. DUNN, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT. /DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning

ITEM DESCRIPTION: SECOND READING - Z-FY-12-50: Consider adopting an ordinance authorizing a rezoning from PD Planned Development-Urban Estates District (PD-UE) to Planned Development-Single Family-1 District (PD-SF-1) on 39.3± acres of land, being part of the William Frazier Survey, Abstract #310 located south of FM 93 along the west side of Dubose Road.

P&Z COMMISSION RECOMMENDATION: At its meeting on September 17, 2012, the Planning and Zoning Commission voted 5/3 in favor of the proposed change of zoning from PD-UE to PD-SF-1 as presented in the site plan submitted (preliminary plat) with the following condition: that the applicant post "no parking" signs on internal local streets in accordance with city requirements***** (Commissioners Magaña, Talley, and Johnson, voted Nay; Commissioner Rhoads was absent).

> ****On May 16, 2013, City Council passed an Ordinance to Chapter 12 of the City Code of Ordinances eliminating the requirement for "no parking signs" on streets with a pavement width of 28' or greater. This recommendation is no longer applicable as the applicant is proposing a 28' street width.***

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

Conduct a public hearing and approve an ordinance, on first reading, and schedule second reading and final approval for August 1, 2013 related to the following:

- a change of zoning from PD-UE to PD-SF-1 consistent with submitted site plan (Preliminary Plat); with
- disapproval of the proposed 28ft. (back of curb to back of curb) pavement width for interior streets requiring the applicant to construct interior streets to a local street standard (31ft) pavement width.

ITEM SUMMARY: The current PD-UE zoning was approved in 2004 when the owner sought voluntary annexation of this tract of land. A Preliminary Plat was submitted for the subject property and the adjacent tract of land to the east depicting a pattern of development that included larger (average .5 acre lots) and commercial development along FM 93. The tract to the east was platted and built in a manner consistent with the Preliminary Plat and in accordance with Urban Estate requirements. The developer is now seeking to rezone the residential portion of the second tract from PD-UE to PD-SF-1.

The original Planned Development called for 56 residential lots. The proposed rezoning would provide an additional 38 residential lots for a total 94 residential lots. This provides for an overall 67% increase in density with an average density of 2.39 lots per acre. The applicant has proposed a minimum lot size of 10,802 sq.ft. (.248 acres), exceeding the required minimum lot size of 7,500 sq.ft. for SF-1 zoning.

The original PD-UE zoning allowed for the construction of rural local streets with a pavement width of 22 ft. (24' including ribbon curbs) to support a density of less than two dwelling units per acre. The proposed increase in density will necessitate the construction of local streets with a pavement width of 31 ft. Density for this subject tract was calculated separately from the eastern portion of the subdivision due to the distinct division of the two phases by Dubose Road (a county road) .

Article 8: Subdivision Design and Improvements

Sec. 8.2. Design Standards

Street Type	Pavement Width (ft.)	Right-of-Way Width (ft.)
Rural Local Street	22	50
Local Street	31	50
Rural Collector Street	26	55
Collector Street	36	55
Arterial Street	49	70
Major Thoroughfare	60	80

The applicant is seeking to reduce the pavement width of local streets within the development from the required 31ft to the 28ft (back of curb to back of curb) meeting the Rural Collector Street standard. UDC Section 11.2 (c) states:

A "rural collector street" is a collector street designed for low density development, not to exceed two dwelling units per acre. A rural collector street must not be constructed adjacent to an area presumed to attain more traditional urban densities within a 20-year planning horizon.

The applicant has submitted a preliminary plat, consistent with these stated lot and street dimensions, to be considered as a counterpart to this zoning request. The proposed preliminary plat has been attached as the site plan in accordance with planned development requirements.

The surrounding land uses are primarily low density and include estate development and agricultural uses. Given the general character of the surrounding land uses and the density and home size proposed by the applicant, staff recommends approval of the proposed Planned Development – Single Family-1 zoning (PD-SF-1) which will provide a less dense development scheme than that allowed under Single Family-1 zoning (SF-). Staff recommends that the streets within the development be constructed to the local street standard of 31 ft. pavement width consistent with UDC requirements for streets serving residential property with a density greater than 2 dwelling units per acre.

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

Direction	Zoning	Current Land Use	Photo
Subject Property	**PD-UE**	**Agricultural**	

Direction	Zoning	Current Land Use	Photo
North Across FM 93	AG	Agricultural	
East	PD-UE	Residential	
South	Bell County	Low-density residential	

Direction	Zoning	Current Land Use	Photo
West	**Bell County**	**Undeveloped**	

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 Residential**	Y
CP	Map 5.2 - Thoroughfare Plan	FM 93 – Major Arterial** Dubose Road – improved Rural Collector street	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	8" water line available along FM 93 adjacent to the property. Existing 10' wastewater line accessible to the property.	Y
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Dubose and FM 93 are on the Trails Master plan. **	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 Residential allowing for mid-size single family detached homes identified in the Unified Development Code. According to the Comprehensive Plan, development in this district should feature curvilinear streets, increased open space and vegetation, variation in the building envelope, and larger varied lot sizes. The development proposed by the applicant is consistent with these area goals and objectives.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies FM 93 as a Major Arterial which supports adjacent residential and commercial development. Major arterials can intersect with both collectors and local streets although driveway access is restricted. Dubose Road is built to a Rural Collector Street standard.

Temple Trails Master Plan Map and Sidewalks Ordinance

Dubose Road and FM 93 are on the Trails Master plan. A local connector trail is proposed along the eastern boundary of the subdivision and along FM 93 adjacent to the commercial tracts of this subdivision. Dubose Road is a Rural Collector road with sufficient right-of-way to allow for the future construction of that trail segment. The section of trail proposed along FM 93 will be noted on the plat and constructed at such time that the commercial tracts along FM 93 are developed.

DEVELOPMENT REGULATIONS: The current PD-UE zoning permits single-family detached residences and related accessory uses and accommodates larger lot single family residential developments. The SF-1 is a higher density district that permits single-family detached residences and related accessory structures and serves as a transition between larger and smaller lot single family districts. The SF-1 district allows more modest sized dwelling units and an increased number of lots per acre. The minimum lot size for the UE residential district is 22,500 sq.ft. The minimum lot size for the SF-1 residential district is 7,500 sq.ft.

Dimensional standards for both zoning districts are depicted below:

Article 4: Zoning Districts

Sec. 4.5. Residential Dimensional Standards

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				--	--
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, Measurements and Special Cases

The attached development plan documents (site plan) 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. **Any substantial deviation from this proposed site layout would require an amended Planned Development.**

PUBLIC NOTICE: This item was considered by the Planning and Zoning Commission on September 17, 2012 and was scheduled for consideration by the City Council on October 4, 2012, when a public hearing would typically have been conducted. The item was placed on the City Council agenda for October 4th, but was tabled at the applicant's request. The applicant has notified City of Temple Planning staff of his intent to proceed with the proposed rezoning in conjunction with the proposed preliminary plat for this subject tract.

On July 26, 2012, nine notices and three courtesy notices (outside the City limits) of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of case Z-FY-12-50 as required by State law and City Ordinance. As of September 21, 2012, three respondents returned notices expressing opposition to the proposed change of zoning. One respondent expressed support for the proposed change of zoning. Two respondents returned courtesy notices expressing opposition to the proposed change of zoning.

The newspaper printed notice of the Planning and Zoning Commission public hearing on September 6, 2012, in accordance with state law and local ordinance.

Meeting notices were sent out again prior to City Council meeting and the newspaper printed an additional notice of the City Council public hearing on July 3, 2013.

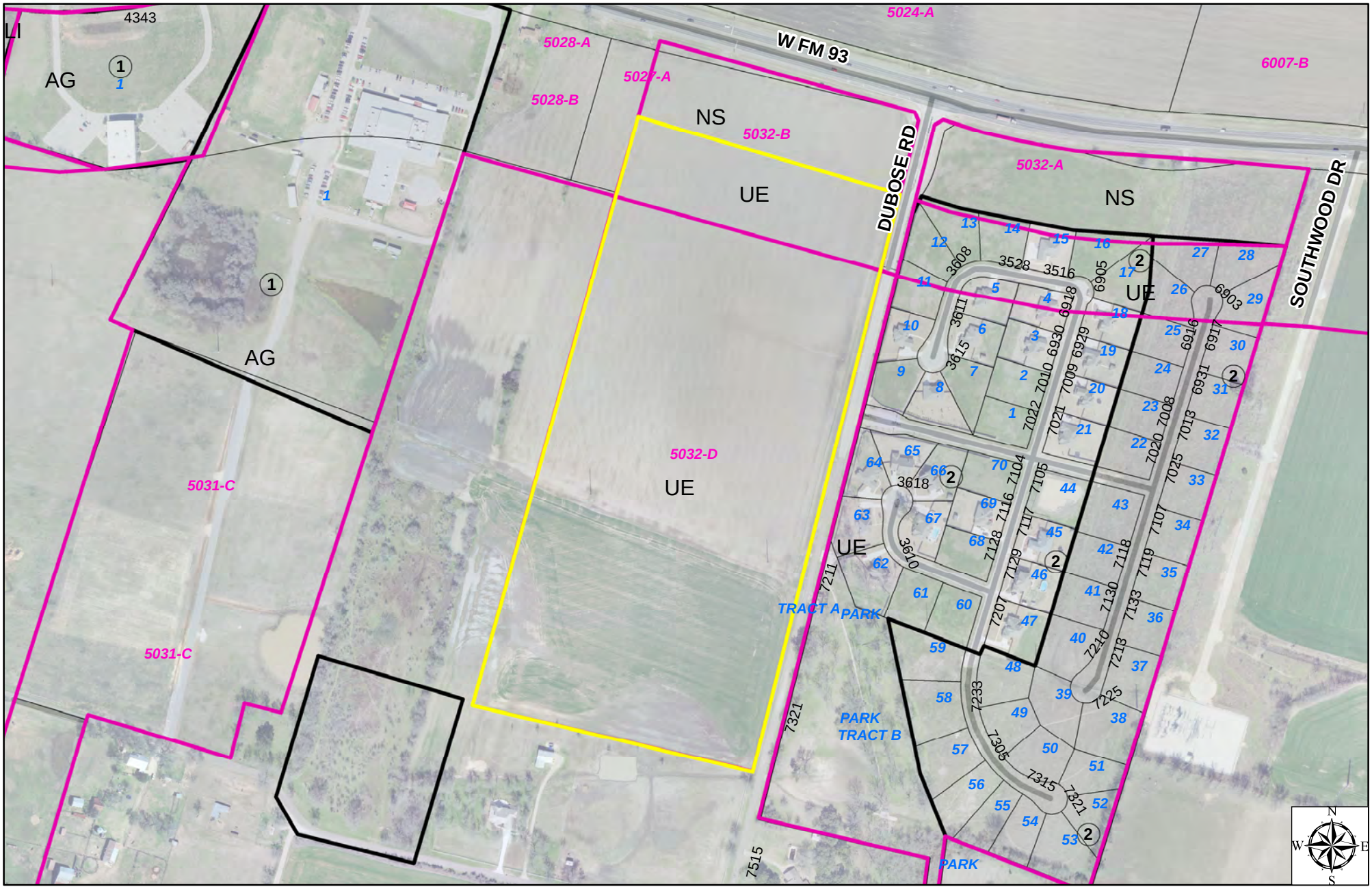
FISCAL IMPACT: Not Applicable

ATTACHMENTS:
Zoning and Location Map
Future Land Use and Character map
Notice Map
Utility Map
Thoroughfare and Master Trails Plan Map
Site Plan (Preliminary Plat)
Response Letters
PZ Excerpts
Ordinance

Z-FY-12-50

PD (UE) to SF-1

FM 93 & Dubose



Case | Zoning | Subdivisions | Parcel | 1234-A Outblocks | 1234 Addresses | 1 Blocks | 1 Lots

0 125 250 500 Feet

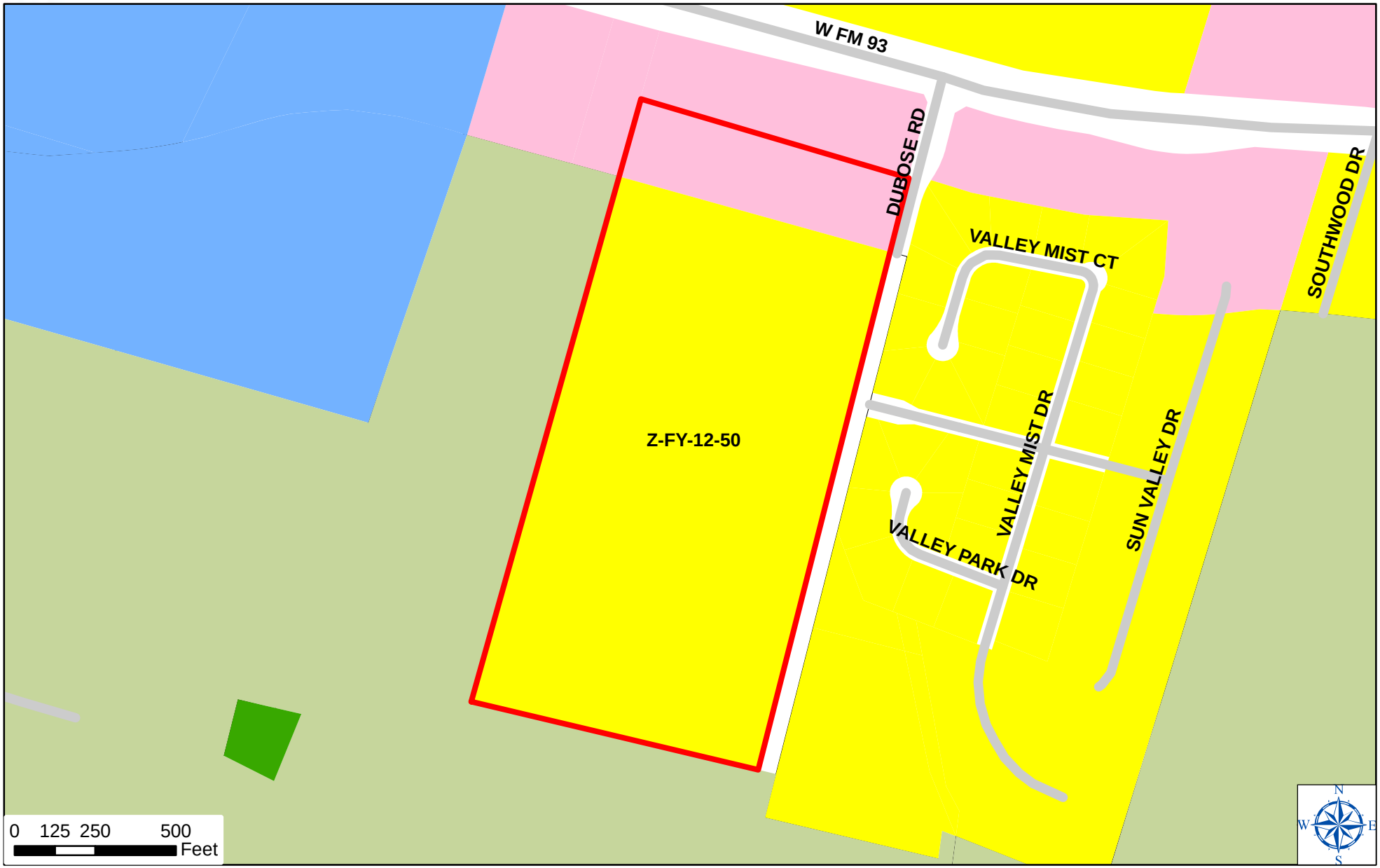
7/11/2012
City of Temple GIS

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

Z-FY-12-50

PD (UE) to SF-1

FM 93 & Dubose



Future Land Use

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

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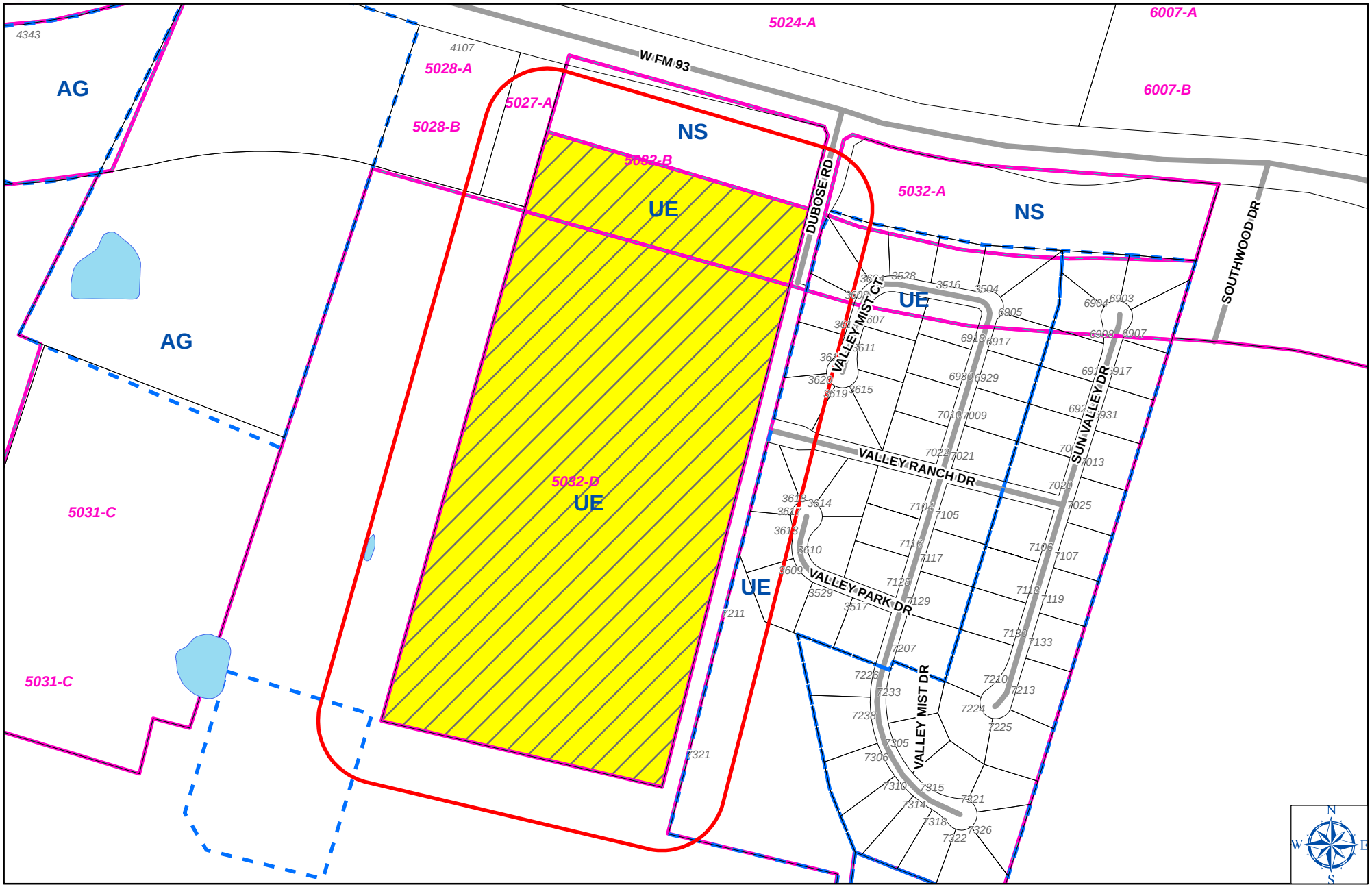
7/11/2012
City of Temple GIS

Z-FY-12-50

PD (UE) to SF-1

FM 93 & Dubose



Case

200' Buffer

Zoning

Subdivision

1234-A Outblock

1234 Address

0 500 1,000

Feet

7/11/2012
City of Temple GIS
gkeith

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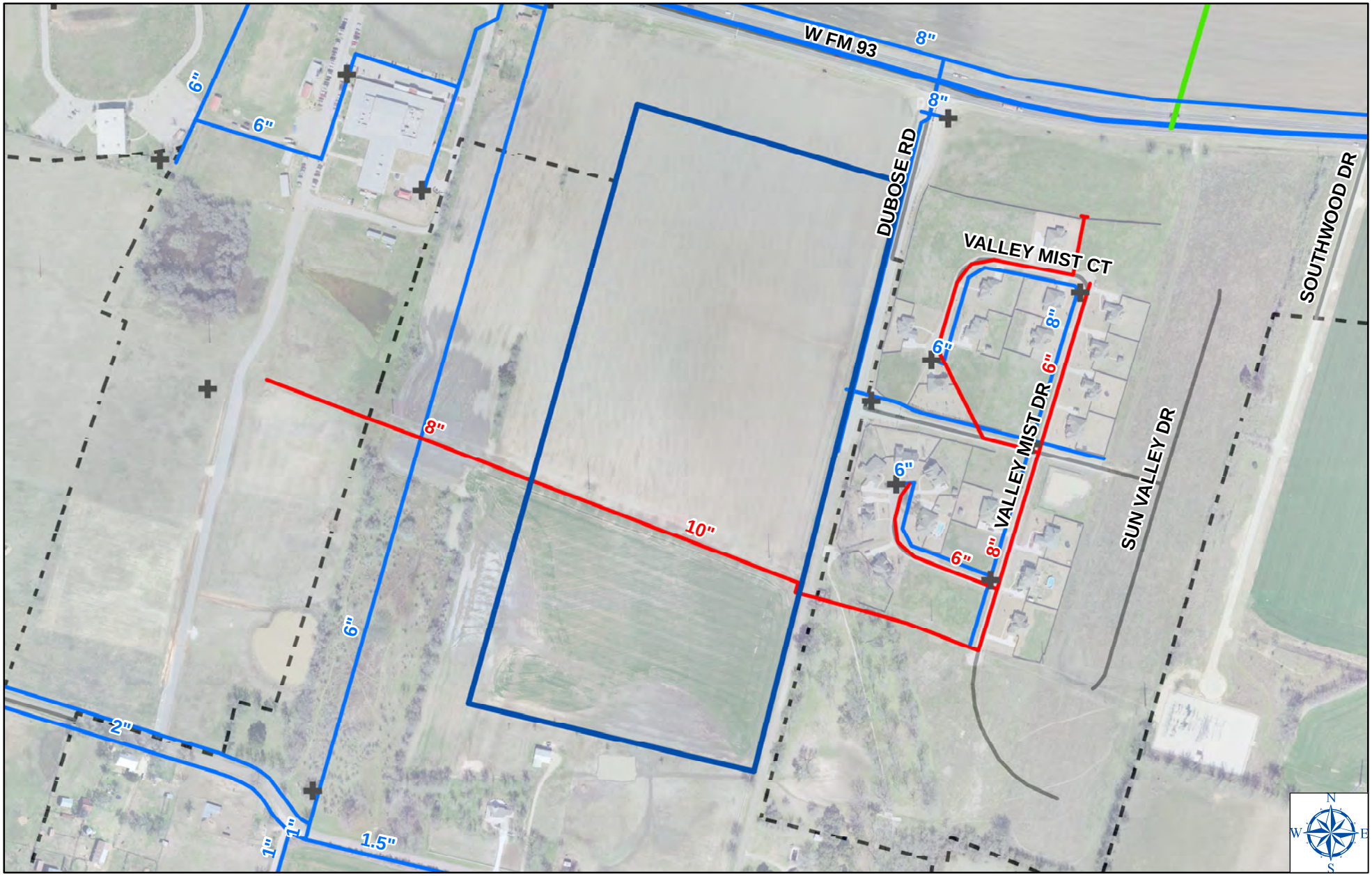
Z-FY-12-50

PD (UE) to SF-1

FM 93 & Dubose



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

0 125 250 500
Feet

7/11/2012
City of Temple GIS

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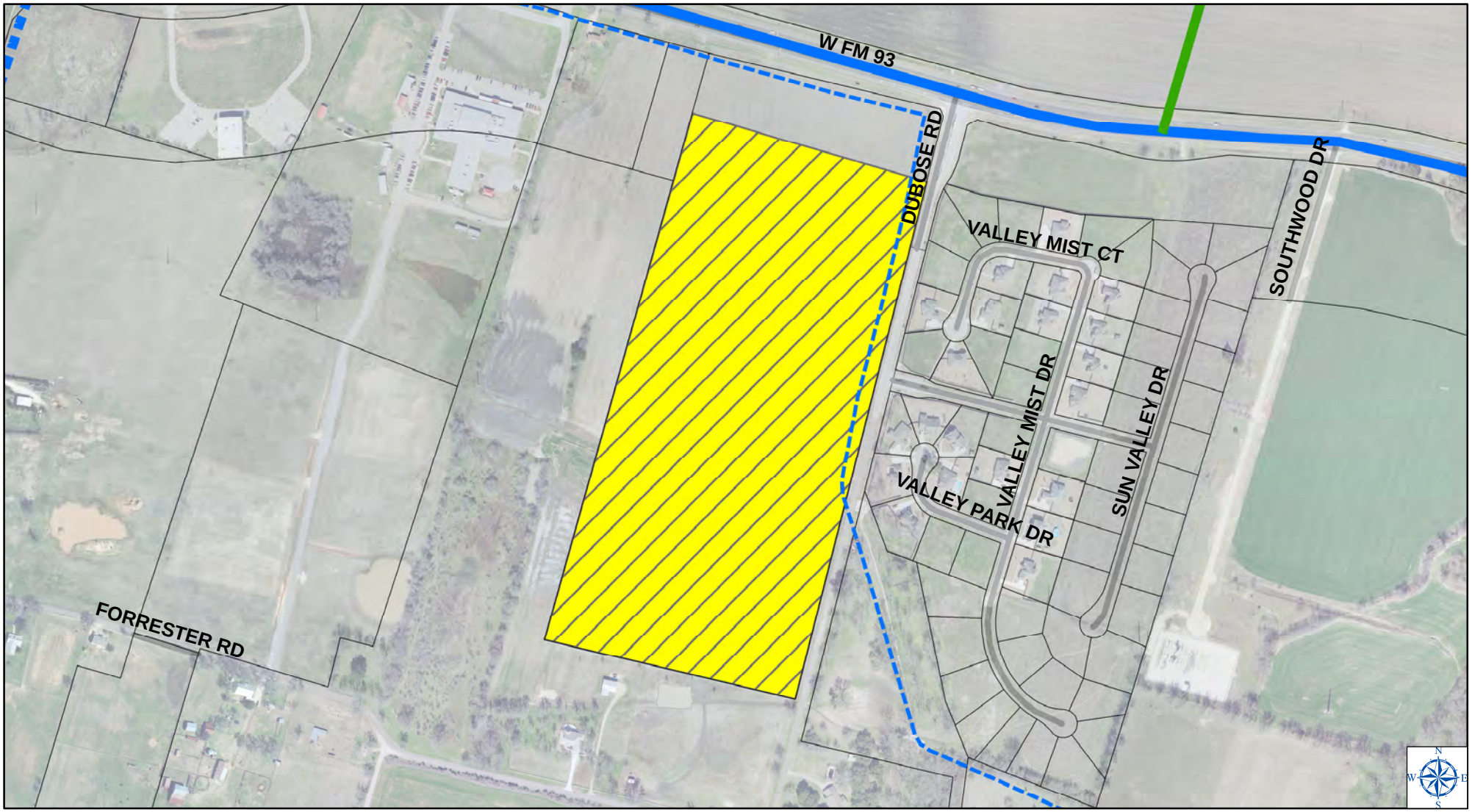
Z-FY-12-50

PD (UE) to SF-1

FM 93 & Dubose



Trails

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

Thoroughfare

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

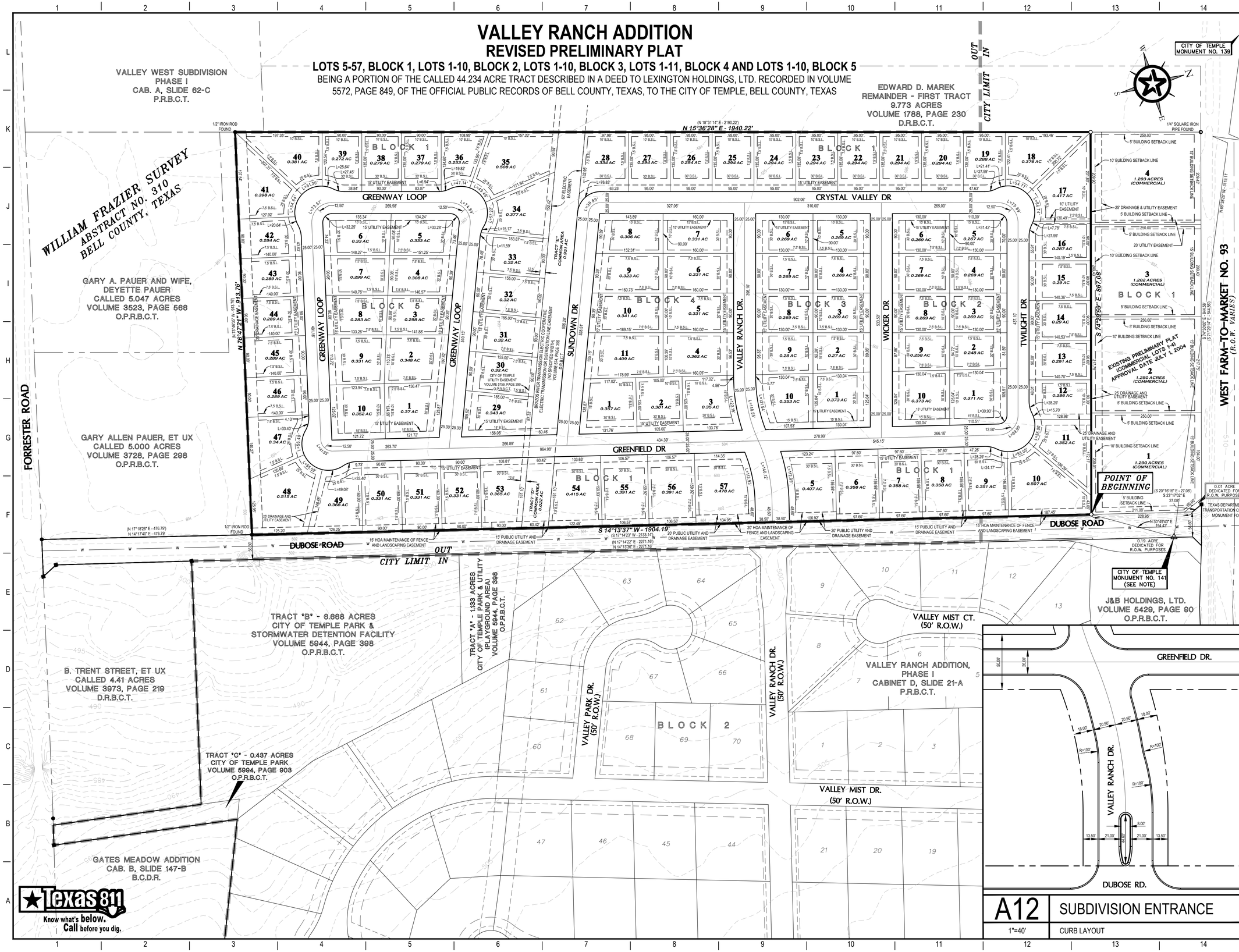
7/11/2012
City of Temple GIS
gkeith

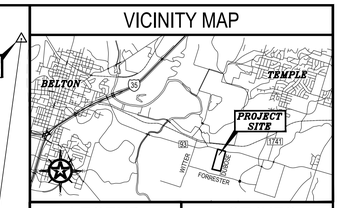
0 250 500
Feet

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.

VALLEY RANCH ADDITION
REVISED PRELIMINARY PLAT
LOTS 5-57, BLOCK 1, LOTS 1-10, BLOCK 2, LOTS 1-10, BLOCK 3, LOTS 1-11, BLOCK 4 AND LOTS 1-10, BLOCK 5

BEING A PORTION OF THE CALLED 44.234 ACRE TRACT DESCRIBED IN A DEED TO LEXINGTON HOLDINGS, LTD. RECORDED IN VOLUME 5572, PAGE 849, OF THE OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS, TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS





LEGEND

- ○ = 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET
- △ = CITY OF TEMPLE MONUMENT
- ( ) = DEED CALL
- D.R.B.C.T. = DEED RECORDS OF BELL COUNTY, TEXAS
- P.R.B.C.T. = PLAT RECORDS OF BELL COUNTY, TEXAS
- O.P.R.B.C.T. = PLAT RECORDS OF BELL COUNTY, TEXAS

LOT INFO

TOTAL SUBDIVISION ACREAGE = 39.3 ACRES
TOTAL RESIDENTIAL LOT ACREAGE = 30.480 LOTS
TOTAL NUMBER OF RESIDENTIAL LOTS = 94
TOTAL NUMBER OF BLOCKS = 6 BLOCKS

SURVEYOR'S NOTES

1. **PHASING WILL BE DETERMINED DURING FINAL PLATTING PROCESS.**
2. FIELD NOTES ATTACHED HERETO, MADE A PART HEREOF AND TITLED: VALLEY RANCH, REVISED PRELIMINARY PLAT, TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS.
3. THE CONTOURS SHOWN HEREON ARE BASED ON AERIAL PHOTOGRAPHY PERFORMED BY SANBORN ON DECEMBER 19, 2003 AND ARE BASE ON CITY OF TEMPLE MONUMENT NO. 141.
4. **RECORD OWNER:** LEXINGTON HOLDINGS, LTD. AS RECORDED IN VOLUME 5572, PAGE 849 OF THE OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.
5. THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATES ARE REFERENCED TO CITY MONUMENT NO. 141. THE THETA ANGLE AT CITY MONUMENT NO. 141 IS 01°32'27". THE COMBINED CORRECTION FACTOR (CCF) IS 0.999868. GRID DISTANCE =SURFACE DISTANCE X CCF. GEODETIC NORTH = GRID NORTH + THETA ANGLE. REFERENCE TIE FROM CITY MONUMENT NO. 141 TO THE NORTHEAST CORNER OF THE 39.279 ACRE TRACT IS S 30°49'43" E, 194.42 FEET. PUBLISHED CITY COORDINATES FOR PROJECT REFERENCE POINT 141 ARE N=10,354,042.98 E=3,212,989.81
6. THE APPROXIMATE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON FIELD SURVEY INFORMATION, UTILITY LOCATORS MARKINGS AND EXISTING UTILITY AS-BUILT DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE IN THE EXACT LOCATION INDICATED. ALL UTILITIES MUST BE FIELD VERIFIED BEFORE PERFORMING ANY WORK.
7. THE SURVEYOR DID NOT ABSTRACT THE SUBJECT TRACT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE THE SURVEYOR CERTIFIES THAT EASEMENTS THAT HE HAS BEEN ADVISED OF HAVE BEEN ADDRESSED HEREON. HOWEVER, THE SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS, RESTRICTIONS OR ENCUMBRANCES (EITHER OF RECORD OR NOT OF RECORD) WHICH MAY AFFECT THE SUBJECT TRACT ARE SHOWN HEREON.
8. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NOTE: THIS PROPERTY IS IN FEMA **"OTHER AREAS" ZONE X** AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 48027C0345E, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THIS TRACT WILL, OR WILL NOT FLOOD, NOR DOES IT CREATE ANY LIABILITY IN SUCH EVENT ON THE PART OF THIS SURVEYOR OR COMPANY.

   EXPLANATION OF FEMA ZONE: FEMA **"OTHER AREAS" ZONE X** = AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

OWNER/DEVELOPER

OMEGA COMMUNITY BUILDERS, INC.
P.O. BOX 1908
TEMPLE, TEXAS 76503-1908

JAMES I. HOWE, VICE PRESIDENT _____ DATE

SURVEYOR:
Marty Paul Polk 06/07/13
WALKER PARTNERS DATE
600 AUSTIN AVENUE, SUITE 20
WACO, TEXAS 76701

ENGINEER:
Jacob Bell 06/07/13
WALKER PARTNERS DATE
600 AUSTIN AVENUE, SUITE 20
WACO, TEXAS 76701

CITY CERTIFICATION

RECOMMENDED FOR PRELIMINARY APPROVAL:

CITY ENGINEER AND/OR DIRECTOR OF PUBLIC WORKS _____ DATE

APPROVED FOR PREPARATION OF FINAL PLAT:

CHAIRMAN, PLANNING AND ZONING COMMISSION _____ DATE

APPROVED FOR PREPARATION OF FINAL PLAT:

CITY SECRETARY _____ DATE

0 50 100 200
GRAPHIC SCALE (FEET)

Walker Partners
ENGINEERS • SURVEYORS
600 AUSTIN AVENUE, SUITE 20 ● WACO, TEXAS 76701
PHONE: 1-254-714-1402 ● T.B.P.E. REGISTRATION NO. 8053

PLAT NUMBER	D1-0221
PROJECT NUMBER	1-02078
DRAWN BY/CHECKED BY	MPP/KRH
FIELD NOTE NO.	1-02078-FN-02
DRAWING NAME	1-02078PRELIM.DWG
DRAFT DATE	06/15/2012
SHEET NUMBER	1 of 2

A12 — SUBDIVISION ENTRANCE
1"=40' — CURB LAYOUT

G:\Projects\1-02078\dwg\1-02078PRELIM.dwg, Layout1, 6/7/2013 11:00:□ DM, mpolk, 1:1

2nd COURTESY NOTICE
RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Gary Etux Deyette Pauer
3790 Forrester Road
Temple, Texas 76502

Zoning Application Number: Z-FY-12-50 **Project Manager:** Beverly Zendt

Location: South of FM 93 along the west side of Dubose Road

We have identified your property as being adjacent to a proposed zone change which is the area shown in hatched marking on the attached map. Although your property is outside the Temple City L

Comments:

At first this developer promised two families to an acre. Now after we agreed to that proposal, he decides to double the concentration. Did he have that idea all along? We are opposed to this re-zoning. Where is all the additional water generated by this subdivision going? We are not naive to think that the City of Temple will oppose this re-zoning. You need the tax dollars. We have lived here since 1969. We developed Taylors Ridge Subdivision, owned a pharmacy here, my wife taught in Temple schools and I was stationed at Darnell Army Hospital for 4 years. Both my daughters graduated from Temple High School. We moved to this land to escape city congestion. Now it is at our door step. I would submit to Mr. Howe to at least make the lots contiguous to our land ½ acres each like he promised the first time.

Signature **Print Name** GARY A. PAUER

Please mail or hand-deliver this comment form to the address shown below, no later than September 17, 2012

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

RECEIVED
SEP 10 2012
City of Temple
Planning & Development

Number of Notices Mailed: 3 Date Mailed: September 5, 2012

2nd RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Dale Etux Dawn Massie
3620 Valley Mist Court
Temple, Texas 76502

Zoning Application Number: Z-FY-12-50 **Project Manager:** Beverly Zendt

Location: South of FM 93 along the west side of Dubose 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:
See enclosure.

Dale H. Massie
Signature

Dale H. Massie
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 17, 2012

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

RECEIVED
SEP 14 2012
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: September 5, 2012

Date: 09/12/2012
To: Temple Planning and Zoning Commission
Subject: Rezoning Request Application Z-FY-12-50

On Monday, July 23, 2012, the developer of Valley Ranch, Jim Howe, met with me and several other members of the Valley Ranch HOA to discuss future development plans for phase 3 of the subdivision. At that time, Mr. Howe made a presentation indicating that he would like to modify the zoning for the tract of land identified as 39.3 acres of land out of the William Frazier Survey, Abstract 310, City of Temple, Bell County, Texas, from half acre lots to lot sizes of approximately one-third of an acre in size. He indicated that this size lot would be more desirable to a greater segment of potential home buyers. In subdividing the property to a smaller lot size, he provided a plan that would allow for approximately 90 lots of this size. Phase 1 of Valley Ranch contains 36 lots and phase 2 contains 34 lots, for a total of 70 in both phases. (These two phases are also known as the Evergreen neighborhood, but I do not recall what Phase 3 is to be called). He further indicated that the homes that might be constructed on phase 3 would of the same style, quality and square footage as already exist in phase 1 and those currently under construction in phase 1 and phase 2, but phase 3 would not be gated as the other phases are. The current subdivision covenants provide the necessary guidelines for style and square footage, and outline any restrictions.

During the original discussion, I was fairly receptive to the plan Mr. Howe presented. After speaking with some of my neighbors and conducting some further research, I do not believe that the proposed rezoning should be approved. The minimum square footage of a PD-UE zoned lot is 22,500 sq. ft., whereas the minimum for a PD-SF-1 zoned lot is 7,500 sq. ft. The size of a one-third acre lot would be approximately 14,500 sq. ft. With a rezoning to PD-SF-1, there is a possibility that phase 3 of Valley Ranch could end up with far smaller lots and far smaller homes than currently exist in phases 1 and 2. Due to the minimum stated in PD-SF-1, there is a potential for double the number of 90 lots proposed by Mr. Howe for phase 3. It's also possible that phase 3 of Valley Ranch could become an entirely different subdivision with an entirely different set of covenants allowing for smaller square footage homes of a completely different style than exists in Valley Ranch at the present time.

While I understand that there is a need for affordable homes for the growing population of the Temple/Belton area and I'm not saying that I know the exact manner in which Mr. Howe might develop this property (PD-SF-1 does provide him greater freedom), but let us consider several things that might impact the decision to rezone phase 3 of Valley Ranch. Valley Ranch is situated on the southern fringe of the Temple city limits, primarily a more rural setting, which would make it more favorable to larger lot sizes. Currently, there are at least 4 subdivisions that I have noticed building activity taking place, 3 on South 5th St. and 1 on South 31st St. I don't have specific numbers, but judging by general observation, most appear to be smaller to medium sized starter type homes probably zoned as PD-SF-1, since they do appear to be single family dwellings. It would seem to me that there is ample PD-SF-1 zoned areas already available to South Temple that is being developed, as well as other adjacent areas (currently agricultural) on these streets that would be more conducive to PD-SF-1 some day in the future, should the owners decide to sell the property. Since there is a possibility of smaller lots/homes, then the population density will naturally increase. With these increases, there is a need to provide for more water/sewer service. There will be a need for more garbage/trash collection services. There will be a greater need for fire and police protection. There will be increased traffic into and out of the area. This could put a strain on the already existing services to this area. These factors could also degrade the quality of this more rural setting we now enjoy. And the possible addition of smaller, yet more affordable dwellings, will most likely impact the value of my property as well as that of my neighbors.

Let's use the Wyndham Hill subdivision (on South 5th St and developed by Omega/Jim Howe) as a comparison to Valley Ranch. The average lot size is about one-fifth of an acre (approx. 9,000 to 9,500 sq.ft.). The average appraised values (based on the Bell County Tax Assessors office) appear to be around $130,000 to $140,000, with a very few higher than that. We already know the average lot size in Valley Ranch phases 1 and 2 is one half acre. The average appraised values are in the range of

$200,000 to $250,000, with a fair number higher than those figures. That could be quite a difference from one side of Dubose Road to the other side.

So who does this rezoning request benefit? Naturally, the developer, else he would not be making the request. He could most likely develop this property more quickly and at less expense than he has with phases 1 and 2 of Valley Ranch. Potential new home owners could benefit as they would have better access to the more affordable homes. Even though lending institutions have made the qualification process more stringent than in the past, interest rates are at historic lows, home prices in Texas are more reasonable than some other parts of the country and if someone can get qualified, now is a good time to purchase a home they can afford. Does this benefit the City of Temple? I don't know for certain. The tax base will be increased, but those tax dollars will be used to provide services to the new residents in Valley Ranch phase 3. The new residents would be making purchases, thus paying sales tax on items, which would increase city revenue. Perhaps the city might at least break even, since municipal governments are more in the business of providing services to city residents and not necessarily turning a profit. Would rezoning phase 3 of Valley Ranch benefit me and my wife? When we moved to Valley Ranch, we were looking for some space and to get away from some of the urban sprawl and higher volume traffic associated with it. We were not looking for complete peace and quiet because if we were, we would have bought some acreage out in the country. If Mr. Howe were to develop the property in the manner explained to me and other HOA members at the aforementioned meeting, then I don't see that as a huge impact, but would still prefer the PD-UE zoning classification compared to the development latitude that Mr. Howe would be provided to an area zoned as PD-SF-1. If he were to change his mind, as he is already doing with his rezoning request, and develop the property in a similar manner as he has Wyndham Hill or in a lesser manner, then it would greatly impact us and be a detriment to our quality of life, the general composition of our more rural area, as well as values of our property.

It is my understanding that Mr. Howe has already visited with each of the planning and zoning commissioners to garner their support for this change, so it must be important to him. I don't know this be a fact, but have heard this from a neighbor who owns acreage adjacent to the property in question. This change is also important to me, so I will be attending the public hearing on September 17, 2012, so that I too, can meet the commissioners and present my position <u>against</u> the rezoning of this property.

Sincerely,

Dale H. Massie

Dale H. Massie
3620 Valley Mist Ct.
Temple, TX 76502
254-493-2361

2nd RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

KAM Homebuilders Ltd
P.O. Box 1344
Temple, Texas 76503-1344

Zoning Application Number: Z-FY-12-50 **Project Manager:** Beverly Zendt

Location: South of FM 93 along the west side of Dubose 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 September 17, 2012

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

RECEIVED
SEP 13 2012
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: September 5, 2012

City of Temple

2nd COURTESY NOTICE
RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

B. Trent Etux Vickie Street
3790 Forrester Road
Temple, Texas 76502

This is the wrong adress for my property
It should be 7515 Dubose Rd.

Zoning Application Number: Z-FY-12-50 **Project Manager:** Beverly Zendt

Location: South of FM 93 along the west side of Dubose Road

We have identified your property as being adjacent to a proposed zone change which is the area shown in hatched marking on the attached map. Although your property is outside the Temple City Limits, this letter is sent as a courtesy

Comments:
I am strongly against this zoning change. When this subdivision was proposed by Jim Howe he personnelly promised 1/2 acre lots with houses rangeing is value from $250,000 to $375,000. The smaller lot sizes will decrease the value of adjacent homes. It seems that Jim Howe can always get changes made to suit himself. The homeowners of the adjacent properties should have a say in this decision. I sincerely hope this zoning change is denied. ~~The least~~ At the very least, delay a decision so the city can hear from others that will be effected. Only property owners within 200 ft were notified of this change. I feel other property owners in the area should have an opportunity to comment.

Trent Street
Signature

Trent Street
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 17, 2012

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

RECEIVED
SEP 17 2012
City of Temple
Planning & Development

Number of Notices Mailed: 3 Date Mailed: September 5, 2012

RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Gary Etux Catherine Smith
3609 Valley Park Drive
Temple, Texas 76502

Zoning Application Number: **Z-FY-12-50** **Project Manager:** **Beverly Zendt**

Location: Along the southwest corner of FM 93 and Dubose 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:
An increase in density for this tract will increase traffic and drainage. FM93 at Dubose can be challenging at times. To increase the number of vehicles using this intersection would have been challenging. However, to significantly increase the load at this intersection is a serious concern. I am also very concerned about drainage that will flow into the "park" behind Valley Park and Valley Mist. There are times that this drainage feature appears to be at capacity now.

Gary Smith
Signature

Gary Smith
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than August 6, 2012

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

RECEIVED
AUG 06 2012
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: July 26, 2012

City of Temple

COURTESY NOTICE
RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Gary Etux Deyette Pauer
3790 Forrester Road
Temple, Texas 76502

Zoning Application Number: Z-FY-12-50 **Project Manager:** Beverly Zendt

Location: Along the southwest corner of FM 93 and Dubose Road

We have identified your property as being adjacent to a proposed zone change which is the area shown in hatched marking on the attached map. Although your property is outside the Temple City Limits, this letter is sent as a courtesy.

Comments:

Four years ago we were promised by Jim Stone that the lots that backed up to our property would be ½ acre lots. We are of the conviction that when a man makes a promise, that it should be honored. Half acre lots in the back of the subdivision would be more valuable for ~~two~~ important reasons they would be further away from the highway 93 and would back up to beautiful acreage.

Delfette Pauer
Signature

Delfette Pauer
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than August 6, 2012

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

Number of Notices Mailed: 3

Date Mailed: July 26, 2012

RECEIVED
JUL 31 2012
City of Temple
Planning & Development

RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Dale Etux Dawn Massie
3620 Valley Mist Court
Temple, Texas 76502

Zoning Application Number: **Z-FY-12-50** **Project Manager:** **Beverly Zendt**

Location: Along the southwest corner of FM 93 and Dubose 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:

Dale H. Massie
Signature

Dale H. Massie
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than August 6, 2012

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

RECEIVED
AUG 07 2012
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: July 26, 2012

RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

LaVonna Constance
3613 Valley Park Drive
Temple, Texas 76502

Zoning Application Number: **Z-FY-12-50** **Project Manager:** **Beverly Zendt**

Location: Along the southwest corner of FM 93 and Dubose 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 (X) denial of this request.

Comments:

Signature

Lavonna Constance
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than August 6, 2012

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

RECEIVED
AUG 07 2012
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: July 26, 2012

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, SEPTEMBER 17, 2012

ACTION ITEMS

Item 4: Z-FY-12-50 Hold a public-hearing to discuss and recommend action on a zone change from PD Planned Development-Urban Estates District (PD-UE) to Planned Development -Single Family-1 District (PD-SF-1) on 39.3± acres of land, being part of the William Frazier Survey, Abstract #310 located south of FM 93 along the west side of Dubose Road.

Ms. Zendt stated in 2004 the Planned Development Urban Estates (PD-UE) zoning was approved upon voluntary annexation of both tracts of land. A preliminary plat was submitted for this tract and the tract located to the east. The tract to the east has been built in conformance with the PD-UE standards and is currently developed. The applicant is requesting a zoning change for the remaining tract from PD-UE to Planned Development Single Family-One (PD-SF-1).

Surrounding properties include Agricultural (AG) to the north, to the east across Dubose Road is PD-UE, to the south is residential and AG, and to the west is undeveloped land.

The Future Land Use and Character Map designate this property is Suburban Residential. Originally this property was proposed for 56 residential lots. The new proposal is for 94 residential lots, which is a 67% increase in density. The original PD called for an average ½ acre lot size and the proposed PD-SF-1 identifies minimum lot size of approximately 10,802 square feet or .248 acres. The original PD-UE had a density of approximately 1.37 dwelling units per acre and the new proposed density would be 2.39 dwelling units per acre.

The applicant has proposed a rural street width of 22 feet of pavement and two feet ribbon curve with the approved PD and would like to stay the same recommendation for the PD-SF-1.

This preliminary plat was submitted in July 2012 and is what the PD is being based on. The applicant intends to build larger sized lots that what is required with the SF-1 zoning. The minimum lot size is 10,802 square feet as opposed to straight SF-1 with a minimum standard lot size of 7,500 square feet. The proposed largest lot size would be 22,433 square feet which is almost one-half acre.

Public utilities are available to serve the property with an eight-inch water line along FM 93 and a ten-inch wastewater main.

A local connector is proposed along FM 93 adjacent to the commercial tracts. The trail will probably be constructed at the same time the commercial tracts are developed and Dubose has existing right-of-way for the other section of the trail to be constructed in the future.

Nine notices were mailed: one respondent was in favor, three respondents were in opposition, and two courtesy notices were in opposition.

Staff recommends approval of the zoning request from PD-UE to PD-SF-1 since it is consistent with the submitted conceptual plan with the defined minimum lot size of 10,802 square feet rather than 7,500 square feet.

Staff recommends disapproval of the proposed 22 feet pavement width for interior streets. Originally the pavement width was approved for the PD-UE when the density was below two units per acre. The Unified Development Code (UDC) states when the density goes above two dwelling units per acre, a local width is required so Staff recommends 31 feet street standard.

Chair Staats opened the public hearing.

Mr. Jim Howe, 7353 W. Adams, Temple, Texas, represents the developer of Valley Ranch Subdivision. Mr. Howe asked for additional time in order to make his slide presentation.

Mr. Howe stated Valley Ranch is a locally owned master planned community. The request is to be zoned to PD-SF-1 for the west portion of the property and to retain the rural street design for the streets. The Valley Ranch Subdivision is located off of FM 93 and west of 31st Street. This is a 107 acre property.

The front portion of the property is set aside for Commercial (C) with nine undeveloped lots. There is a city park that is also a City storm water structure.

Valley Ranch was approved in 2004 with a total of 107 acres, mixed use, with 126 one-half acre lots zoned Urban Estates (UE). Originally it was designed for septic service since there was no sewer at that location, and designed with a rural street design with 28 foot collector street (Dubose Road) and 24 foot wide local streets (Staff stated 22 feet). Drainage is by grassy open swales, there are nine commercial lots, and a park.

Mr. Howe stated it was originally designed for septic service as opposed to public sewer and all of the engineering was completed for the subdivision when the City was able to bring sewer to the area and to serve Valley Ranch, the school and neighboring area. It was decided to stay with the proposal for one-half acre lots which are served by public sewer.

Mr. Howe commented the builders have been telling him that buyers are resisting large lots due to the costs involved. Another concern is drought water rationing. TBG Partners was hired and created a revised plan which downsized the lots from one-half acre to one-third acre (average lot size 105 feet x 135 feet) and improved the traffic flow/circulation by replacing the cul-de-sacs. Rural street design stayed with the same width as Phases I and II and a green space was added.

Mr. Howe gave more dimensional information, showed pictures of similar home designs intended for the development, and spoke about road widths. Mr. Howe stated they would like to be able to continue the road street designs as created in Phases I and II without parking restrictions.

Mr. Howe stated Staff is recommending approval of the rezoning but disapproves of the rural street design and would like to go to a standard 31 foot street with an underground storm water system. Mr. Howe's response to this is that the rural street design is consistent with Phases I and II; the density for the subdivision goes to 1.17 lots per acre, not 2.39; Dubose is a collector street, 28 feet wide, and constructed to standards; local streets 24 feet rural street design has

less impervious cover than 31 foot streets that are for storm water; traffic flow is improved; and parking with 50 feet setbacks from the street provides ample off street parking. The covenants for the subdivision prohibit parking for extended periods on the streets, day or night. Storm water pollution is being managed by vegetative swales instead of using concrete pipes.

Mr. Howe stated there was precedent for what is being requested. The City approved a West Temple subdivision with SF-2 zoning with a rural street design of 22 feet, no ribbon curbs, a density of 4.15 lots per acre with an average lot size of 65 feet by 125 feet, and no parking restrictions with 34 foot setbacks.

Mr. Howe asked that the Commission approve the request.

Ms. Deyette Pauer, 3790 Forrester Road, Temple, Texas, stated her property backed up to the south portion of Valley Ranch addition, Phases III and IV. Ms. Pauer provides a plat copy for the Commission for comparison along with a signed Petition from the residents in Taylors Valley and Evergreen (Phase I and II of Valley Ranch).

Ms. Pauer stated Mr. Howe came to their home six years ago to enlist support for Valley Ranch to all be half acre estate lots on both the east and west side of Dubose Road. Ms. Pauer stated they were in favor of this because of the rural setting. It was Ms. Pauer's understanding this would be the Valley Ranch Mr. Howe intended to develop. Ms. Pauer stated there were now 94 smaller lots (minus a few) from what was originally promised.

Mr. Dale Massie, 3620 Valley Mist Court, Temple, Texas, stated on Monday, July 23, 2012, Mr. Howe met with Mr. Massie and other homeowners of Valley Ranch Subdivision to discuss the development plan for Phase III. Mr. Massie was not aware of a Phase III until this meeting and has lived in Valley Ranch for one year. Presently, the subject property is being used for agricultural purposes until 2013.

Mr. Massie stated Mr. Howe informed them that smaller lots would be more desirable to a greater number of potential homebuyers. In subdividing the property into smaller lots, Mr. Howe showed a general plan of approximately 90 lots, where Phases I and II currently have 70. The homes in Phase III would be built in a similar style in square footage as already exists in Phase I of Valley Ranch. Mr. Massie does not recall if Mr. Howe mentioned what the zoning class would be, but the minimum lot size would be associated with it. No document outlining the restrictive covenants was provided at that time.

Since that meeting, Mr. Massie has learned that the minimum square footage of a zoned UE lot was 22,500 square feet whereas the minimum for SF-1 was 7,500 square feet which he felt was significant. Mr. Massie has also learned that the subject property has undergone two previous zoning changes. Mr. Massie stated it was possible that Phase III of Valley Ranch could become an entirely different subdivision with an entirely different set of covenants and completely different style that currently exists.

Mr. Massie purchased his home with the intent of staying there because of the larger lot environment and rural surroundings.

Mr. Massie asked the Commission to table this request until further study and discussion could take place on what the exact final plan would be.

Mr. Chris Anelundi, 7021 Valley Mist Drive, Temple, Texas, stated his family moved to Temple due to the overcrowding conditions in Killeen. They bought into Valley Ranch early on the commitment that all upcoming surrounding phases would be half acre estate lots like Phase I. The rezoning request was presented to Mr. Anelundi as no one wanted to purchase an estate lot anymore. However, after three years of stagnant development in Phase I, a new house is being framed on estate lots at the rate of about one every two months, eight to ten homes in the last 18 months.

At a recent homeowners meeting, the residents were told that if the property were rezoned, Phase III would have homes of equivalent square footage and exterior materials as Phase I but would be one third of an acre to make them more appealing to buyers.

Mr. Anelundi said he felt if this zone change were approved, traffic will not be the only thing making it difficult to leave his home.

Mr. Anelundi stated it was his understanding that the subject property would continue to be farmed until 2013. That being the case, he asked the Commissioners to please table this item until all affective residents can be given a chance to voice their positions if they choose.

Mr. John Mayo, 6918 Valley Mist Drive, Temple, Texas, stated he has lived in Valley Ranch for five years. Mr. Mayo works for Omega Builders but did not work for them when he purchased his home. One of the reasons they chose Valley Ranch was Mr. Howe's reputation.

Mr. Mayo is in support of the zoning request, however, his biggest concern is that if it is not approved, Mr. Howe might lose interest in developing Phase III and would sell it to an out of town developer, which he feels would be destructive.

Mr. Mayo stated higher density development projects would occur anyway, whether in Valley Ranch or not and was in support of this request.

Mr. Ron Gates, 3454 Forrester Road, Temple, Texas, asked where Mr. Mayo worked and Chair Staats stated Omega.

Mr. Charles Verhigh, 2271 River Ranch Road, Temple, Texas, stated the tail end of Fryer's Creek runs through his property. Over time, Mr. Verhigh said he has lost over an acre of land as a result of water runoff from south Temple and feels this is due to inadequate planning for water runoff. Mr. Verhigh had not seen any water runoff plan or engineering plan for this phase of the development and would like to see what it would be, especially with twice the number of homes being added.

Mr. Verhigh would suggest tabling this item until engineering can assess the impact of water runoff from increasing the number of lots.

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

A representative from Public Works was not in attendance to answer any questions.

Commissioner Talley asked Mr. Howe how he got the information that larger lots were not selling. Mr. Howe stated the information came from feedback from sales people and other builders in the subdivision and was related to other subdivisions as well.

Mr. Howe stated storm water has been an issue and when a plan has been developed it would be submitted when the plat comes through.

Commissioner Magaña asked if this request were approved, what would keep Mr. Howe from building even smaller lots and homes. Mr. Howe stated the PD-SF-1 zoning would restrict the number and size of lots to what is stated and the covenants would require a 2000 foot minimum.

Ms. Pauer asked about the covenants stating a 2,000 square foot minimum and was it accessible to all. Chair Staats responded that the document would be recorded at the Clerk's office and is considered a public document for all. Ms. Pauer stated she would like the item tabled for further investigation.

Ms. Zendt stated the PD-SF-1 is consistent with the submitted preliminary plat locking in the parameters for the development.

Discussion about how Staff determines street width and curbs.

Commissioner Talley asked Mr. Massie what he was looking for if the item were tabled. Mr. Massie stated he would like better reassurance that the preliminary plat and any other plat going forward would not change, especially since it has already gone through previous zone changes. He has not seen the covenants for Phase II or III.

Commissioner Martin stated at this point the subject property conforms to the Future Land Use and Character Map which represents the Single Family One.

Commissioner Jones stated the only issue at hand is the zoning, not the platting. The other issues will go through the Staff and they would answer any questions the public has. He did not think tabling the zoning request would make any difference.

Ms. Autumn Speer, Director of Community Services, stated this is a Planned Development so it is a mixture of zoning and conceptual plans. SF-1 zoning does permit a 7,500 square foot lot. However, Mr. Howe proposes a planned development for SF-1 for the base zoning with a conceptual preliminary plat stipulating lot sizes and layout. Ms. Speer stated there was a preliminary plat that matches the PD in Staff's offices awaiting other information and engineering information from Mr. Howe's engineer. That is a separate process. If, through that process, Mr. Howe cannot address the issues that arise the way it is laid out, Mr. Howe would have to come back and amend the planned development.

Mr. Charles Christ, 3611 Valley Mist Court, Temple, Texas, asked about traffic circulation issues. People like cul-de-sacs because of small children and he wondered if that issue had been addressed.

Ms. Zendt stated the legal notice is published in the newspaper and the 200 foot buffer notices are required by state law. Courtesy notices are sent out but are not required by state law. Land use signs are also placed on properties to alert the public.

Commissioner Talley made a motion to table the item until the next meeting.

Ms. Zendt is asked to repeat the Staff's recommendations for the Commission.

Commissioner Magaña made a second.

Ms. Trudi Dill, Deputy City Attorney, stated the motion should include a time period for returning. Commissioner Talley stated next P&Z meeting scheduled for October 1, 2012.

Chair Staats delayed the vote upon further discussion.

Commissioner Jones stated there has been sufficient time for people to ask questions and get the information and did not feel the extra week or two would make any difference. Commissioner Jones would like to go forward with a motion.

Commissioner Talley stated tabling the item was the wisest thing to do since there are unanswered questions. Commissioner Magaña agreed.

Motion passed: (3:5)

Commissioners Harrell, Magana and Talley voted Aye; Commissioners Johnson, Jones, Martin, Vice-Chair Sears and Chair Staats voted Nay; Commissioner Rhoads absent

The motion failed therefore a new motion is needed.

Commissioner Jones made a motion to approve Item 4, Z-FY-12-50, as presented by the applicant in addition to adding no parking signs and Commissioner Martin made a second.

Discussion about street width.

Motion passed: (5:3)

Commissioners Harrell, Jones, Martin, Vice-Chair Sears, and Chair Staats voted Aye; Commissioners Magaña; Talley and Johnson voted Nay; Commissioner Rhoads absent

ORDINANCE NO. _____

(PLANNING NO. Z-FY-12-50)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-URBAN ESTATES DISTRICT (PD-UE) TO PLANNED DEVELOPMENT-SINGLE FAMILY 1 (PD-SF1), ON APPROXIMATELY 39.3 ACRES OF LAND, BEING PART OF THE WILLIAM FRAZIER SURVEY, ABSTRACT NO. 310, AND LOCATED SOUTH OF FM 93 ALONG THE WEST SIDE OF DUBOSE 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 Planned Development-Urban Estates District (PD-UE) to Planned Development-Single Family 1 (PD-SF1), on approximately 39.3 acres of land, being part of the William Frazier Survey, Abstract #310, situated in the City of Temple, Bell County, Texas and located south of FM 93 along the west side of Dubose 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 **18th** day of **July**, 2013.

PASSED AND APPROVED on Second Reading on the **1st** day of **August**, 2013.

THE CITY OF TEMPLE, TEXAS

_____

DANIEL A. DUNN, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT. / DIVISION SUBMISSION & REVEIW:

Mark Baker, Planner

ITEM DESCRIPTION: SECOND READING - Z-FY-13-23: Consider adopting an ordinance authorizing a zone change from Light Industrial District (LI) to Central Area District (CA) on Lot 1, Block 34, Original Town of Temple, County of Bell, Texas, according to the map or plat recorded in volume 36, page 640 of the real property records of Bell County, Texas, located at 201 South Main Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its June 17, 2013 meeting, the Planning and Zoning Commission voted 9 to 0 to recommend approval of the zone change from Light Industrial (LI) to Central Area District (CA) for the above described property.

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

Staff recommends approval for the following reasons:

1. The proposed zoning is consistent with the Future Land Use Map which identifies this area as Urban Center;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: The subject property is located on the SE Corner of South Main Street and East "B" Ave. The property is addressed as 201 South Main Street. The applicant has requested CA zoning to gain relief from the parking requirement of the Light Industrial (LI) zoning district. In conjunction to this zoning request, a conditional use permit (Z-FY-13-24) to establish a sports bar has been submitted for consideration. It is anticipated that the business will generate more than 75% of its revenue from the sale of alcohol with on-site consumption.

According to the City of Temple Comprehensive Plan / Future Land Use Plan, the subject property is within the designated Urban Center District. The Urban Center District is for the immediate downtown area, providing for the most intensive site development within the community. In addition to buildings

devoted entirely to office, commercial or service uses (including commercial lodging), buildings should be allowed - and encouraged - to include a mix of ground floor retail or service uses with upper–floor residential use. Off-street parking requirements are also typically eliminated in favor of on-street parking and/or structured parking (public or private). While encompassing a larger area, the Central Area (CA) zoning district is the predominant zoning district of the downtown core within the Urban Center designation of the Future Land Use Plan. The variety of permitted uses may include offices, retails sales, restaurants, grocery stores and department stores. Other uses may include but are not limited to: storage warehouse, welding or machine shop, an indoor/outdoor flea market or a temporary carnival/ circus. Examples of conditional uses may include but not limited to: a temporary asphalt or concrete batch plant, petroleum or gas well, cemetery, crematorium, mausoleum or a sewage pumping station or a business which generates more than 75% of its revenue from the sales of alcohol with on-premise consumption. Prohibited uses include the most restrictive residential uses and the most intensive industrial uses.

The CA district is generally bordered by the following streets: North 10th Street (western border), East French Street (northern border), North & South 10th Street (eastern border) and "B" Ave (southern border). There are several individual parcels which have expanded the CA designation south of "B" Ave and are within Block 34 of Temple Original subdivision. This is the same subdivision block as the subject parcel.

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

Direction	Zoning	Current Land Use
Subject Property	LI	Currently Unoccupied
(N) Across "B" Ave	CA	W.R. Poage Federal Building
(S) Across W. "C" Ave	LI	Service Uses
(E) Same Block & Across 2nd St	CA & LI	Restaurant and Service Uses
(W) Across S. Main Street	LI	Service Uses

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

CP	Map 3.1 - Future Land Use and Character (FLUP)	Urban Center is identified for the subject property as well as identified in all four directions from the subject property.	Y
CP	Map 5.2 - Thoroughfare Plan	The subject property is located at the SE Corner of South Main Street and East "B" Ave but has primary frontage on South Main Street. Both identified as Local Streets.	Y
CP	Goal 4.1 - Growth and	Sufficient utilities are in place to	Y

	development patterns should be consistent with the City's infrastructure and public service capacities	accommodate the proposed use of the property. The property is served by 6" water lines in both South Main Street and East "B" Ave and a 2" in the alley. A 6" sewer line is available to the property in the alley.	
STP	Temple Trails Master Plan Map & sidewalks	No existing or proposed trails were identified in the Master Plan Map along the subject property's frontage of South Main Street and East "B" Ave.	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: Although there are dimensional standards for residential uses in the CA zone, there are no established dimensional standards for non-residential uses. As per UDC 4.6, the maximum building height may be any legal limit that other laws and ordinances do not prohibit. The subject property is currently developed with a building footprint which extends to the property line on all sides.

On-site parking is typically waived in favor of on-street parking per UDC Section 7.5.C however, residential uses and other than multi-family uses are required to provide a minimum one parking space per dwelling unit.

PUBLIC NOTICE: Nine 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 Monday July 8, 2013 at 12:00 PM, five notices in agreement and one notice in disagreement have been received for the proposed zone change.

The newspaper printed notice of the Planning and Zoning Commission public hearing on June 6, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:
Subject & Surrounding Property Photos
Zoning and Aerial Location Map
Future Land Use and Character Map
Buffer Notification Map
Returned Property Owner Notices
PZ Excerpts
Ordinance

Subject Property: From South Main Street

South: Toward "C" Ave

North: Across "B" Ave

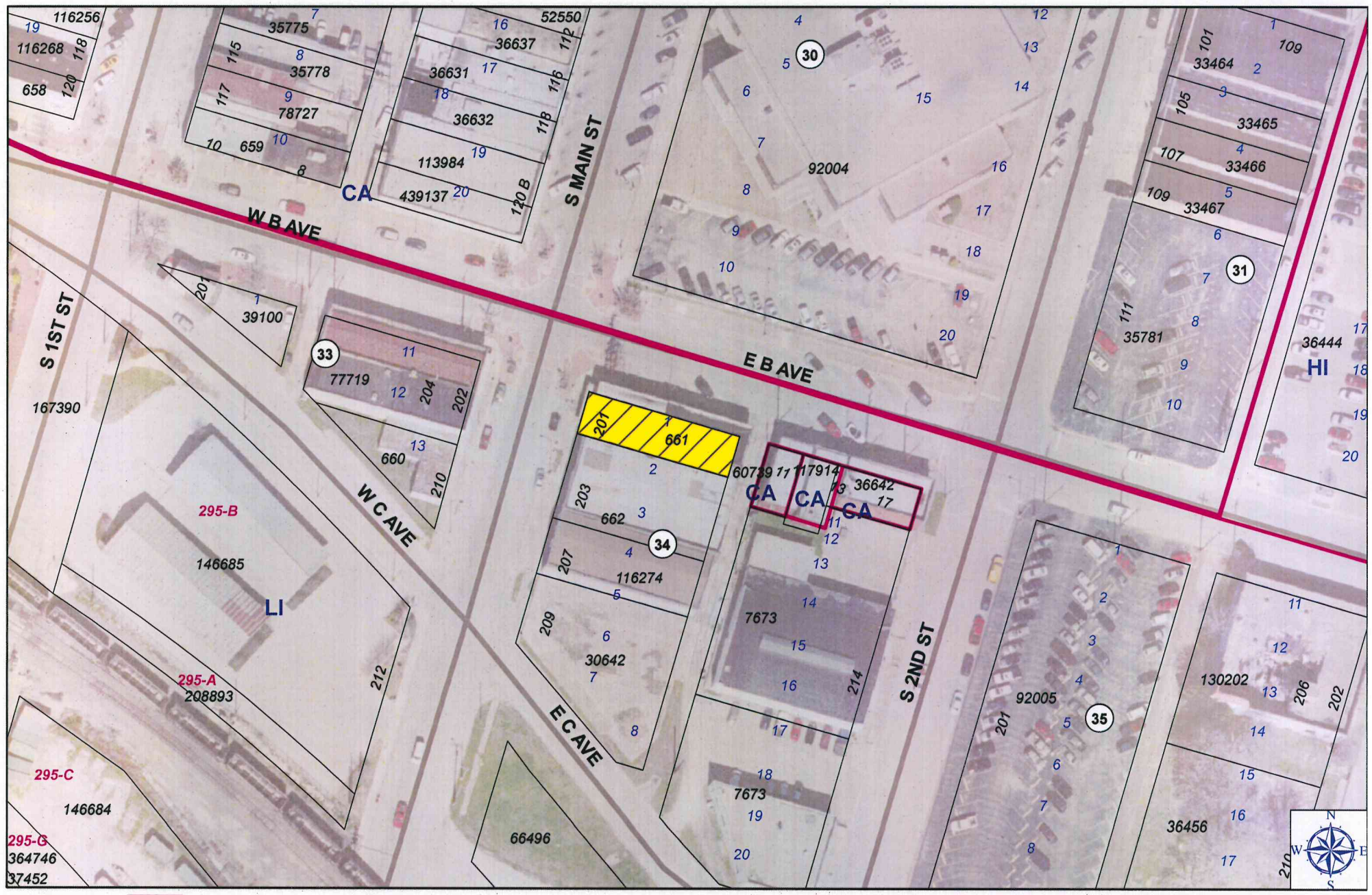
East: Toward 2nd Street

West: Across South Main Street

Z-FY-13-23

Zone Change
LI to CA

201 S. Main Street



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

0 50 100
Feet

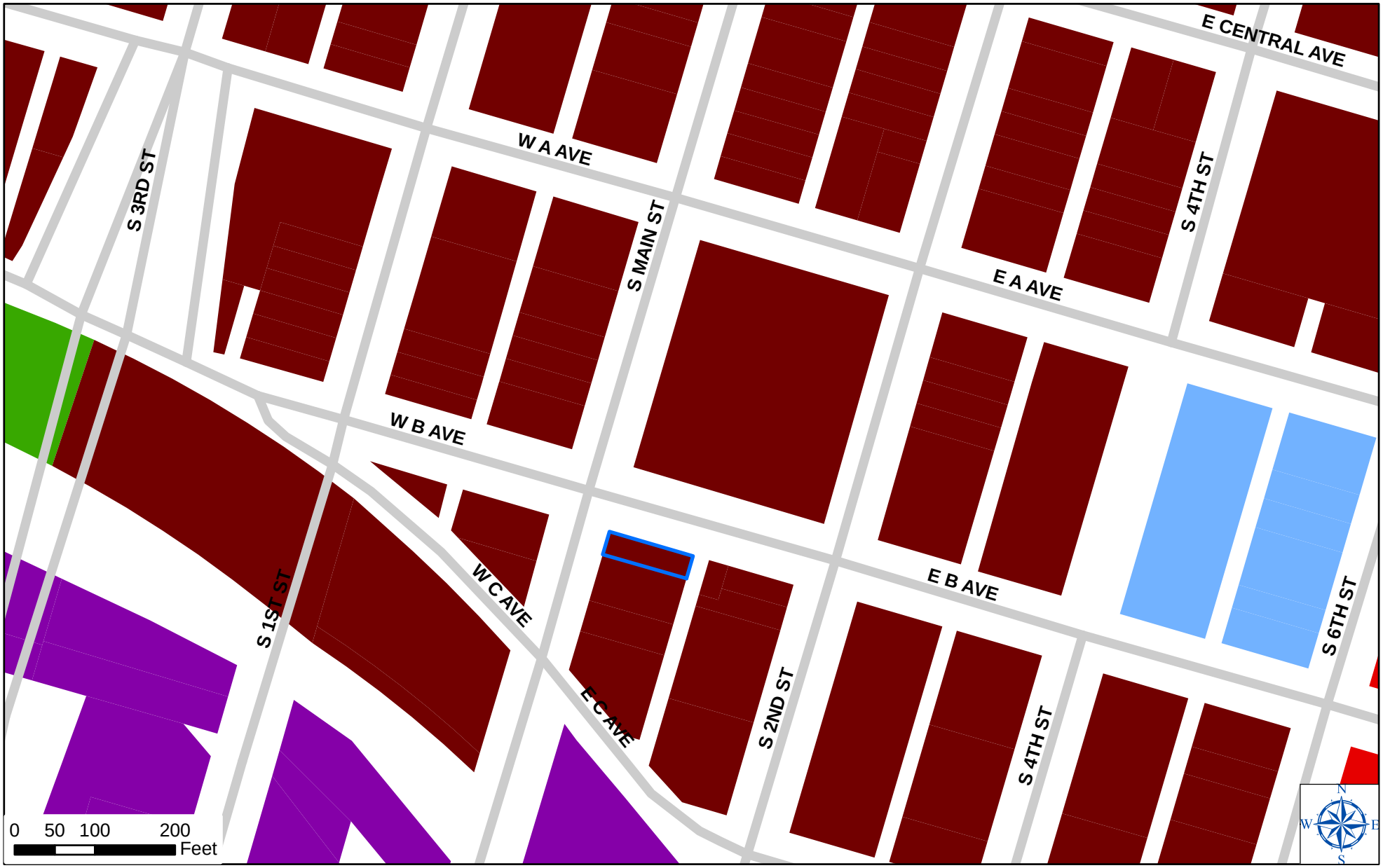
6/10/2013
City of Temple GIS
mbaker

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-13-23

Zone Change
LI to CA

201 S. Main Street



Future Land Use

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

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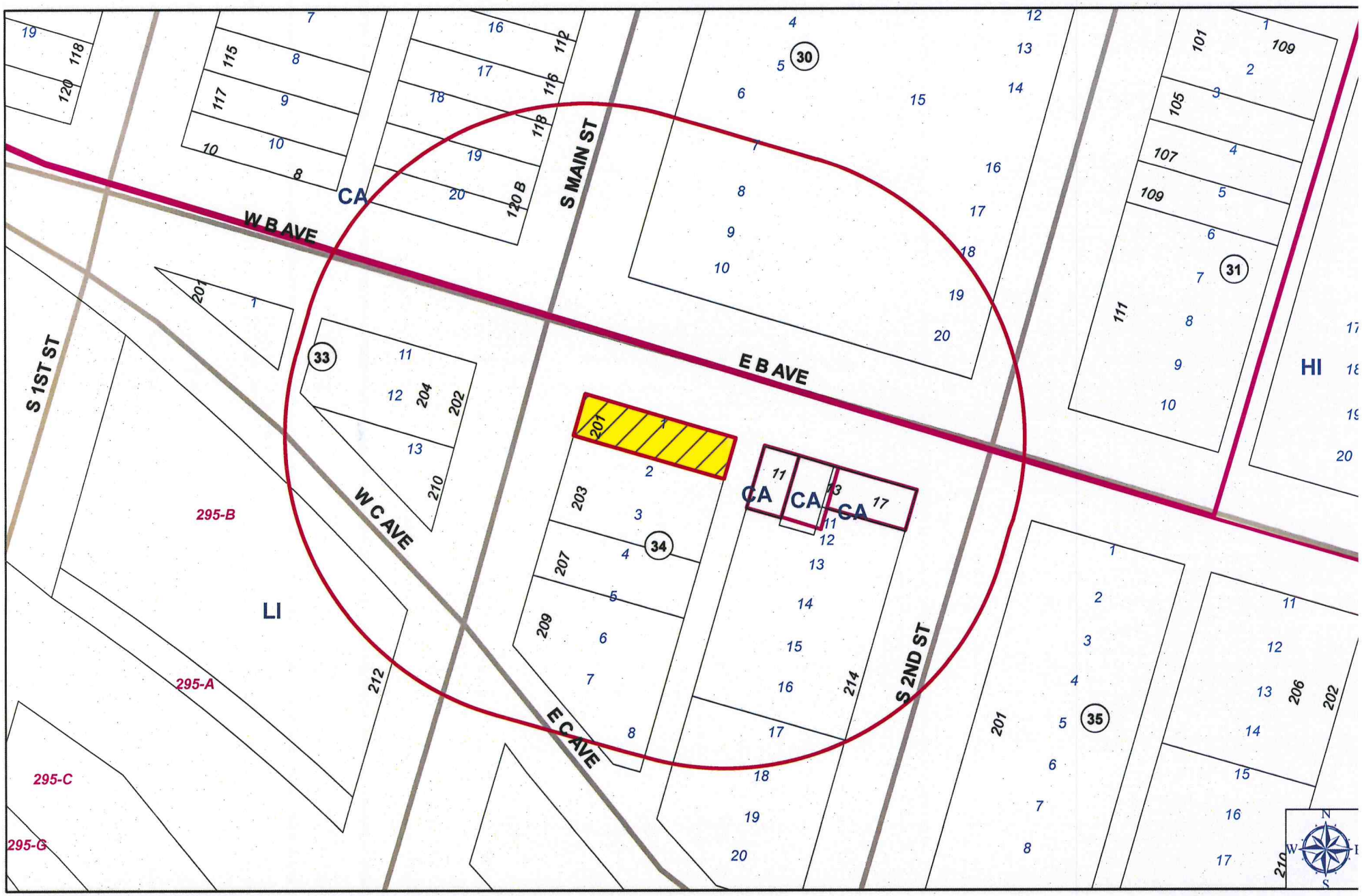
6/10/2013
City of Temple GIS

Z-FY-13-23

Zone Change
LI to CA

201 S. Main Street



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

0 50 100
Feet

5/29/2013
City of Temple GIS
mbaker

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 R
CITY OF TEMP

Address Correction requested from 219 to. correct address is 210 S Main St

Thank You!

Joe Everett
210 South Main Street
Temple, Texas 76501

Zoning Application Number: **Z-FY-13-23** **Project Manager:** **Mark Baker**

Location: 201 South Main Street

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

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

Comments:

Joseph M. Everett
Signature

Joseph M. Everett
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 12 2013
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: June 6, 2013

RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Joseph Etux Willie Mae Murray
2311 Fox Glen Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-13-23 **Project Manager:** Mark Baker

Location: 201 South Main Street

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

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

Comments:
My main concern from past experience and time a bar or lounge opened near my building I would often times get beer cans, broken beer bottles or just beer bottles that I would have to pick up and dispose of before I could park my vehicle.

Joseph Murray
Signature

JOSEPH MURRAY
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 14 2013
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: June 6, 2013

RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Goudarz Karimkhani
P.O. Box 782
Temple, Texas 76503-782

Zoning Application Number: **Z-FY-13-23** **Project Manager:** **Mark Baker**

Location: 201 South Main Street

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 (X) approval ~~( ) denial of this request.~~

Comments:

Goudarz Karimkhani
Signature

DR. GOUDARZ KARIMKHANI
Print Name
Tel. 254-778-8183

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 17 2013
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: June 6, 2013

RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

R G R Inc.
Attn: R C Roberts, President
P.O. Box 1861
Muskogee, OK 74402

Zoning Application Number: **Z-FY-13-23** **Project Manager:** **Mark Baker**

Location: 201 South Main Street

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 (X) 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 June 17, 2013

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

RECEIVED
JUN 17 2013
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: June 6, 2013

RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

R G R Inc
c/o Mr. Carlile Roberts
P.O. Box 1861
Muskogee, OK 74402

Zoning Application Number: **Z-FY-13-23** **Project Manager:** **Mark Baker**

Location: 201 South Main Street

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 (X) approval ( ) denial of this request.

Comments:

Signature

ADAM LAMBERT
Print Name

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

RECEIVED
JUN 17 2013
City of Temple
Planning & Development

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

RECEIVED
JUN 17 2013
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: June 6, 2013

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, MAY 20, 2013

ACTION ITEMS

Item 5: Z-FY-13-23: Hold a public hearing to discuss and recommend action on a zone change from Light Industrial District (LI) to Central Area District (CA) on Lot 1, Block 34, Original Town of Temple, County of Bell, Texas, according to the map or plat recorded in volume 36, page 640 of the real property records of Bell County, Texas. The subject property is located at 201 South Main Street.

Mr. Mark Baker, Planner, stated the applicant for this request was Francisco Vidana and this item will go to City Council for first reading on July 18 and second reading on August 1.

The Comprehensive Plan Future Land Use and Character Map designate the area as Urban-Center District which is for the immediate downtown area and – provides for the most intensive site development and allows buildings devoted to office, commercial or service uses.

The subject property is located at the southeast corner of South Main Street and W Avenue B.

The Central Area (CA) district is the predominant zoning district within the downtown core and principally addresses development within the Central Business District. The district allows uses ranging from most office, retail, service and commercial uses including retail sales, restaurants, grocery stores and department stores.

Several allowed and prohibited uses are given.

There is a six-inch water line in both South Main Street and West B Avenue, a two inch water line in the alley, along with a six-inch sewer line in the alley to serve the property.

Surrounding properties include unoccupied and occupied service and industrial uses to the south, The Poage Federal Building to the north, restaurant and service uses to the east and service uses to the west.

There are no established dimensional standards for non-residential uses within the CA zone. The property is currently developed with a building foot print extending to the property lines on all sides.

Per UDC Section 4.6, the maximum building height may be any legal limit that other laws and ordinances do not prohibit. Off-street parking requirements in CA are generally waived in favor of on-street parking or a mix of structured parking (public/private).

Nine notices were mailed out. Four notices were returned in favor of the request and one was returned in opposition. Verification of the signature for opposition is pending. The denial was based on the previous use of the building as a bar and beer cans and broken bottles were littered around the building causing the adjacent property owner to clean it up. The applicant has been advised of this concern and is aware the establishment must be operated in a manner to reduce excessive litter.

Staff recommends approval of the request for a zone change from LI to CA for the following reasons:

1. The proposed zoning is consistent with the Future Land Use Map which identifies this area as Urban Center;

2. The request complies with the Thoroughfare Plan;

3. The proposed zoning is compatible with the surrounding uses; and

4. Public facilities are available to serve the subject property.

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

Commissioner Martin made a motion to approve Item 5, **Z-FY-13-23**, and Vice-Chair Sears made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

(PLANNING NO. Z-FY-13-23)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL DISTRICT (LI) TO CENTRAL AREA DISTRICT (CA), ON LOT 1, BLOCK 34, ORIGINAL TOWN OF TEMPLE, AND LOATED AT 201 SOUTH MAIN STREET; 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 Light Industrial District (LI) to Central Area District (CA) on Lot 1, Block 34, Original Town of Temple, County of Bell, Texas according to the map or plat recorded in volume 36, page 640 of the real property records of Bell County, Texas, and located at 201 south Main Street, 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 **18th** day of **July**, 2013.

PASSED AND APPROVED on Second Reading on the **1st** day of **August**, 2013.

THE CITY OF TEMPLE, TEXAS

_____

DANIEL A. DUNN, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: SECODOND READING – Z-FY-13-24: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be more than 75% of the gross revenue for Vidana's Place, on Lot 1, Block 34, Original Town of Temple, County of Bell, Texas, according to the map or plat recorded in volume 36, page 640 of the real property records of Bell County, Texas, located at 201 South Main Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its June 17, 2013 meeting, the Planning and Zoning Commission voted 9 to 0 to recommend approval of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be more than 75% of the gross revenue for Vidana's Place.

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

Staff recommends approval for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare, Plan;
3. Public facilities are available to serve the property; and
4. The applicant has demonstrated compliance with the specific standards in Section 5.3.15 of the UDC.

ITEM SUMMARY: The subject property is located on the SE Corner of South Main Street and East "B" Ave. The property is addressed as 201 South Main Street. The applicant, Francisco Vidana, proposes establishing a business where it is anticipated that more than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption. The applicant has submitted

this application simultaneously with an application for a zone change from LI to CA. In the CA district, if revenue from beer and wine sales is less than 75% or when all alcoholic beverage sales are below 50%, the use is permitted by right. The applicant is proposing sales of alcoholic beverages that will amount to more than 75% of the gross revenue which requires a conditional use permit.

Mr. Vidana has indicated that this will be a family-run business with an emphasis on sporting events. Business hours are anticipated to be Wednesday and Thursday from 4 pm to 12 am and Fridays and Saturdays from 4 pm to 1 am. Business hours may be expanded as special events warrant. Along with several projectors and television screens available for viewing such events, two billiard tables will be available for use by patrons. In addition, opportunities for karaoke, DJ and/or dancing are anticipated. The building footprint measures approx 30' X 110' (3300 S.F.) where accommodations for 10 to 15 tables as well as a wrap-around counter are planned.

Establishments with alcoholic beverage sales for on-premise consumption are subject to the standards in Section 5.3.15 of the UDC. A number of the standards applicable to this property have been identified and are discussed as follows:

Traffic Generation / Area Overcrowding: The property is developed and has been used previously as a bar/tavern. Although there are several businesses operating in the immediate area, it is not anticipated that there will be a substantial increase to traffic generation or overcrowding.

Licensing from Texas Alcoholic Beverage Commission: The applicant must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code. This will be required within 6 months from the date of the issuance of the conditional use permit.

Security: The applicant has indicated that security lighting and security cameras will be provided both inside and outside as well as security at the front entrance to check identification. In addition, the applicant has indicated that an investment will be made to train and supervise employees to provide attentive and friendly service.

Parking: The CA zoning district allows on-street parking. There are a number of opportunities for on-street parking along South Main Street and West/East "B" Ave. It is also noteworthy that business hours will occur during times when many of the surrounding businesses will be closed and so patrons would not be competing for on-street parking spaces.

Distance from Sensitive Uses: As provided by UDC Section 5.5.15C, the property is not located within 300 from a place of worship, elementary or secondary school, public hospital, public park, or any residentially zoned or developed lot. The closest distance to any of these listed uses, as measured in a straight, direct line from the property line of the establishment to the nearest property line, is to Fred Springer Park at a distance of approx 381 feet.

The applicant has provided a narrative, a floor plan and as required per UDC Section 3.5.2B, a site plan. Staff has reviewed the use permit and the site plan which were considered by the DRC during their May 29, 2013 meeting. Based on the proposal, no issues were identified during the meeting.

The applicable standards, site and floor plan will be included in the Ordinance, if the conditional use permit is approved by City Council.

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

Direction	Zoning	Current Land Use
Subject Property	LI	Currently Unoccupied
(N) Across "B" Ave	CA	W.R. Poage Federal Building
(S) Across W. "C" Ave	LI	Service Uses
(E) Same Block & Across 2nd St	CA & LI	Restaurant and Service Uses
(W) Across S. Main Street	LI	Service Uses

DEVELOPMENT REGULATIONS: Although there are dimensional standards for residential uses in the CA zone, there are no established dimensional standards for non-residential uses. As per UDC 4.6, the maximum building height may be any legal limit that other laws and ordinances do not prohibit. The subject property is currently developed with a building footprint which extends to the property line on all sides.

On-site parking is typically waived in favor of on-street parking per UDC Section 7.5.C however, residential uses and other than multi-family uses are required to provide a minimum one parking space per dwelling unit.

PUBLIC NOTICE: Nine 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 Monday July 8, 2013 at 12:00 PM, three notices in agreement and one notice in disagreement have been received for the proposed conditional use permit.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:
Subject & Surrounding Property Photos
Use Narrative
Aerial Map
Site Plan
Floor Plan
Buffer Notification Map
Returned Property Owner Notices
PZ Excerpts
Ordinance

Subject Property: From South Main Street

South: Toward "C" Ave

North: Across "B" Ave

East: Toward 2nd Street

West: Across South Main Street

05/13/2013

Vidana's Place

201 S, Main St. Temple, TX

I Francisco Vidana would like to request for an Conditional Use Permit (CUP). Vidana's Place strives to be the premier sports theme club in downtown Temple, TX. Management will be controlled by Francisco Vidana, Stella Vidana, and Francisco J. Vidana. Our goal is to be a step ahead of the competition. We want our customers to have more fun during their leisure time. Our main cliental that we aim for will be the sport fanatics. It will be a business opened Wednesdays, Thursdays, Fridays, and Saturdays in the beginning. Wednesdays and Thursdays hours of operation will be 4 p.m. – 12 a.m. while Friday and Saturdays will be opened from 4 p.m. – 1 a.m. Depending on sporting events and business it will be possible that we will be open other days as well. We will provide projectors and televisions with more sporting events than some other places. We will also have two Billiard tables as well as a sectioned off dance floor. In the dance floor section there is an open stage that could be possibly used for open karaoke or DJ. Vidana's place will have roughly around 10-15 tables as well as a high standing ledge rapped around the inside to give more room for people to enjoy themselves and company. As for food and drinks we will serve beer and sodas and some snacks to get rid of the small hunger. We are anticipating 75% or more of generated sales from alcohol. The ages allowed in the club will be 18 & up. For those who are under the age of 21 will be provided with an "X" or either a wrist band acknowledging that they will not be served alcohol once inside the building. We will have security at the door checking ID's as well as security inside controlling and patrolling. Vidana's place will also have security cameras inside and outside of the building for any issues as well as alarms to control activity after hours. Also, the building will contain four lights on the outside controlled by photocell on and timer off. In order to maintain a unique image the Company will provide attentive and friendly service for its customers as well as its surrounding businesses. We will also invest in the training and supervision of its employees.

Francisco Vidana (Master Electrician)

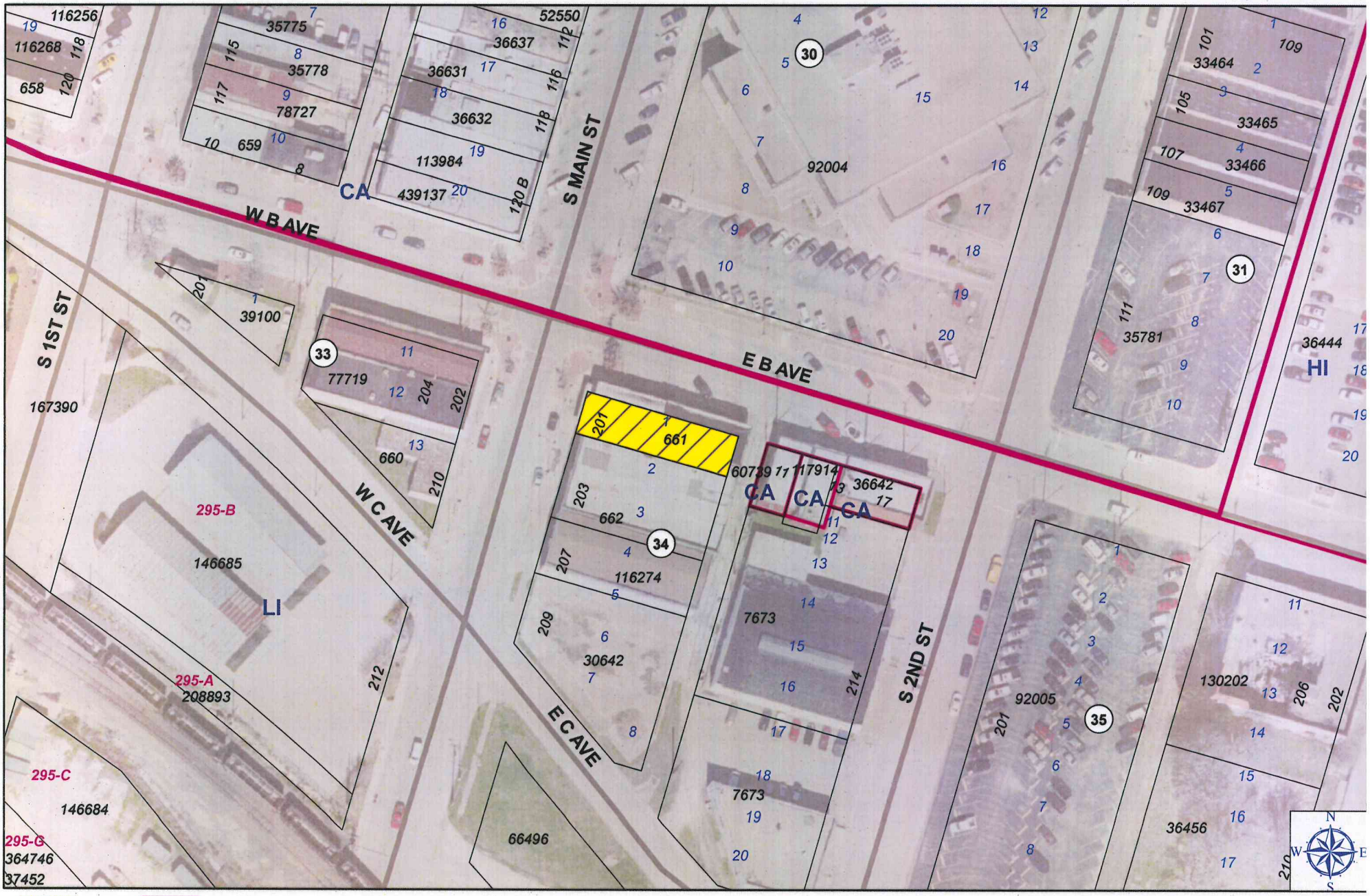
Cell:(254)913-9968

Home:(254)771-0804

Z-FY-13-24

Conditional Use Permit
More Than 75% Sales from Alcohol

201 S. Main Street



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

0 50 100 Feet

6/10/2013
City of Temple GIS

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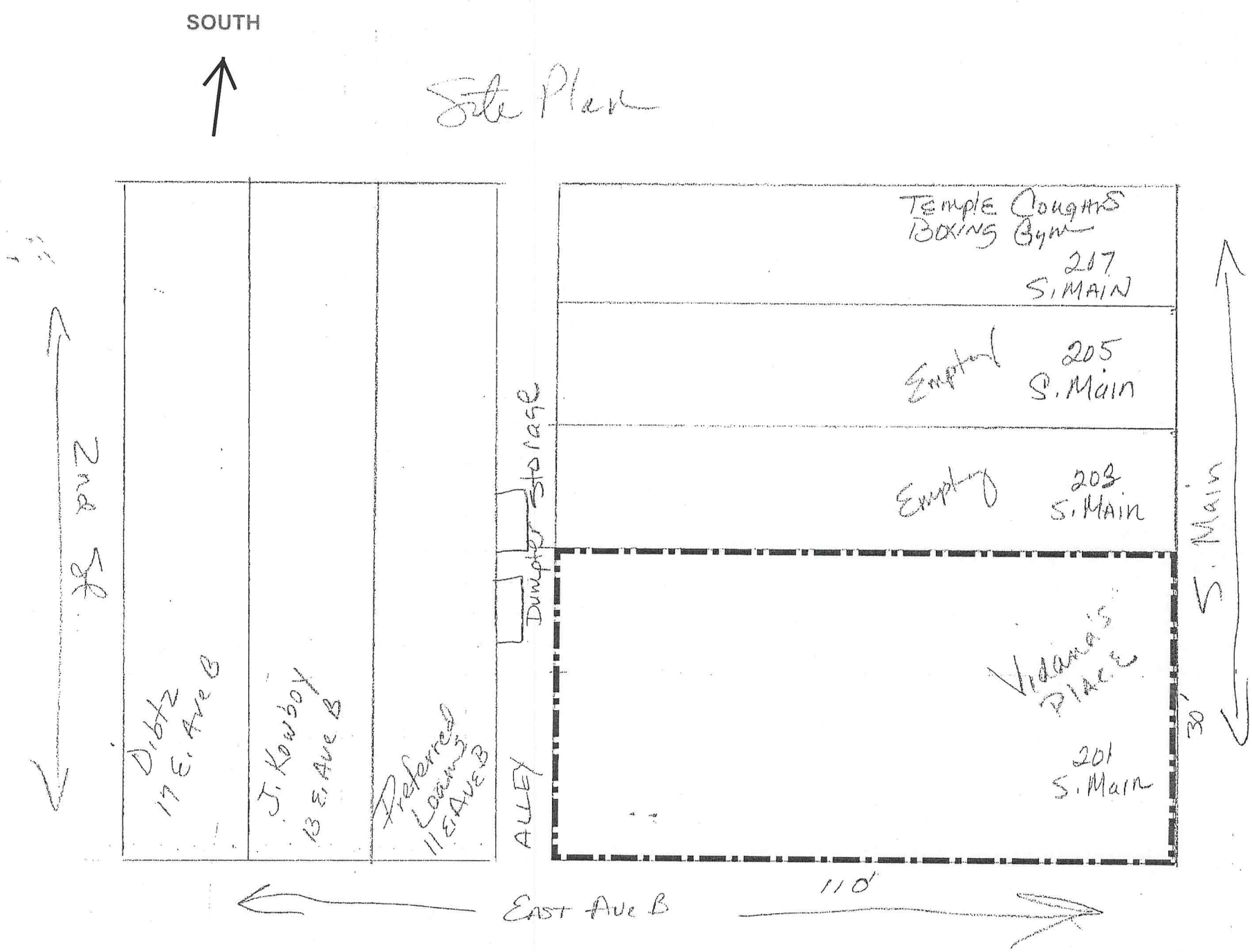
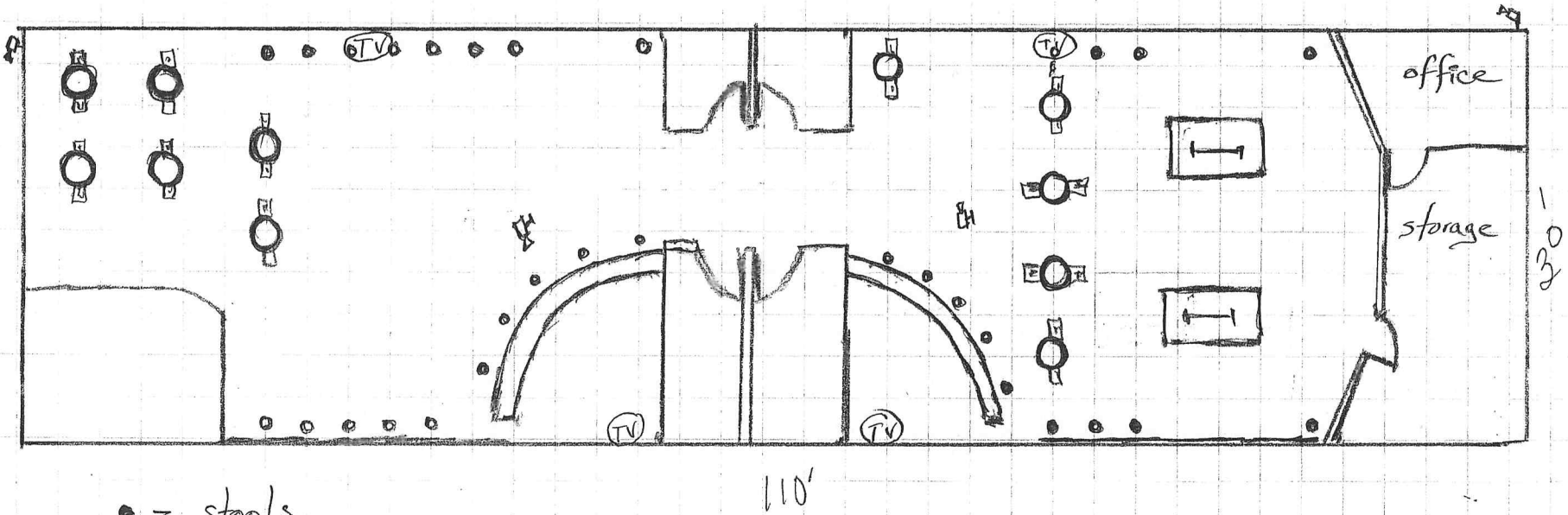

SOUTH
Site Plan
Temple Coughs Boxing Gym
207 S. MAIN
Empty
205 S. Main
Empty
203 S. MAIN
Dumpster
Storage
Vidana's Place
201 S. Main
S. Main
30'
ALLEY
110'
East Ave B
Dibtz 17 E. Ave B
J. Rowboy 13 E. Ave B
Preferred Lawns 11 E. Ave B

scale 1/4" = 3'0"

201 S MAIN ST



• = stools

= Table and 2 chairs

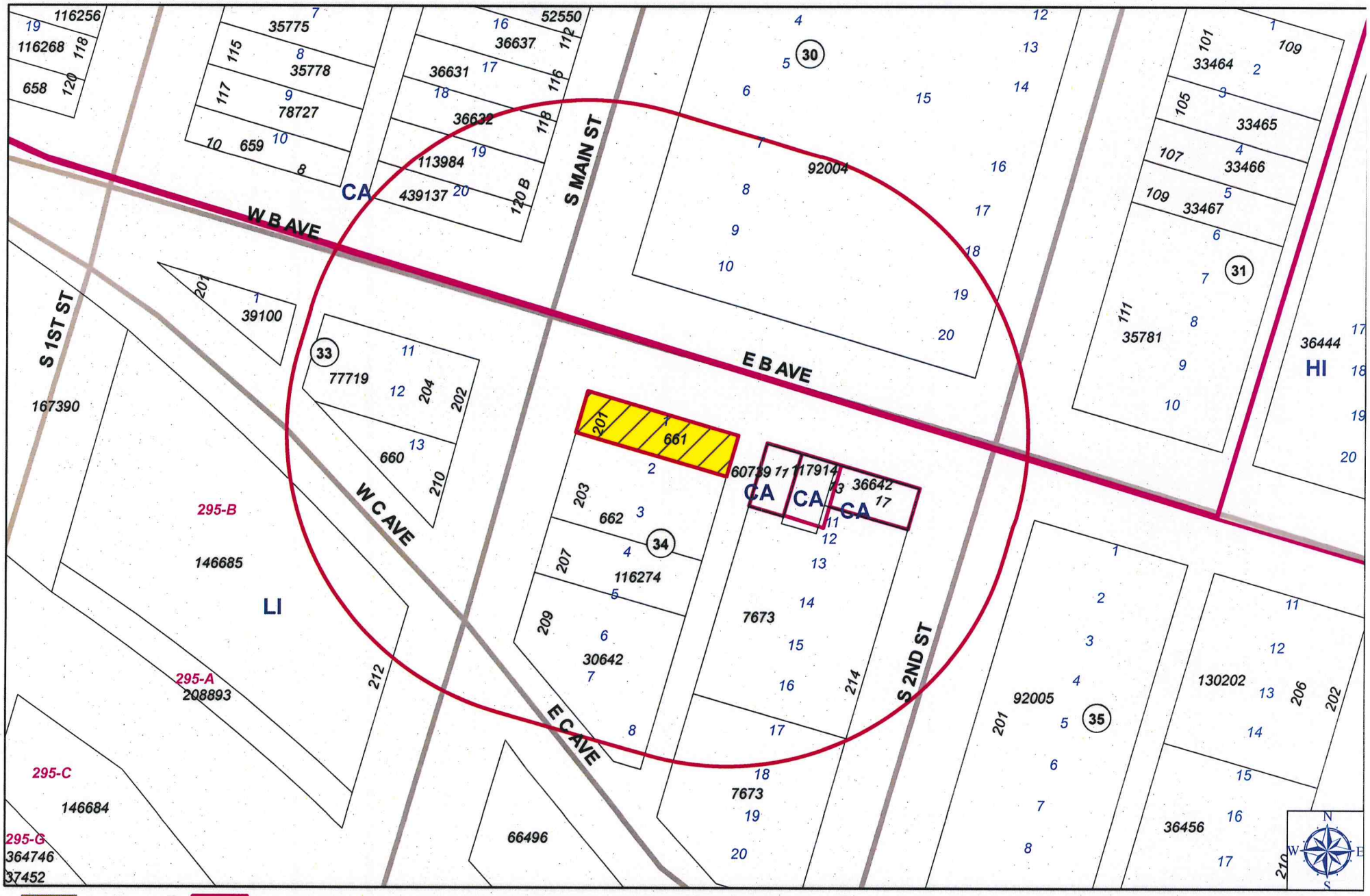
= pool tables with light above

= Security Camaras.

Z-FY-13-24

Conditional Use Permit
More Than 75% Sales from Alcohol

201 S. Main Street



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

0 50 100
Feet

6/10/2013
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

RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Joseph Etux Willie Mae Murray
2311 Fox Glen Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-13-24 **Project Manager:** Mark Baker

Location: 201 South Main Street

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption more than 75% of the gross revenue in a bar. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have

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

Comments:
My main concern, from past experience every time a bar or lounge opened near my building I would often times get new cars broken, beer bottles or just beer bottles that I would have to pick up and anyone of before I could park my vehicles.

Joseph Murray
Signature

JOSEPH MURRAY
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 14 2013
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: June 6, 2013

RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Goudarz Karimkhani
P.O. Box 782
Temple, Texas 76503-782

Zoning Application Number: Z-FY-13-24 **Project Manager:** Mark Baker

Location: 201 South Main Street

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption more than 75% of the gross revenue in a bar. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have

I recommend (X) approval ~~( ) denial of this request.~~

Comments:

Goudarz Karimkhani
Signature

Dr. GOUDARZ KARIMKHANI
Print Name
Tel. 254-778-8185

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 17 2013
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: June 6, 2013

RESPONSE TO PROPOSED CONDITIONAL USE PERMIT CITY OF TEMPLE

R G R Inc
c/o Mr. Carlile Roberts
P.O. Box 1861
Muskogee, OK 74402

Zoning Application Number: Z-FY-13-24 **Project Manager:** Mark Baker

Location: 201 South Main Street

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption more than 75% of the gross revenue in a bar. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have

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

Comments:

Signature

ADAM LAMBERT
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 17 2013
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: June 6, 2013

RESPONSE TO PROPOSED CONDITIONAL USE PERMIT CITY OF TEMPLE

R G R Inc.
Attn: R C Roberts, President
P.O. Box 1861
Muskogee, OK 74402

Zoning Application Number: Z-FY-13-24 **Project Manager:** Mark Baker

Location: 201 South Main Street

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption more than 75% of the gross revenue in a bar. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have

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

Comments:

Signature

Aaron Lambert
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 17 2013
City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: June 6, 2013

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, MAY 20, 2013

ACTION ITEMS

Item 6: **Z-FY-13-24:** Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be more than 75% of the gross revenue for Vidana's Place, on Lot 1, Block 34, Original Town of Temple, County of Bell, Texas, according to the map or plat recorded in volume 36, page 640 of the real property records of Bell County, Texas. The subject property is located at 201 South Main Street.

Mr. Baker stated this item was a request for a Conditional Use Permit (CUP) to allow an establishment to generate more than 75 percent of their revenue from the sales of alcoholic beverages with on-premises consumption. This item will go forward to City Council on July 18 for first reading and August 1 for second reading.

The applicant has a pending application for a zone change from LI to CA for relief from the on-site parking requirement. The Future Land Use and Character Map designate this area as Urban Center District.

There are two six-inch water lines to serve the property along South Main Street and West B Avenue, a two-inch water line in the alley, and a six-inch sewer line in the alley.

The applicant is proposing a business where more than 75 percent of the gross revenue is generated from the sales of alcoholic beverages with the on-premise consumption. In both LI and CA zoning, a CUP is required and subject to UDC Section 5.3.15—standards for alcoholic beverage sales with the on-premise consumption.

Staff identified five standards relative to this request:

Traffic Generation / Area Overcrowding

Property has been used as a bar/tavern in the past, no additional traffic or concerns for area overcrowding are anticipated.

Licensing from Texas Alcoholic Beverage Commission

Applicant must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the CUP.

Security

Security lighting and cameras are proposed as well as security personnel at the front entrance.

Parking

The CA zoning district generally waives on-site parking in favor of on-street parking. There are a number of parking opportunities within the immediate location. In addition, business hours will occur when surrounding businesses will not be open so there will be no competition for the parking.

Distance from Sensitive Uses

The property is not located within 300' from a place of worship, elementary or secondary school, public hospital, public park or any residentially zoned or developed lot. The closest distance to any of these uses is approximately 381 feet.

Surrounding properties include unoccupied and occupied service and industrial uses to the south, The Poage Federal Building to the north, restaurant and service uses to the east and service uses to the west.

Site and floor plans are shown.

Nine notices were mailed out. Three were received in favor and one in opposition Verification of the signature for opposition is pending. The denial was based on the previous use of the building as a bar and beer cans and broken bottles were littered around the building causing the adjacent property owner to clean it up. The applicant has been advised of this concern and is aware the establishment must be operated in a manner to reduce excessive litter.

Staff recommends approval of the requested Conditional Use Permit where more than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption for the following reasons:

1. The request is compatible with the Future Land Use and Character Map which identifies this area as Urban Center;

2. The request complies with the Thoroughfare Plan;

3. Public facilities are available to serve the property; and

4. The applicant has demonstrated compliance with the specific standards in Section 5.3.15 of the UDC.

Discussion about the type of neighboring businesses.

Chair Staats asked about the legalities of taking containers out of an establishment serving alcohol especially since the opposing notice mentioned beer cans and beer bottles. Ms. Trudi Dill stated there are some beer establishments patrons can leave the premises, depending on the type of license they have, however, mixed beverage customers are not allowed to leave the establishment.

Chair Staats opened the public hearing.

Mr. Francisco Vidana, 2704 Forest Trail, Temple, Texas, stated they would control the beer cans, bottles and litter, by ceasing service at a certain time. Whatever is purchased within the building cannot be taken out. At night and early in the morning the applicant proposes they will clean everything up.

Commissioner Magaña asked about the security issues. Mr. Vidana stated they proposed having four cameras on the outside and four on the inside, as well as security at both entrances and two to four securities walking around during business hours. Security lights will also be in place with motion sensors and alarms which will also help the neighboring businesses.

Chair Staats closed the public hearing.

Commissioner Magaña made a motion to approve Item 6, Z-FY-13-24, as presented, and Commissioner Johnson made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

[Z-FY-13-24]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION WHERE SALES WILL BE MORE THAN 75% OF THE GROSS REVENUE FOR VIDANA'S PLACE, LOCATED AT 201 SOUTH MAIN STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the establishment at 201 south Main Street, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow the sale of alcoholic beverages for on-site consumption where sales will be more than 75% of the gross revenue, located at 201 south Main Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

(a) Adhere to all TABC rules concerning outdoor consumption of alcohol.

(b) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.

(c) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.

(d) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.

(e) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.

(f) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.

(g) The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.

(h) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

(i) The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.

(j) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.

(k) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **July**, 2013.

PASSED AND APPROVED on Second Reading on the **1st** day of **August**, 2013.

THE CITY OF TEMPLE, TEXAS

_____
DANIEL A. DUNN, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning

ITEM DESCRIPTION: SECOND READING - Z-FY-13-25: Consider adopting an ordinance authorizing a rezoning from Office One District (O-1) to General Retail District (GR) on 1.317± acres being a part of Lot 2, Block 1, Joshlin Subdivision, an addition to the City of Temple, Bell County, Texas, located at 6768 West Adams Avenue, west of Holy Trinity Catholic High School and east of Hilliard Road.

P&Z COMMISSION RECOMMENDATION At its meeting on June 17, 2013, the Planning and Zoning Commission voted 9/0 in accordance with Staff recommendation to recommend approval of a zone change from Office One District (O-1) to General Retail District (GR).

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

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

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

ITEM SUMMARY: Please refer to the draft minutes of case Z-FY-13-25 from the Planning and Zoning Commission meeting on June 17, 2013. The applicant requests a zone change from Office One District (O-1) to General Retail District (GR).

According to the City of Temple Comprehensive Plan, the property's current Suburban Commercial land use classification is characterized by extensive landscaping and/or open space. The architectural style of buildings, building materials, roof, signage and lighting also all contribute to a suburban character. The requested GR District complies with this land use classification.

The requested GR zoning district is the standard retail district and allows most retails 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.

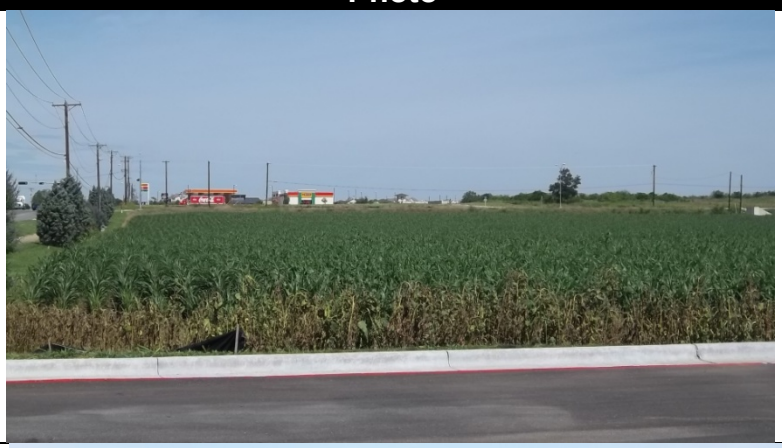
Although the applicant has indicated the intention to utilize the site for a retail site, a rezoning from the Office One to the GR zoning district would allow many uses by right that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses	Nonresidential uses
Boarding or rooming house	Discount or department store
Recreational vehicle park	Restaurant
Convent or monastery	Food or beverage sales store without fuel sales
Hotel or motel	Alcoholic beverage sales for on-premise consumption of beer and wine only less than 75% revenue from alcohol

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

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	O-1	Undeveloped Property	

Direction	Zoning	Current Land Use	Photo
			
East	GR	Medical Clinic	
West	AG	Undeveloped Land	
South	GR	Undeveloped Land	

Direction	Zoning	Current Land Use	Photo
North	O-1 and MF-1	Private School	

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 Suburban Commercial. The applicant's requested GR District complies with this recommendation.	Y
CP	Map 5.2 - Thoroughfare Plan	The property fronts West Adams Avenue, 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	The subject property has 14-inch, 4-inch, and 6-inch water lines along West Adams Avenue. A 2.5-inch water line borders the property's west property line. An 18-inch sewer line exists east of the property. An 18-inch sewer line also exists along the south right-of-way of West Adams Avenue.	Y
STP	Temple Trails Master Plan Map & sidewalks	The existing Citywide spine trail abuts the subject property's south property line along the north right-of-way line of West Adams Avenue.	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)

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 July 5, 2013, two 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 June 6, 2013, in accordance with state law and local ordinance.

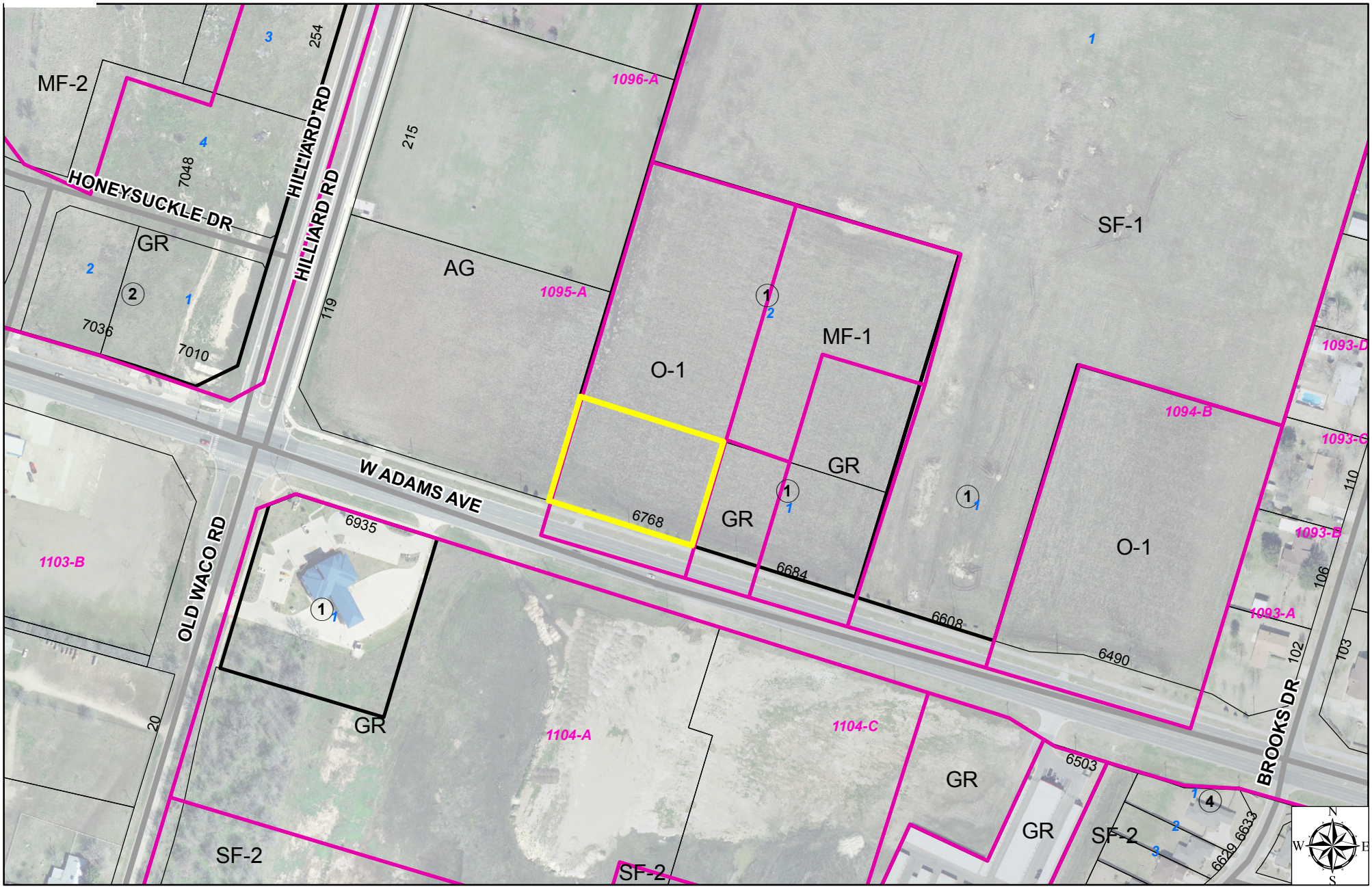
FISCAL IMPACT: Not Applicable

ATTACHMENTS:
Zoning and Location Map
Future Land Use and Character Map
Notification Map
Response Letters
PZ Excerpts
Ordinance

Z-FY-13-25

O-1 to GR

6768 West Adams Avenue



Case
Zoning
Subdivisions
Parcel
1234-A Outblocks
1234 Addresses
1 Blocks
1 Lots

0 50 100 200 Feet

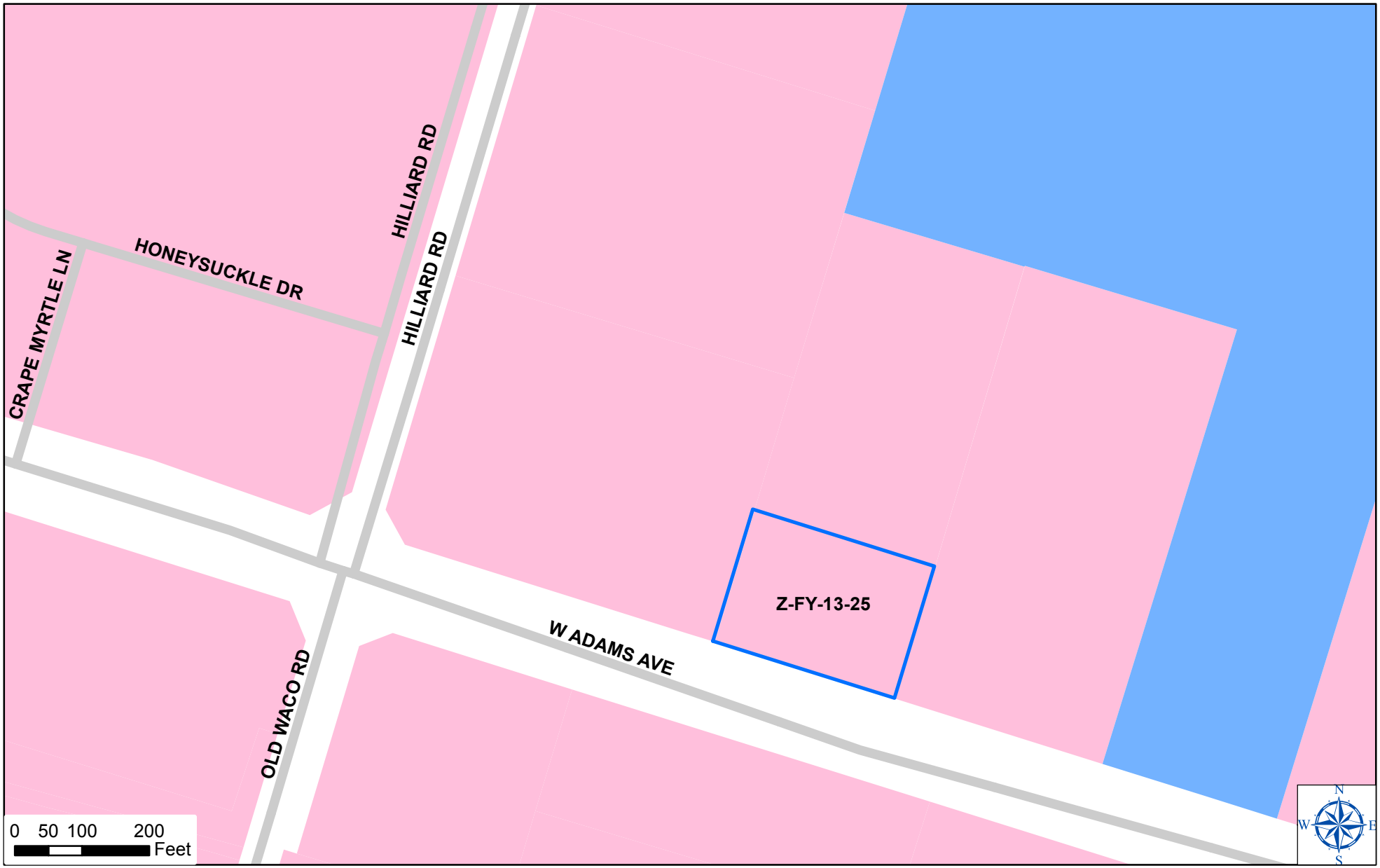
5/21/2013
City of Temple GIS

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.

Z-FY-13-25

O-1 to GR

6768 West Adams Avenue



Future Land Use

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

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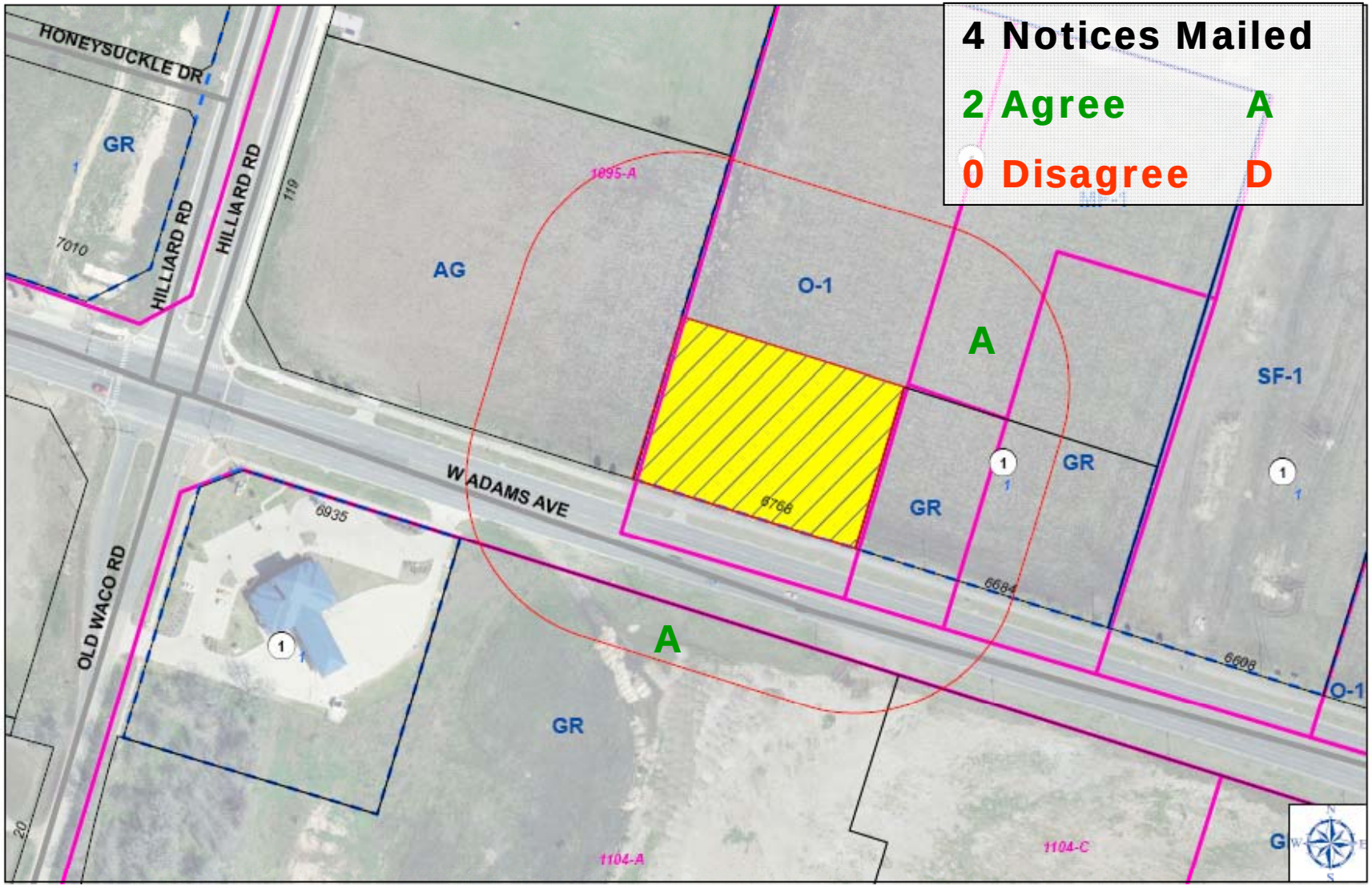
5/23/2013
City of Temple GIS

Z-FY-13-25

O-1 to GR

6768 West Adams Avenue



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

0 50 100
Feet

5/23/2013
City of Temple GIS
tjerry

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

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

Zoning Application Number: **Z-FY-13-25** **Project Manager:** **Tammy Lyerly**

Location: At 6768 West Adams Avenue, west of Holy Trinity Catholic High School, east of Hilliard 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:

Bill Barge
Signature

BILL BARGE
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 14 2013
City of Temple
Planning & Development

Number of Notices Mailed: 4 Date Mailed: June 6, 2013

RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Lisa Johshlin
486 Valley Drive
Moody, Texas 76504

Zoning Application Number: Z-FY-13-25 **Project Manager:** Tammy Lyerly

Location: At 6768 West Adams Avenue, west of Holy Trinity Catholic High School, east of Hilliard 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 (X) approval ( ) denial of this request.

Comments:

Lisa Johshlin
Signature **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 20 2013
City of Temple
Planning & Development

Number of Notices Mailed: 4 Date Mailed: June 6, 2013

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, MAY 20, 2013

ACTION ITEMS

Item 4: -Z-FY-13-25: Hold a public hearing to discuss and recommend action on a zone change from Office One District (O-1) to General Retail District (GR) on 1.317± acres being a part of Lot 2, Block 1, Joshlin Subdivision, an addition to the City of Temple, Bell County, Texas, located at 6768 West Adams Avenue, west of Holy Trinity Catholic High School and east of Hilliard Road.

Ms. Lyerly stated this item was scheduled for City Council first reading on July 18 and second reading on August 1.

The request is for retail uses not allowed in the current O-1 district.

Surrounding properties include undeveloped land and AG uses to the west, undeveloped land to the south, a medical clinic to the east and a private school to the north.

Allowed and prohibited GR uses are given.

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

The Future Land Use and Character Map designate the area as Suburban-Commercial uses which are compatible with the request.

Public facilities are available to serve the site.

Four notices were mailed out. One was returned in favor and zero returned in opposition.

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

1. The request complies with the Future Land Use and Character Map;

2. The request complies with the Thoroughfare Plan; and

3. Public 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 4, **Z-FY-13-25**, as presented, and Commissioner Magaña made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

(PLANNING NO. Z-FY-13-25)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM OFFICE ONE DISTRICT (O-1) TO GENERAL RETAIL DISTRICT (GR), ON APPROXIMATELY 1.317 ACRES, BEING A PART OF LOT 2, BLOCK 1, JOSHLIN SUBDIVISION, AN ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND LOCATED AT 6768 WEST ADAMS AVENUE, WEST OF HOLY TRINITY CATHOLIC HIGH SCHOOL AND EAST OF HILLIARD 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 Office One District (O-1) to General Retail District (GR), on approximately 1.317 acres of land, being a part of lot 2, block 1 of the Joshlin Subdivision, an addition to the City of Temple, Bell County, Texas, and located at 6768 west Adams Avenue, west of Holy Trinity Catholic High School and east of Hilliard 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 **18th** day of **July**, 2013.

PASSED AND APPROVED on Second Reading on the **1st** day of **August**, 2013.

THE CITY OF TEMPLE, TEXAS

_____

DANIEL A. DUNN, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: A-FY-13-16: Consider adopting a resolution authorizing the release of an existing 20' sanitary sewer easement being approximately 3,400' in length, located within the main campus of Scott and White Memorial Hospital starting at South 31st Street and ending at a point north of the Oakbrook Apartments, approximately 604 feet east of South 13th Street.

STAFF RECOMMENDATION: Adopt resolution as presented in item description releasing an existing 20' sanitary sewer easement being approximately 3400' in length generally located at a point starting at South 31st Street and ending at a point north of the Oakbrook Apartments, approximately 604 feet east of South 13th Street as further described below and depicted in the referenced attachments.

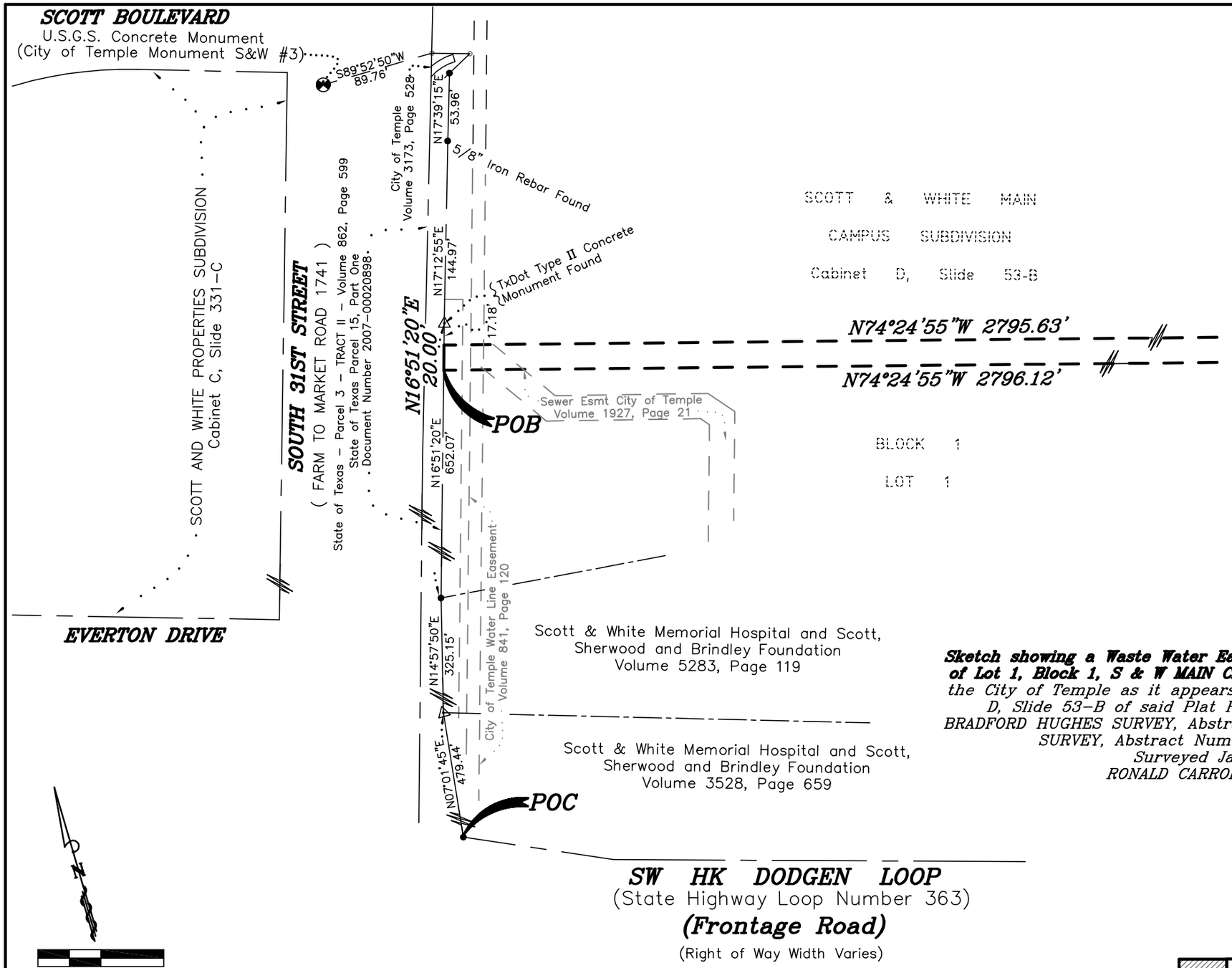
ITEM SUMMARY: The applicant, Scott and White, has submitted a request for the release of an existing 20' sanitary sewer easement being approximately 3400' in length as recorded in Volume 774, Page 674 and Volume 1927, Page 21 of the real property records of Bell County, Texas, located over a portion of Lot 1, Block 1 of the Scott and White Main Campus subdivision in the City of Temple, and within a part of the Bradford Hughes Survey, Abstract Number 376 and Maximo Moreno Survey, Abstract Number 14 of the real property records of Bell County, Texas. The easement is generally located at a point starting at South 31st Street and ending at a point north of the Oakbrook Apartments, approximately 604 feet east of South 13th Street. The easement is being released to accommodate the proposed Scott & White Memorial Hospital Final Plat as well as future development needs within the Scott & White Main Campus subdivision.

The Utility Division within the Public Works/Engineering Department concurred with abandonment and confirmed that the existing easement does not contain an active line within the boundaries of the subdivision. The easement was used for a force main that is no longer in use.

FISCAL IMPACT: Staff recommends this easement be released at no cost to the underlying property owner, per Section 272.001 of the Texas Local Government Code.

ATTACHMENTS:

Surveyors Sketch of 20’ easement location (3 sheet sections)
Surveyors Sketch of Easement Vicinity (1 complete sheet)
Resolution



NOTES:

- ● Property Corners are 5/8" Iron Rebar Set in concrete with yellow plastic cap stamped "RCS, INC.", unless otherwise stated.
- ○ A Calculated Point
- △ = TxDot 5/8" Iron Rebar Found with 3" Aluminum cap stamped Texas Department of Transportation, unless otherwise stated.
- * Basis of bearings system is on the Texas State Plane Coordinate System, Central Zone, NAD83 as referenced to the NGS CORS Base Station at Temple College in Temple, Texas whose published coordinate value is N=10,366,800.416 E=3,229,830.944 Elevation=672.63'

A Horizontal tie to the City of Temple Control Monument (S&W #3) is shown on this sheet, being a U.S.G.S. concrete monument stamped SCOTT WHITE No. 2-1961.

The research for the land boundary property line of this tract has been provided by this surveyor or his associates. All other research for documents such as, but not limited to, easements, deed restrictions, restrictive covenants, leases, etc. are the responsibility of the clients Title Company or other third parties other than this surveyor or company.

Copyright © 2013, Ronald Carroll Surveyors, Inc., All Rights Reserved. This survey was provided solely for the use of Scott & White Memorial Hospital.

SHEET 2

MATCH LINE

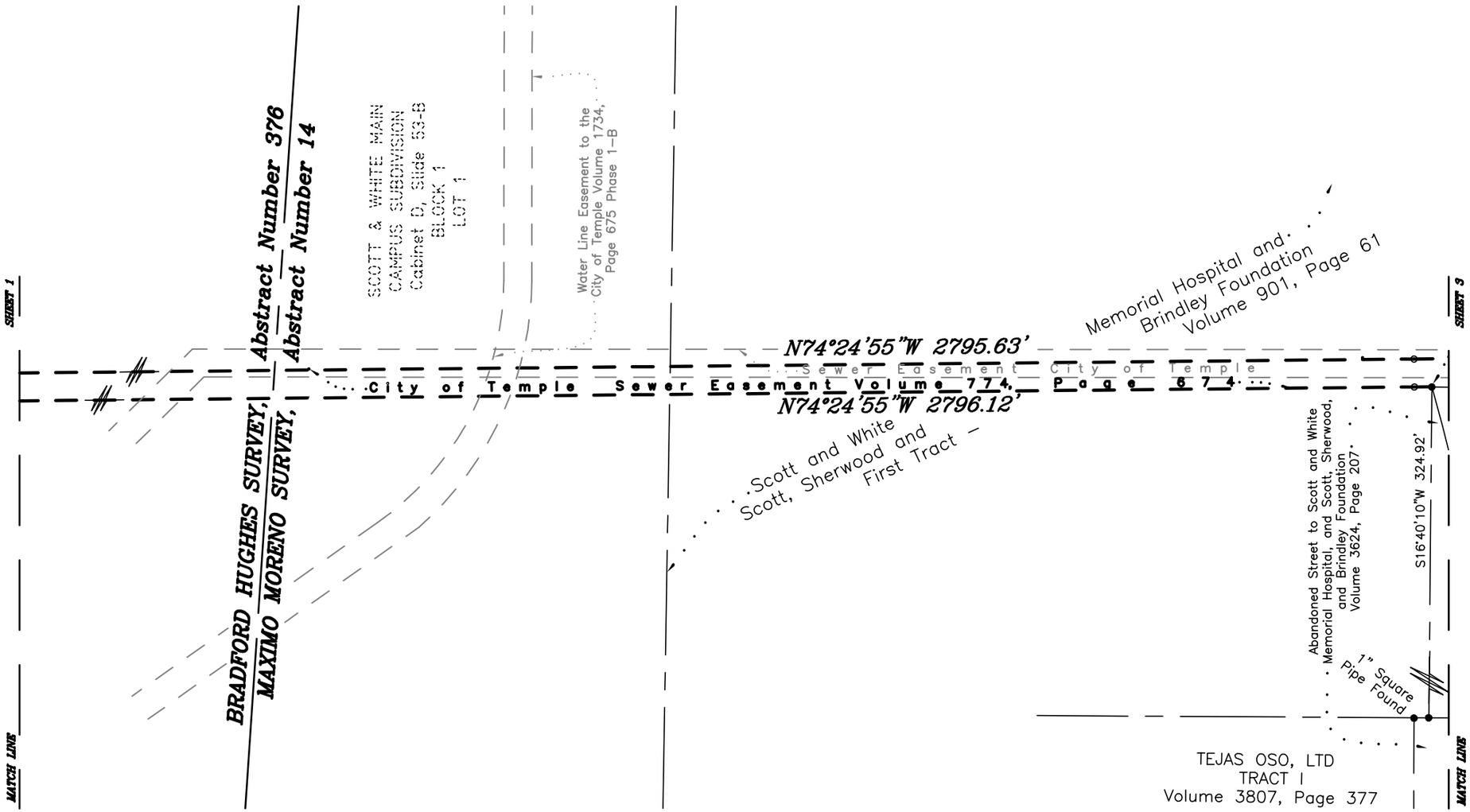
***Sketch showing a Waste Water Easement Abandonment over a portion of Lot 1, Block 1, S & W MAIN CAMPUS SUBDIVISION**, a subdivision in the City of Temple as it appears upon the map recorded in Cabinet D, Slide 53-B of said Plat Records and being a part of the BRADFORD HUGHES SURVEY, Abstract Number 376 and MAXIMO MORENO SURVEY, Abstract Number 14, Bell County, Texas*
Surveyed January 10, 2013.
RONALD CARROLL SURVEYORS, INC.

Exhibit A

Sketch showing a Waste Water Easement Abandonment over a portion of Lot 1, Block 1, S & W MAIN CAMPUS SUBDIVISION, a subdivision in the City of Temple, Bell County, Texas

RONALD CARROLL SURVEYORS, INC.
5302 South 31st Street – Temple, Texas 76502
Phone: (254) 773-1447 Fax: (254) 773-1728

SHT 1	SHT 2	SHT 3	FOR: Scott & White Memorial Hospital	SHEET NO: 1 of 3	DRAWN BY: CJP	DATE: 6/10/13
			DISK: S:/DATA/TEXASJOBSDATA/	DRAWING NAME: 12085-S&W-WWEsmt		JOB#: 12085



N

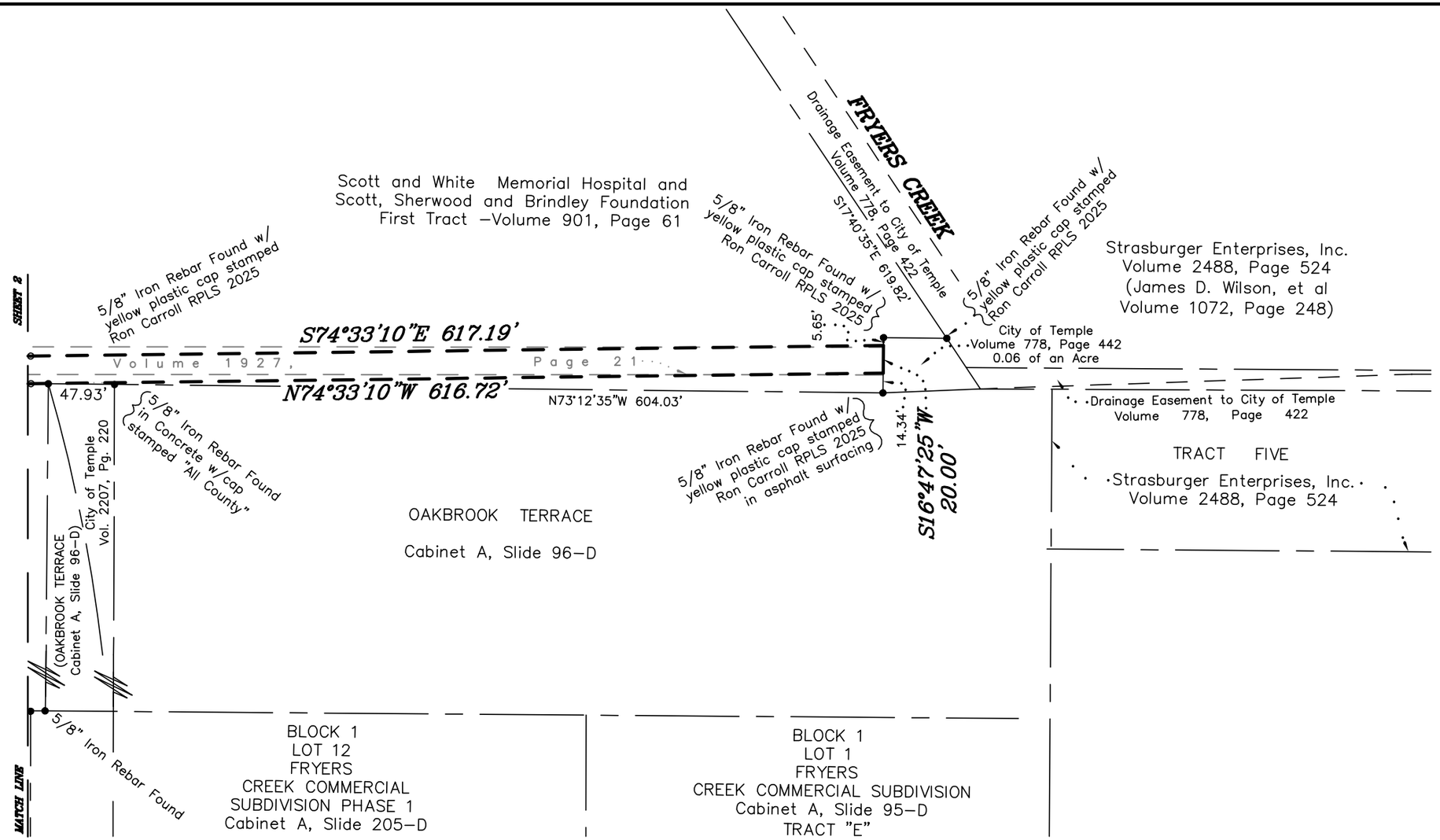
0 25 50 100
SCALE: 1 Inch = 100 Feet

Sketch showing a Waste Water Easement Abandonment over a portion of Lot 1, Block 1, S & W MAIN CAMPUS SUBDIVISION, a subdivision in the City of Temple, Bell County, Texas

RONALD CARROLL SURVEYORS, INC.
5302 South 31st Street – Temple, Texas 76502
Phone: (254) 773-1447 Fax: (254) 773-1728

Scott & White Memorial Hospital	SHEET NO: 2 of 3	DRAWN BY: CJP	DATE: 6/10/13
S:/DATA/TEXASJOBSDATA/	DRAWING NAME: 12085-S&W-WWEsmt		JOB#: 12085

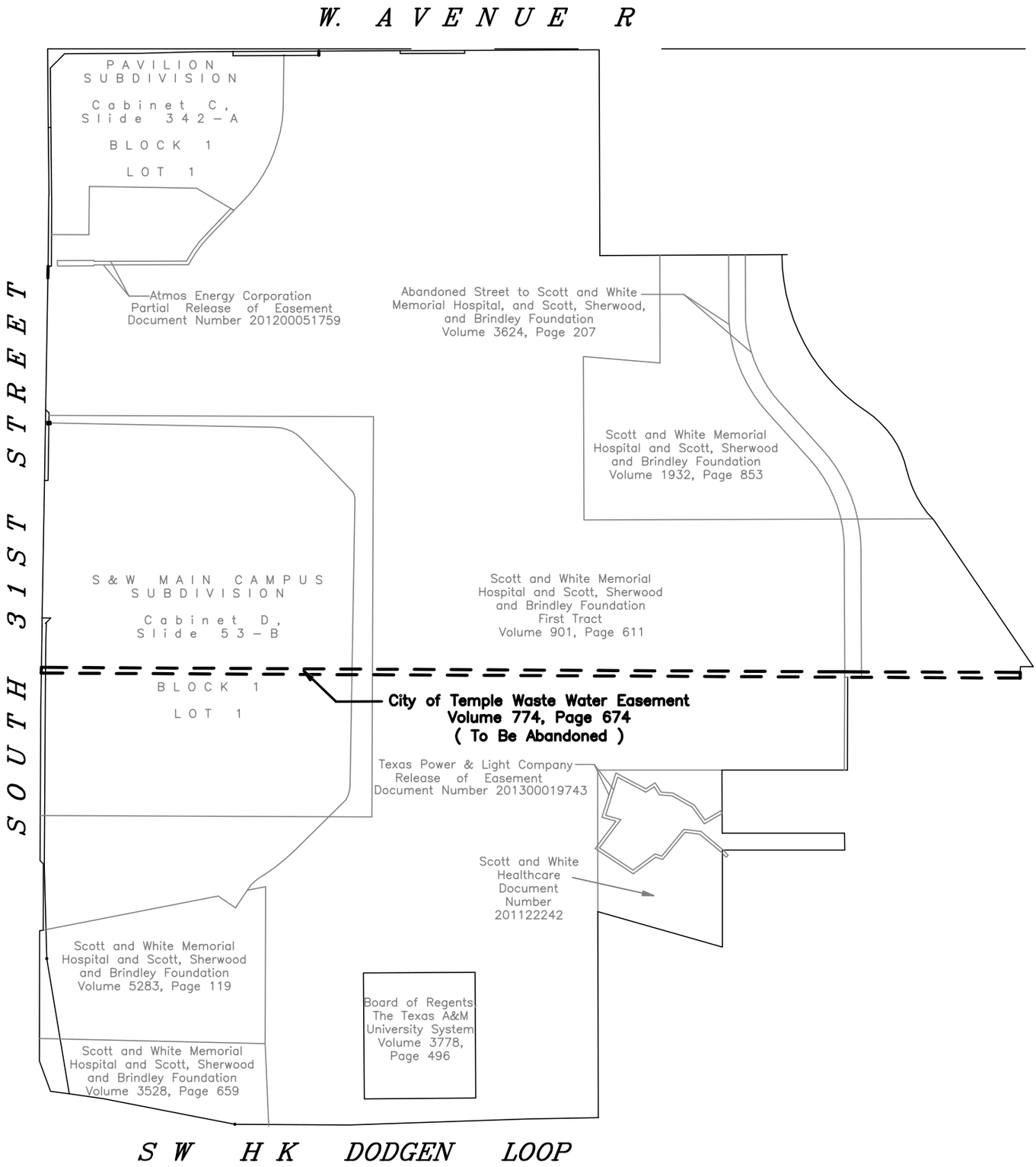
SHT 1 | SHT 2 | SHT 3



Sketch showing a Waste Water Easement Abandonment over a portion of Lot 1, Block 1, S & W MAIN CAMPUS SUBDIVISION, a subdivision in the City of Temple, Bell County, Texas

RONALD CARROLL SURVEYORS, INC.
5302 South 31st Street – Temple, Texas 76502
Phone: (254) 773–1447 Fax: (254) 773–1728

SHT 1	SHT 2	SHT 3	
FOR: Scott & White Memorial Hospital	SHEET NO: 3 of 3	DRAWN BY: CJP	DATE: 6/10/13
DISK: S:/DATA/TEXASJOBSDATA/	DRAWING NAME: 12085–S&W–WWEsmt		JOB#: 12085



Existing 20' Waster Water Easement Location

NOT TO SCALE

***Sketch showing a Waste Water Easement Abandonment over a portion of Lot 1, Block 1, S & W MAIN CAMPUS SUBDIVISION**, a subdivision in the City of Temple as it appears upon the map recorded in Cabinet D, Slide 53-B of said Plat Records and being a part of the BRADFORD HUGHES SURVEY, Abstract Number 376 and MAXIMO MORENO SURVEY, Abstract Number 14, Bell County, Texas*
Surveyed January 10, 2013.
RONALD CARROLL SURVEYORS, INC.

Exhibit B

Sketch showing a Waste Water Easement Abandonment over a portion of Lot 1, Block 1, S & W MAIN CAMPUS SUBDIVISION, a subdivision in the City of Temple, Bell County, Texas

RONALD CARROLL SURVEYORS, INC.
5302 South 31st Street – Temple, Texas 76502
Phone: (254) 773-1447 Fax: (254) 773-1728

FOR:	SHEET NO:	DRAWN BY:	DATE:
Scott & White Memorial Hospital	1 of 1	CJP	6/10/13
DISK: S:/DATA/TEXASJOBSDATA/	DRAWING NAME: 12085-S&W-WWEsmt		JOB#: 12085

RESOLUTION NO. _____

(A-FY-13-16)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RELEASING A 20-FOOT-WIDE SANITARY SEWER EASEMENT, LOCATED WITHIN THE MAIN CAMPUS OF SCOTT AND WHITE MEMORIAL HOSPITAL, AT A POINT STARTING AT SOUTH 31ST STREET AND ENDING AT A POINT NORTH OF THE OAKBROOK APARTMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Scott and White Memorial Hospital, requests that the City of Temple release a 20-foot-wide sanitary sewer easement, being approximately 3400 feet in length, more particularly described in Volume 774, Page 674 and Volume 1927, Page 21, of the real property records of Bell County;

Whereas, release of the easement will accommodate completion of the pending final plat of Scott and White Memorial Hospital Subdivision, as well as the Scott and White's future development needs;

Whereas, the Utility Division within the Public Works/Engineering Department concurs with release of the easement and abandonment of the inactive force main located in the easement; 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 of Temple, Texas, releases a 20-foot-wide sanitary sewer easement, being approximately 3400 feet in length, which is more particularly described in Volume 774, Page 674, and Volume 1927, Page 21, of the real property records of Bell County, and in Exhibit A to this resolution.

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 **1st** day of **August**, 2013.

THE CITY OF TEMPLE, TEXAS

_____
DANIEL A. DUNN, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of _____, 2013, by **Daniel A. Dunn,** Mayor of the City of Temple, Texas, on behalf of the City.

_____
Notary Public, State of Texas

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 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 $6,966,792.

ATTACHMENTS:
Budget Amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
August 1, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS Debit	APPROPRIATIONS Credit
240-4400-551-6211	**100977**	Instruments/Special Equipment (Mayborn Center)	$ 3,100	
240-4400-551-6532		**Contingency**		**$ 3,100**
		The dimmer board at the Mayborn Center is in need of immediate replacement. The current unit has been temporarily fixed, but will not last much longer. A replacement unit has been found that can be installed and maintained in house. The unit must be replaced as soon as possible in order to avoid disruption of services. A project number has already been established for this, but additional funds are needed due to unexpected engineering costs.		
351-2300-540-6222		Capital - Machinery & Equipment (Solid Waste - CNG)	$ 3,213,002	
351-2300-540-6310	**100972**	Capital - Buildings & Grounds	$ 1,715,072	
351-2300-540-2211		Instruments/Special Equipment	$ 769,900	
351-2300-580-7312		Bond Issuance Cost	$ 5,715	
351-2300-580-7312		Bond Issuance Cost	$ 56,300	
351-2300-580-7314		Bond Discount	$ 9,390	
351-2300-580-7314		Bond Discount	$ 46,893	
351-0000-490-1518		Bond Premium		$ 106,272
351-0000-490-1516		Bond Proceeds		$ 5,710,000
351-2300-540-6222		Machinery & Equipment (Solid Waste - CNG Grant)	$ 564,184	
351-0000-431-0261		State Grant Revenue		$ 564,184
260-9100-591-8151		Transfer Out - Capital Projects Fund	$ 564,184	
260-0000-431-0261		State Grant Revenue {14 trucks}		$ 524,184
260-0000-431-0261		State Grant Revenue {2 trucks}		$ 40,000
		Appropriate the 2013 Limited Tax Notes proceeds as authorized by Council on July 18, 2013. Proceeds will be received by the City on August 8, 2013. This budget adjustment also appropriates grant revenue to be received to assist with the price of converting the trucks to CNG usage.		
520-5110-535-6213	**101092**	Capital - Automotive (Water Treatment Plant)	$ 19,052	
520-5122-535-6310	**100913**	Capital - Buildings & Grounds		$ 9,536
520-0000-443-3054		Insurance Claims		$ 9,516
		This budget adjustment recognizes insurance proceeds ($9,516) from the Water Treatment Plant's 2004 Silverado (asset #11885) that was wrecked. This budget adjustment also appropriates funds for the purchase of a replacement vehicle (1/2-ton light duty full size pickup) for $19,052. $9,516 of the cost is being reappropriated from funds available in the Capital - Buildings & Grounds account.		
		TOTAL AMENDMENTS	**$ 6,966,792**	**$ 6,966,792**

GENERAL FUND

Beginning **Contingency** Balance	$ -
Added to Contingency Sweep Account	$ -
Carry forward from Prior Year	$ -
Taken From Contingency	$ -
Net Balance of Contingency Account	$ -

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
August 1, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS Debit	Credit
		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**
		HOTEL/MOTEL TAX FUND		
		Beginning **Contingency** Balance		$ 147,759
		Added to Contingency Sweep Account		$ -
		Carry forward from Prior Year		$ -
		Taken From Contingency		$ (64,904)
		Net Balance of Contingency Account		$ 82,855
		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		**$ 82,855**
		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**

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
August 1, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS Debit	APPROPRIATIONS Credit
		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 **1st** day of **August**, 2013.

THE CITY OF TEMPLE, TEXAS

_____
DANIEL A. DUNN, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, Director of Public Works
Kenny Henderson, Director of Street and Drainage Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance presented in item description, on first reading, and schedule second reading and final adoption for 08/15/2013.

ITEM SUMMARY: In March of 2013 the City adopted an ordinance establishing school crosswalks and setting limits within school zones as agreed upon by City, TISD and BISD.

TISD has requested the school zone at Jefferson on North 3rd Street (SP 290) be extended to the north just past West Zenith Avenue. This prompted a study by TXDOT to be performed. Based on the engineering study by the State, TXDOT has requested that the City adopted an ordinance extending this speed limit just past W Zenith Avenue.

TISD has reconstructed Jefferson Elementary changing the traffic patterns at the School.

BISD has requested two (2) new school zones to be established. One (1) on Starlight Drive starting just north of Orion Drive to just passed Maple Wood Court for High Point Elementary School reducing the speed limit from 30 mph to 20 mph from 6:45 am to 8:15 am and 2:30 pm to 4:15 pm on school days. And, one (1) on FM 2483 which prompted a traffic study by TXDOT to be performed since it is a TXDOT roadway. Based on the traffic engineering study by the state, TXDOT has requested that the City adopted an ordinance establishing a school zone FM 2483 starting .039 of a mile west of Hwy 317 and running .160 of a mile west to the end of school zone on FM 2483 for High Point Elementary School reducing the speed limit from 60 mph to 35 mph from 6:45 am to 8:15 am and 2:30 pm to 4:15 pm on school days.

BISD has constructed a new elementary school just west of the Wind Mill Farms subdivision.

FISCAL IMPACT: The cost to update and install the signal equipment to accommodate these changes is $20,644.84 and is funded in account 110-2840-532-6323, project 100894.

ATTACHMENTS:
List of school crossings
Maps
Ordinance

City of Temple
School Zones

Schools	Cones	Flags	Zone Times
Cater Elementary **4111 Lark Trail** A. Crossing guard works Crosswalk in school parking area B. School Zone is on Lark Trail infront of School	Yes	Yes	
Emerson Elementary **1400 E Ave B** A. Crossing Guard works Crosswalk Works E Ave B and S 24th ST	Yes	Yes	
Hector P. Garcia Elementary **2525 Lavendusky Dr** A. No Crosswalk B. Flasing lights on Lavendusky just West of HK Dodgen Lp and just east of S 50th. St.	No	No	**Flashing Lights** **06:30 to 08:30** **14:45 to 16:30**
Jefferson Elementary **400 W. Walker Ave** A. Crossing Guards (2) Works Crosswalk At N 3rd St and W. Walker Ave B. Crossing Guard works Crosswalk at N 3rd ST and Industrial Blvd this is a controlled signal light. C. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave.	Yes	Yes	**Flashing Lights** **06:30 to 08:30** **14:45 to 16:30**
Kennedy-Powell Elementary **3707 W. Nugent Ave** A. Crossing Guard will work Crosswalks W. Nugent Ave and Cearley Rd. B. Flashing lights on W. Nugent Ave west and east of Cearley Rd	Yes	Yes	**Flashing Lights** **06:30 to 08:30** **14:45 to 16:30**
Dickson Elementary **1100 S 33rd St** A. One way south from W Ave K to W Ave L			**One Way Time as Posted** **7:00 to 8:30** **14:00 to 15:00**
Meridith-Dunbar **1717 E Ave J** A. Crossing Guard will work Crosswalks at S 30th St and E. Ave J B. Flashing lights on S 30th St C. One Way on E Ave J from S 30th St to S 34th St at posted times	Yes	Yes	**Flashing Lights** **06:30 to 08:30** **14:45 to 16:30** **One Way Time as Posted** **7:00 to 8:30** **14:00 to 15:00**

City of Temple
School Zones

Schools	Cones	Flags	Zone Times
Raye Allen Elementary **5015 S 5th St** A. Crossing Guards will work Crosswalks on S 5th St B. Flashing lights on S 5th St north and south of school	Yes	Yes	**Flashing Lights** **06:30 to 08:30** **14:45 to 16:30**
Scott Elementary **2301 W Ave P** A. Crossing Guard will work Crosswalk on W Ave P B. Crossing Guard will work Crosswalk on W Ave M @ S 45th St. C. Flashing lights on W Ave P east of S 49th St and west of S 39th St.	Yes	Yes	**Flashing Lights** **06:30 to 08:30** **14:45 to 16:30**
Thornton Elementary **2900 Pin Oak Dr** A. Crossing Guard will work Crosswalk on Pin Oak @ East Dr. B. One way on Pin Oak from East Dr. to Mesquite at posted times	Yes	Yes	**School Zone Signs** **07:30 to 8:30** **14:30 to 16:00** **One Way Time as Posted** **7:30 to 8:30** **14:30 to 16:00**
Western Hills Elementary **600 Arapaho** A. Crossing Gruard will work Crosswalk on Apache @ Deer Tr B. Crossing Guard will work Crosswalk on Apache @ Gila C. Flashing lights on Apache North of Deer Tr. South of Gila.	Yes	Yes	**Flashing Lights** **06:30 to 08:30** **14:45 to 16:30**
Bonham Middle School **4600 Midway Dr** A. Flashing Lights on Midway Dr. east and west of school.			**Flashing Lights** **07:00 to 08:30** **15:00 to 16:30**
Lamar Middle School **2120 N 1st St** A. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave. B. One way on N 1st St from W Park Ave to W. Virgina Ave at posted times			**Flashing Lights** **06:30 to 08:30** **14:45 to 16:30** **One Way Time as Posted** **7:30 to 8:30** **15:00 to 16:00**

City of Temple
School Zones

Schools	Cones	Flags	Zone Times
Travis Middle School **1500 S 19th St** A. Crossing Guard will work Crosswalk on W Ave M @ S 19th St B. One way on S 19th St from W Ave R to W Ave M C. Flashing lights on W Ave M from S 15th to S 23rd D. Flashing lights on W Ave R from S 15th to S 25th E. Flashing lights on S 25th from W Ave R to just south of W Ave M			**One Way Time as Posted** **6:30 to 8:30** **14:30 to 16:00** **Flashing lights** **6:30 to 8:30** **14:30 to 16:30**
Temple High School **415 N 31st St** A. Flashing Lights on N 31st St north of W Barton Ave and North of W Houston Ave			**Flashing Lights** **07:00 to 16:00**
Temple High School Campus **1414 W Barton Ave** A. School Zone on Barton from N 31st St to North 27th St			**School Zone Signs** **07:00 to 16:30**
B.I.S.D **Lakewood Elementary** **11200 FM 2305** A. Flashing lights on FM 2305 in front of school			**Flashing Lights** **6:45 to 8:15** **14:30 to 16:15**
Joe M. Pirtle Elementary **714 South Pea Ridge Rd** A. Flashing lights on South Pea Ridge in from of school			**Flashing Lights** **6:45 to 8:15** **14:30 to 16:15**
High Point Elementary **Star light Drive** A. School Zone on FM 2483 just west of Hwy 317 B. School Zone on Starlight Dr just north of Orion Drive			**School Zone Signs and Flashing lights** **6:45 to 8:15** **14:30 to 16:15**
Tarver Elementary **7949 Shone Hollow Dr** A. School Zone on Stone Hollow Dr in front of school. B. School Zone on Prairie Lark on northside			**School Zone Signs** **6:45 to 8:15** **14:30 to 16:15**

of school B. School Zone on on Westfield on southside of school			
Lake Belton Middle School **8815 Tarver** A. Flashing lights on Tarver in front of school. B. School zone on Cedar Ln from Tarver to just north of school			**Flashing Lights** **6:45 to 8:15** **14:30 to 16:15** **School Zone Signs** **6:45 to 8:15** **14:30 to 16:15**

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 represtend an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.
N
E
S
W
INDUSTRIAL BLVD
W ZENITH AVE
SPEED LIMIT 25
New Speed Zone Boundary
W YOUNG AVE
N 11TH ST
Jefferson Elementary School
Old Speed Zone Boundary to be moved
W XAVIER AVE
FANNIN LOOP
W WALKER AVE
N 13TH ST
W VICTORY AVE
N 9TH ST
W VIRGINIA AVE
Lamar Middle School
Speed Zone 25 MPH When Flashing
N 3RD ST
N 1ST ST
W THOMPSON AVE
W SHELL AVE
N 7TH ST
Old Speed Zone Boundary to remain
W ROYAL AVE
N 11TH ST
5TH ST
0
0.05
0.1 Miles
City of Temple
10 July 2013
Leah Harvey

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 represtend an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.
N
E
S
W
FM 2483
Speed Zone Boundary
Speed Zone Boundary
SPEED LIMIT 25
High Point Elementary
STATE HIGHWAY 317
Speed Zone Boundary
MAPLE WOOD CT
FANTAIL LN
SMOCK MILL LN
SUNNY SIDE LN
BIRCH TREE DR
ORION DR
STARLIGHT DR
SPEED LIMIT 20
Speed Zone Boundary
0
0.05
0.1 Miles
City of Temple
12 July 2013
Leah Harvey

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING SCHOOL CROSSWALKS AND SETTING SPEED LIMITS WITHIN SCHOOL ZONES TO CONFORM TO SCHOOL SCHEDULES; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in March of 2013, the City adopted an ordinance establishing school crosswalks and setting speed limits within school zones as agreed upon by the City, Temple Independent School District ("TISD") and Belton Independent School District ("BISD");

Whereas, TISD has requested the school zone at Jefferson on North 3rd Street (SP 290) be extended to the north, just past west Zenith Avenue – based on the engineering study performed by the State, TxDOT has requested the City extend this speed limit just past west Zenith Avenue;

Whereas, BISD has requested two new school zones – one at Starlight Drive, starting north of Orion Drive to just past Maple Wood Court for High Point Elementary School, reducing the speed limit from 30 mph to 20 mph from 6:45 am to 8:15 am and 2:30 pm to 4:15 pm on school days;

Whereas, TxDOT has requested the City extend the speed limit just past west Zenith Avenue, more fully shown on Exhibit A, which is attached hereto and made a part hereof;

Whereas, and a new school zone at FM 2483, which prompted a traffic study by TxDOT to be performed since it is a TxDOT roadway – starting at .039 of a mile west of Highway 317 and running .160 of a mile west to the end of school zone on FM 2483 for High Point Elementary School, reducing the speed limit from 60 mph to 35 mph from 6:45 am to 8:15 am and 2:30 pm to 4:15 pm on school days; and

Whereas, the City Council has considered the matter and deems it in the public interest to establish this school zone for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

Part 1: The City Council finds that the school zone at Jefferson on North 3rd Street (SP 290) be extended to the north, just past west Zenith Avenue – based on the engineering study performed by the State.

Part 2: The City Council establishes a school zone at Starlight Drive, starting north of Orion Drive to just past Maple Wood Court for High Point Elementary School, reducing the speed limit from 30 mph to 20 mph from 6:45 am to 8:15 am and 2:30 pm to 4:15 pm on school

days, more fully shown on Exhibit B which is attached hereto and made a part hereof for all purposes.

Part 3: The City Council establishes a school zone at FM 2483, which prompted a traffic study by TxDOT to be performed since it is a TxDOT roadway – starting at .039 of a mile west of Highway 317 and running .160 of a mile west to the end of school zone on FM 2483 for High Point Elementary School, reducing the speed limit from 60 mph to 35 mph from 6:45 am to 8:15 am and 2:30 pm to 4:15 pm on school days, more fully shown on Exhibit C which is attached hereto and made a part hereof for all purposes.

Part 4: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

Part 5: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 6: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 7: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 8: 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 on the **1st** day of **August,** 2013.

PASSED AND APPROVED on Second Reading on the **15th** day of **August**, 2013.

THE CITY OF TEMPLE, TEXAS

_____
DANIEL A. DUNN, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT. / DIVISION SUBMISSION & REVIEW:

Beverly M. Zendt – Interim Planning Director

ITEM DESCRIPTION: P-FY-12-31: Consider adopting a resolution authorizing the revised Preliminary Plat of Valley Ranch Addition, a 39.3 ± acre, 94-lot residential subdivision with a requested exception to Unified Development Code Section 8.2.1., allowing the use of Local Rural Streets with 50-foot wide rights-of-way and 28-foot wide streets (back of curb to back of curb), located at the southwest corner of FM 93 and Dubose Road.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its June 17, 2013, meeting, the Planning and Zoning Commission voted 9/0 to recommend approval of Revised Preliminary Plat of Valley Ranch Addition with the developer requested exception to Unified Development Code Section 8.2.1., allowing the use of Local Rural Streets with 50-foot wide rights-of-way and 28-foot wide streets (back of curb to back of curb).

STAFF RECOMMENDATION: Adopt resolution as presented in item description. Staff recommends approval of the Revised Preliminary Plat of Valley Ranch Addition, subject to City Council's approval of the developer's requested exception to Unified Development Code Section 8.2.1., regarding the use of Local Rural Streets.

ITEM SUMMARY: The Development Review Committee reviewed the Revised Preliminary Plat of Valley Ranch Addition July 25, 2012 and April 24, 2013. It was deemed administratively complete on June 12, 2013.

The Revised Preliminary Plat of Valley Ranch Addition is a 94-lot, 5-block, single family residential subdivision located at the southwest corner of FM 93 and Dubose Road, a county road within the E.T.J. Only approximately 500 feet of Dubose Road from the south right-of-way of FM 93 is within the City Limits of Temple.

This proposed plat is an amendment to the existing Preliminary Plat of Valley Ranch Addition approved by City Council on July 1, 2004 with Resolution 2004-4086-R. The existing Preliminary Plat of Valley Ranch Addition was approved with a combination of 135 residential and non-residential lots on 95.847acres.

The Revised Preliminary Plat of Valley Ranch Addition proposes to amend only the residential portion of Valley Ranch Addition on the west side of Dubose Road. The amendment proposes 94 single-family lots, an increase of 38 lots from the 56 single-family lots originally approved by Resolution 2004-4086-R in this section of the development. The results are a 67% increase in density within the amended area with an average density of 2.39 lots per acre.

This density increase triggers the requirement of Local Street standards, instead of the Local Rural Street standards established for Valley Ranch Addition on the east side of Dubose Road. **The applicant requests an exception to Unified Development Code Section 8.2.1., to allow the use of Local Rural Streets with 50-foot rights-of-way and 28-foot wide streets (back of curb to back of curb).**

Unified Development Code Section 11.2 (f) defines a "**rural local street**" as a local street designed for low density development, **not to exceed two dwelling units per acre**. A rural local street must not be constructed adjacent to an area presumed to attain more traditional urban densities within a 20-year planning horizon. Unified Development Code Section 11.2 (c) also defines a "**rural collector street**" as a collector street designed for low density development**, not to exceed two dwelling units per acre**. A rural collector street must not be constructed adjacent to an area presumed to attain more traditional urban densities within a 20-year planning horizon.

The applicants are also pursuing a zone change from Planned Development Urban Estates (PD-UE) to Planned Development Single Family One (PD-SF-1) with zoning case Z-FY-12-50. This plat will be tracking with the Second Reading of Z-FY-12-50 at City Council on August 1, 2013. The submitted plat is consistent with the site plan attached to the companion zoning case Z-FY-12-50.

The developer's park land dedication for Valley Ranch Addition increases $8,550 (38 additional lots at $225 each). This increase will be satisfied by the following:

- Dedication to the City of an additional 0.973 acres of land (Parcels "D" and "E") for parkland.
    - The additional acreage will become a greenbelt within the subdivision providing Valley Ranch residents' access to/from the park with access to future residents of adjacent property (west) and ultimately connecting to Central Texas Christian School and any future trails system beyond.
- Credit for land dedication of $5,838 (50% of $12,000 per acre value times 0.973 acres)
    - Developer will invest an additional $2,712.00 in Valley Ranch Addition park improvements ($8,550 - $5,838= $2,712)
- Developer Commitment – Playground and Land Dedication:
    - The additional park land will be dedicated to the City when surrounding property is final platted.
    - The developer will complete the Valley Ranch Addition park improvements prior to final acceptance of the initial phase of revised preliminary plat

Water will be provided to the subdivision through proposed 6-inch and 8-inch water lines. Wastewater services will be provided through proposed 6-inch and 8-inch wastewater lines and an existing 10-inch wastewater line.

City Council is the final plat authority since the applicant requests an exception to the Unified Development Code.

FISCAL IMPACT:

ATTACHMENTS:
Letter of Requested Exception
Plat
Resolution

Valley Ranch
Amended Rezoning/Replat Request

Requested Zoning:

- **'PD-SF1' - Planned Development - Single Family 1**
- **Limit to 94 total Lots within rezoned PD-SF1 section**
  - Lot Density: 2.39 homes/acre at maximum number of lots at Replat Area and 1.71 homes/acre for total Valley Ranch Subdivision
  - Lot Size: Average 14,232 sf (exceeds SF1 requirements by 90%)

Requested Exceptions:

- **Streets – Rural Street Standard**
  - Local: **Rural Local Street, 50' ROW & 28' BC-BC without Parking Restrictions**
  - Exemption justifications:
    - Housing Density: Low (1.71 Homes/Acre for Valley Ranch Subdivision)
    - Local Streets: Continuity with prior phases
    - Drainage, Open (grass-lined swales): Provides continuity with prior phases and facilitates Post Construction Ordinance objectives.
      - Filtration – Grass-lined swales filter Stormwater and traps solid particles, a Post Construction Ordinance objective
      - Velocity and flow rate Down stream – Reduced by grass filtration.
      - Maintenance – Swales become yard area maintained by homeowners.
      - Stormwater Chokes & Flooding - Elimination of curb inlets and underground storm drain reduces potential for choked drains, flooding, roadway hazard and property damage.
    - Driveways and Parking:
      - Front Building Setback - 30'
      - Driveway Length:
        - Front Entry Garage – 43' Minimum
        - Side Entry Garage – Greater than 43'
        - Exceeds SF-1 Minimum - 25%
      - Additional setback would facilitate parking
      - Conforms with Phases I & II front setbacks

Valley Ranch- Proposed

After careful consideration of the factors affecting slow new home sales, the home builder, developer, and engineer researched alternatives to the Valley Ranch preliminary plat and came to the following conclusions:

1. **Evergreen** (East side of Dubose Road) Phase II lots, due to the proximity with Phase I homes, will continue to develop as originally planned.
2. **Fairfield** (West side of Dubose Road) lot sizes should be reduced to overcome buyer resistance to large lot initial construction and future maintenance (Fence, irrigation, initial landscape, watering costs, fertilizer, mowing, landscape replacement due to drought conditions, etc…). The following must be approved by the City of Temple to facilitate the change:
   a. **Rezone** Fairfield section from Planned Development Urban Estate 'PD-UE' to Planned Development Single Family 1 'PD-SF1'.

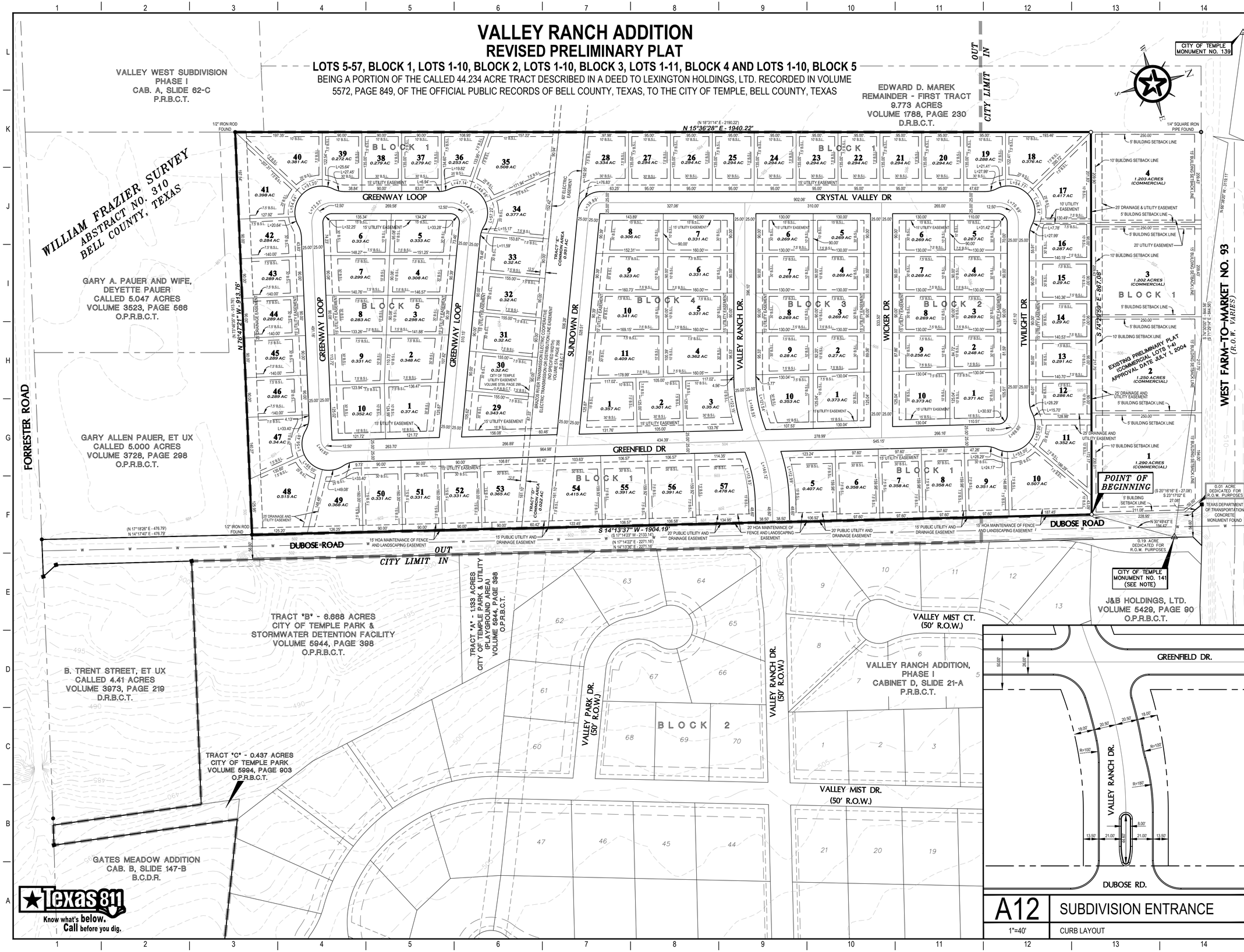
b. **Amend Preliminary Plat** with reduced lot sizes exceeding 'PD-SF1' minimums.
Comparison of the Proposed plat amendment with PD-SF1

UDC Lot Requirement	Single Family 1 ('SF1')	Proposed Modified Preliminary Plat	Exceed SF1 Minimums
Square Footage	**7,500sf**	**Average 14,233sf**	**90%**
Front Building Setback	**25'**	**30'**	**20%**
Front Building Setback (cul-de-sac)	**15'**	**25'**	**67%**

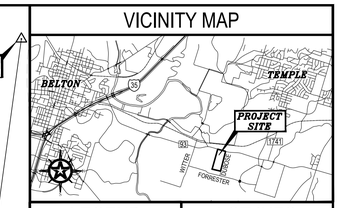
c. **Street & Street Lights –** Revise to conform to proposed rezoning & plat amendment
d. **Water System –** Revise to conform to proposed plat amendment
e. **Waste Water System –** Revise to conform to proposed plat amendment
f. **Storm Water System –** Revise to conform to proposed plat amendment
g. **Entrance –** The lighted boulevard entrance with masonry monuments, landscaping, and automatic irrigation will be maintained by the Valley Ranch Property Owners' Association. The existing Valley Ranch 'Beautification Agreement' will be amended to include the extension of Dubose Road to the South.
h. **Park Land –** The Developer contributed, by dedication to the City, 8+ acres during Phase I and II plat approvals to serve as a combination park and detention area. The Developer proposes to dedicate an additional 0.973 acres of parkland and invest an additional $2,712.00 in the playground which is to be prior to final acceptance of the initial phase of the revised Preliminary Plat.
i. **Utilities –** Utility companies, TXU, Southwestern Bell Telephone, Time-Warner Cablevision, and Centro-Vision are being furnished copies of the proposed revision to the preliminary plat for design and location of easements to serve Valley Ranch Fairfield section lots with electric, phone and TV cable services.
j. **Homes –** The new price point is $180,000 to $300,000 (original was $150,000 to $200,000).

VALLEY RANCH ADDITION
REVISED PRELIMINARY PLAT
LOTS 5-57, BLOCK 1, LOTS 1-10, BLOCK 2, LOTS 1-10, BLOCK 3, LOTS 1-11, BLOCK 4 AND LOTS 1-10, BLOCK 5

BEING A PORTION OF THE CALLED 44.234 ACRE TRACT DESCRIBED IN A DEED TO LEXINGTON HOLDINGS, LTD. RECORDED IN VOLUME 5572, PAGE 849, OF THE OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS, TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS



VICINITY MAP



LEGEND

- ○ = 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET
- △ = CITY OF TEMPLE MONUMENT
- ( ) = DEED CALL
- D.R.B.C.T. = DEED RECORDS OF BELL COUNTY, TEXAS
- P.R.B.C.T. = PLAT RECORDS OF BELL COUNTY, TEXAS
- O.P.R.B.C.T. = PLAT RECORDS OF BELL COUNTY, TEXAS

LOT INFO

TOTAL SUBDIVISION ACREAGE = 39.3 ACRES
TOTAL RESIDENTIAL LOT ACREAGE = 30.480 LOTS
TOTAL NUMBER OF RESIDENTIAL LOTS = 94
TOTAL NUMBER OF BLOCKS = 5 BLOCKS

SURVEYOR'S NOTES

1. **PHASING WILL BE DETERMINED DURING FINAL PLATTING PROCESS.**
2. FIELD NOTES ATTACHED HERETO, MADE A PART HEREOF AND TITLED: VALLEY RANCH, REVISED PRELIMINARY PLAT, TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS.
3. THE CONTOURS SHOWN HEREON ARE BASED ON AERIAL PHOTOGRAPHY PERFORMED BY SANBORN ON DECEMBER 19, 2003 AND ARE BASE ON CITY OF TEMPLE MONUMENT NO. 141.
4. **RECORD OWNER:** LEXINGTON HOLDINGS, LTD. AS RECORDED IN VOLUME 5572, PAGE 849 OF THE OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.
5. THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATES ARE REFERENCED TO CITY MONUMENT NO. 141. THE THETA ANGLE AT CITY MONUMENT NO. 141 IS 01°32'27". THE COMBINED CORRECTION FACTOR (CCF) IS 0.999868. GRID DISTANCE =SURFACE DISTANCE X CCF. GEODETIC NORTH = GRID NORTH + THETA ANGLE. REFERENCE TIE FROM CITY MONUMENT NO. 141 TO THE NORTHEAST CORNER OF THE 39.279 ACRE TRACT IS S 30°49'43" E, 194.42 FEET. PUBLISHED CITY COORDINATES FOR PROJECT REFERENCE POINT 141 ARE N=10,354,042.98 E=3,212,989.81
6. THE APPROXIMATE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON FIELD SURVEY INFORMATION, UTILITY LOCATORS MARKINGS AND EXISTING UTILITY AS-BUILT DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE IN THE EXACT LOCATION INDICATED. ALL UTILITIES MUST BE FIELD VERIFIED BEFORE PERFORMING ANY WORK.
7. THE SURVEYOR DID NOT ABSTRACT THE SUBJECT TRACT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE THE SURVEYOR CERTIFIES THAT EASEMENTS THAT HE HAS BEEN ADVISED OF HAVE BEEN ADDRESSED HEREON. HOWEVER, THE SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS, RESTRICTIONS OR ENCUMBRANCES (EITHER OF RECORD OR NOT OF RECORD) WHICH MAY AFFECT THE SUBJECT TRACT ARE SHOWN HEREON.
8. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NOTE: THIS PROPERTY IS IN FEMA **"OTHER AREAS" ZONE X** AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 48027C0345E, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THIS TRACT WILL, OR WILL NOT FLOOD, NOR DOES IT CREATE ANY LIABILITY IN SUCH EVENT ON THE PART OF THIS SURVEYOR OR COMPANY.

   EXPLANATION OF FEMA ZONE: FEMA **"OTHER AREAS" ZONE X** = AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

OWNER/DEVELOPER

OMEGA COMMUNITY BUILDERS, INC.
P.O. BOX 1908
TEMPLE, TEXAS 76503-1908

JAMES I. HOWE, VICE PRESIDENT _____ DATE

SURVEYOR:
Marty Paul Polk _____ 06/11/13
WALKER PARTNERS DATE
600 AUSTIN AVENUE, SUITE 20
WACO, TEXAS 76701

ENGINEER:
Jacob Bell _____ 06/11/13
WALKER PARTNERS DATE
600 AUSTIN AVENUE, SUITE 20
WACO, TEXAS 76701

CITY CERTIFICATION

RECOMMENDED FOR PRELIMINARY APPROVAL:

CITY ENGINEER AND/OR DIRECTOR OF PUBLIC WORKS _____ DATE

APPROVED FOR PREPARATION OF FINAL PLAT:

CHAIRMAN, PLANNING AND ZONING COMMISSION _____ DATE

APPROVED FOR PREPARATION OF FINAL PLAT:

CITY SECRETARY _____ DATE

0 50 100 200
GRAPHIC SCALE (FEET)

Walker Partners
ENGINEERS • SURVEYORS
600 AUSTIN AVENUE, SUITE 20 ● WACO, TEXAS 76701
PHONE: 1-254-714-1402 ● T.B.P.E. REGISTRATION NO. 8053

PLAT NUMBER	D1-0221
PROJECT NUMBER	1-02078
DRAWN BY/CHECKED BY	MPP/KRH
FIELD NOTE NO.	1-02078-FN-02
DRAWING NAME	1-02078PRELIM.DWG
DRAFT DATE	06/15/2012
SHEET NUMBER	1 of 2

A12 — SUBDIVISION ENTRANCE
1"=40' — CURB LAYOUT

G:\Projects\1-02078\dwg\1-02078PRELIM.dwg, Layout1, 6/11/2013 2:40:36 PM, mpolk, 1:1

RESOLUTION NO. _____

(PLANNING NO. P-FY-12-31)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE REVISED PRELIMINARY PLAT OF VALLEY RANCH ADDITION, A 39.3 ACRE, 94-LOT, RESIDENTIAL SUBDIVISION WITH A REQUESTED EXCEPTION TO THE UNIFIED DEVELOPMENT CODE, SECTION 8.2.1, ALLOWING THE USE OF LOCAL RURAL STREETS WITH 50-FOOT WIDE RIGHTS-OF-WAY AND 28-FOOT WIDE STREETS (BACK OF CURB TO BACK OF CURB), LOCATED AT THE SOUTHWEST CORNER OF FM 93 AND DUBOSE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 17, 2013, the Planning and Zoning Commission recommended approval of the Revised Preliminary Plat of Valley Ranch Addition, a 39.3 acre, 94-lot, residential subdivision with the developer's requested exception to the Unified Development Code, Section 8.2.1, allowing the use of Local Rural Streets with 50-foot wide rights-of-way and 28-foot wide streets (back of curb to back of curb); and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Revised Preliminary Plat of Valley Ranch Addition.

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

Part 1: The City Council approves the Revised Preliminary Plat of Valley Ranch Addition, a 39.3 acre, 94-lot, residential subdivision, which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following conditions and exceptions to the Unified Development Code Section 8.2.1:

(1) Allowing the use of Local Rural Streets with 50-foot wide rights-of way and 28 foot wide streets (back of curb to back of curb).

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 **1st** day of **August**, 2013.

THE CITY OF TEMPLE, TEXAS

_____

DANIEL A. DUNN, MAYOR

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney