



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, MAY 1, 2014

2:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 1, 2014.
2. Discuss the City's strategic plan, and various strategic and budget related policy issues to include but not limited to TCIP & Traffic Management.
3. Discuss the proposed Avenue U connector intersection {Item 4(D) on the Consent Agenda}.

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

5:00 P.M.

MUNICIPAL BUILDING

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

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC 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.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. National Nurses Week May 6 – 12, 2014

IV. CONSENT AGENDA

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

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

Minutes

- (A) [April 17, 2014 Special Called and Regular Meeting](#)
- (B) [April 21, 2014 Special Called Meeting](#)

Contracts, Leases, & Bids

- (C) [2104-7306-R](#): Consider adopting a resolution authorizing a construction contract with Matous Construction, LTD of Belton for the rehabilitation/replacement of the return activated sludge screw pumps at Doshier Farm Wastewater Treatment Plant in the amount not to exceed \$333,000.
- (D) [2014-7307-R](#): Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for coordinating the acquisition of rights-of-way, bidding, construction administration, and on-site services for Avenue U from South 1st Street to the proposed 13th - 17th connector intersection in an amount not to exceed \$153,300.
- (E) [2014-7308-R](#): Consider adopting a resolution authorizing a professional services agreement with Austech Roof Consultants, Inc. of Austin for the design and bidding for roof replacement work at the Frank Mayborn Convention Center and the Summit Center in an amount not to exceed \$32,567.
- (F) [2014-7309](#): Consider adopting a resolution authorizing an amendment to a professional services agreement with Clark & Fuller, PLLC (C&F), for required to reconstruct sanitary sewer within the Western Hills subdivision in an amount not to exceed \$38,615.82, as well as, declare an official intent to reimburse the expenditures with the issuance of 2014 Utility Revenue Bonds.

Ordinances – Second & Final Reading

- (G) [2014-4654](#): SECOND READING - A-FY-13-12: Consider adopting an ordinance authorizing the abandonment and conveyance of a 95' X 80' section of South 9th Street right-of-way, being a 0.17-acre portion of land, as measured from the south right-of-way line with West G Avenue, situated between Block 39, Moores Addition and Block 62, Original Town of Temple as more fully described in the attached exhibit for development of the Salvation Army's Center of Hope Transitional Shelter.
- (H) [2014-4655](#): SECOND READING: Consider adopting an ordinance authorizing amendments to the City of Temple's Water Conservation Plan.

Ordinances – First Reading

- (I) [2014-4656](#): FIRST READING – Z-FY-13-37: Consider adopting an ordinance for a Conditional Use Permit to allow a transitional shelter operated by the Salvation Army to be known as the Temple McLane Center of Hope, within portions of Lot 3, Block 39, Lots 1 & 2, Block 62, Lot 2, Block 56 and Lot 1, Block 57, Original Town of Temple, County of Bell, Texas, addressed as 501, 420, 413, 411, 410, 409 West G Avenue, 708 and 709 South 9th Street.

Misc.

- (J) [2014-7310-R](#): Consider adopting a resolution authorizing submission of a new Storm Water Management Program (SWMP) to the Texas Commission on Environmental Quality (TCEQ).

- (K) [2014-7311-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

VI. REGULAR AGENDA

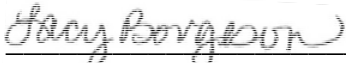
ORDINANCES

5. (A) [2014-4657](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the annexation of a for a 49.979 tract of land located between South Pea Ridge Road (to the west) and Old Waco Road (to the east), abutting the city limits boundary to the north situated within the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, known as the Plains at Riverside.
- (B) [2014-4658](#): FIRST READING – PUBLIC HEARING – Z-FY-14-23: Consider adopting an ordinance to take action on permanent zoning upon annexation of a tract of land consisting of a total 49.979 +/- acres, where 42.440 +/- acres are proposed for Single-Family Two (SF-2) District and 7.539 +/- acres are proposed for Office-2 (O-2) District as part of the proposed subdivision plat for The Plains at Riverside, located on the west side of the intersection of Old Waco Road and Riverside Trail.
6. [2014-4659](#): FIRST READING – PUBLIC HEARING – A-FY-14-04: Hold a public hearing to consider an Ordinance authorizing abandonment and conveyance of all of the alley located in Block 4, Rylander Addition, on the east side of North 12th Street, between East Central Avenue and East Adams Avenue, and reserving a public drainage and utility easement in the entire abandoned right-of-way.
7. [2014-4660](#): FIRST READING – PUBLIC HEARING – Z-FY-14-22: Consider adopting an ordinance authorizing a rezone from Agricultural District (AG) to Light Industrial District (LI) on 44.20 +/- acres, situated in the Mercer Phelan Survey, Abstract 659 and the J. W. Christian Survey, Abstract 1070, Bell County, Texas, located at the southwest corner of NW Loop 363 and Pegasus Drive and addressed as 4222 Pegasus Drive.
8. [2014-4661](#):- FIRST READING - PUBLIC HEARING – Z-FY-14-24: Consider adopting an ordinance for a site plan review, amending Ordinance No. 2001-2748, originally approved March 1, 2001 Planned Development (Neighborhood Service) District, and further amended by Ordinance No. 2012-4519, March 15, 2012, on Lot 2, Block 1, Johnson Lone Star Properties Addition located at 7950 SH 317.
9. [2014-4662](#): FIRST READING – PUBLIC HEARING – Z-FY-14-26: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Commercial District (C) on 11.579 +/- acres, being part of Lot 1, Block 1, D.R.S. Addition, located at 111 Hart Road.
10. [2014-4663](#):- FIRST READING – PUBLIC HEARING - Z-FY-14-25: Consider adopting an ordinance on a Conditional Use Permit (CUP) to allow an off-premise sign (billboard) on a portion of Lot 1, Block 1, D.R.S. Addition, located at 111 Hart Road, Temple, Texas.
11. [2014-4664](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Code of Ordinances, Chapter 6, “Animals and Fowl”, Sec 6-13, Additional Regulations, to allow the keeping of miniature swine within the City of Temple in accordance with certain provisions.

12. [2014-4665](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional tax increment revenue, expenditures for downtown improvements, public improvements and debt service for fiscal years 2014 through 2033.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:20 PM, on April 23, 2014.



Lacy Borgeson, TRMC
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #4(A-B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) April 17, 2014 Special Called and Regular Meeting
- (B) April 21, 2014 Special Called Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[April 17, 2014 Special Called and Regular Meeting](#)
[April 21, 2014 Special Called Meeting](#)

TEMPLE CITY COUNCIL

APRIL 17, 2014

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, April 17, 2014 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Timothy Davis
Councilmember Russell T. Schneider
Mayor Daniel A. Dunn

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 17, 2014.

Regular Agenda Item #4 - Mayor Dunn reminded the council that this was the 1st public hearing and the 2nd public hearing is set for Monday, April 21, 2014 at 8:30 am.

Consent Agenda Item #5(O) - TIGER Application; if selected, the funds are awarded in the summer/ fall of 2014.

2. Receive update from Bryan Smith with Criterion Management Group regarding the Hawn Hotel property.

Bryan Smith, Criterion Management Group, LLC presented this item to the Council. This project contains approximately 5,280 square feet for retail and commercial; 27,140 square feet for residential; and approximately 50 parking spaces on the surface parking lot. Mr. Smith provided several photos and drawings for the proposed project. The Arcadia will consist of a Theater and support 250+ seating; expanded stage; live music and live theater; multi-use facility; and entrance from Central and 4th Street side. The parking will consist of 150+ parking spaces. Mr. Smith stated there are options with the shared use parking. The total investment is estimated to be \$10-\$15 million; with additional \$5-\$10 million for residential portion. Estimated time from start to finish of the project is 22 months of which will be phases.

Councilmember Schneider expressed his desire for the parking garage to be part of the overall design of the project as this is a necessary component.

All Council indicated their desire to explore all options and wished to pursue with the project.

3. Discuss the City's strategic plan, and various strategic and budget related policy issue to include but not limited to:

**Summit Fitness Center
Sammons Golf Course**

Mr. Blackburn introduced this presentation. He noted it needs to be decided as to if either or both of these facilities/ programs are to profit centers or public amenities; or do we close the doors and gates on both?

Kevin Beavers, Interim Director of Parks and Leisure Services presented both of this items to the Council. First he discussed the Sammons Golf Links. He noted that in 2007 the Park Bond was passed which included \$568,387 for golf course improvements (renovation of greens; re-routing of course; and additional bunkers). This work was completed in 2011. Mr. Beavers reviewed expenditures, revenues, rounds and recovery rate. He mentioned the largest budget item in the golf course budget is for course maintenance.

Next, he discussed the Summit Fitness Center. Mr. Beavers stated that although it appears to be a fitness center, the Summit is not a true fitness center. The Summit continues to be the recreation center for all in South Temple. Currently there are 5,055 members (categories: families, seniors, adult members). The amenities are attractive to most families as we offer a swimming pool, climbing wall, tennis courts, childcare, children's fitness room, and racquetball courts. Mr. Beavers reviewed the cost recovery for the last three years.

Mr. Blackburn stated that at the current recovery rate, we will not be able to maintain without assistance to the budget. He stated it is his recommendation to maintain both, with an effort to achieve the recovery as much as we can, as they are community assets.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, April 17, 2014 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Timothy Davis
Councilmember Russell T. Schneider
Mayor Daniel A. Dunn

I. CALL TO ORDER

1. Invocation

Dr. Ken Ritchie, First Presbyterian Church in Temple voiced the Invocation.

2. Pledge of Allegiance

Shelly Fowler, Deputy City Secretary led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Chris Coleman, 206 North 7th Street addressed the Council. He stated that he recently learned that Judy Morales retained an attorney to retain her seat on the Council. This says that she believes she is above the law. He asked, will you allow her resume her seat if she chooses to do so? Mr. Coleman appealed to the council to not allow this to happen. He then mentioned concerns with the police department and its officers. He believes there are officers using their badge to commit illegal actions.

Emily Grisham, 4365 Airport Trail addressed the Council and thanked the City for responding to her comments made at the the March 20, 2014 Council meeting. She then stated that not everything was addressed. Ms. Grisham wants to see the law that dictates and allows the City the authority to keep property owners off their own property? She then stated the officers and the road blocks are an inconvenience for us and places undue stress the cattle.

CJ Grisham, 4365 Airport Trail addressed the City Council. He referenced the letter and that the residents are being rerouted in order to access their property. He mentioned that he too had been stopped and directed to do such last year, but did not obey the officers and went around the barricades. Mr. Grisham also stated he had learned that Judy Morales retained legal counsel to retain her seat in May 2014. A City Council position has more power and trust and Judy should not be allowed back on the City Council with a conviction of a misdemeanor crime. Maybe the Charter Committee can address this.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS**3. Recognize Officer Bradley Perrin for his prompt action and assistance on April 10, 2014.**

Councilmember Schneider complimented Officer Perrin for helping to save his 6-day old grandson. Officer Perrin took control of this stressful situation and comforted the Schneider family. Next, Mayor Dunn presented the proclamation to Officer Bradley Perrin.

IV. ANNEXATION PUBLIC HEARING

- 4. PUBLIC HEARING - Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of a proposed Lakewood Ranch subdivision on a 136.576 acre tract of land, located to the north of the Highlands and west of the Windmill Farms subdivisions abutting the city limits boundary to the north and west situated within part of the John J. Simmons Survey, Abstract No. 737 and the George V. Lindsey Survey, Abstract No. 513, Bell County, Texas.**

Brian Chandler, Director of Planning presented this item to the Council noting the applicant to be Kiella Land Investments, LLC for Groves at Lakewood Ranch. Mr. Chandler stated the petition was approved by the Council on April 3, 2014 and at that time directed staff to prepare the plan. He also mentioned there to be no residents in the area; that the Municipal Service Plan had been developed by Staff; and this was the 1st Public Hearing as required by statute. The second hearing is set for Monday, April 21, 2014, at 8:30 am in the Council Chambers. The Planning and Zoning Commission will consider the SF-2 zoning request on May 5, 2014; with the first reading for both the annexation and the zoning to be heard by Council on May 15, 2014. This area is to be provided standard City services.

Mayor Dunn declared the public hearing open with regards to item 4 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

At this time Mayor Dunn announced the 2nd public hearing will take place on Monday, April 21, 2014 at 8:30 in the Council Chambers.

V. CONSENT AGENDA

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

(A) April 3, 2014 Special Called and Regular Meeting

(B) April 4, 2014 Special Called Meeting

(C) 2014-7284-R: Consider adopting a resolution authorizing an asbestos abatement contract with Empire Environmental Group, LLC of Balch Springs, Texas for the asbestos abatement of one commercial structure funded through the Community Development Block Grant (CDBG) in the amount of \$57,000.

(D) 2014-7285-R: Consider adopting a resolution authorizing a contract with Signature Offset of Boulder, CO, for the printing of

the play-by-play brochures in an estimated amount of \$27,869.58 for the initial contract period which will go through September 30, 2015.

(E) 2014-7286-R: Consider adopting a resolution authorizing a construction contract with Vanguard Contractors, LP of Temple for the construction of Phase II of the Fire Training Center in the amount of \$2,157,000.

(F) 2014-7287-R: Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc., (Bell) of Belton for construction activities required to extend water and sewer utilities to North Loop 363 and I-35 in an amount not to exceed \$1,483,182.90.

(G) 2014-7288-R: Consider adopting a resolution authorizing a construction contract with K&S Backhoe Services, Inc., (K&S) of Gatesville for construction activities required to replace water and sewer mains in Western Hills in an amount not to exceed \$1,496,622.96, as well as, declare an official intent to reimburse the expenditures with the issuance of 2014 Utility Revenue Bonds.

(H) 2014-7289-R: Consider adopting a resolution authorizing execution of a Memorandum of Agreement with the Central Texas Housing Consortium, Temple Housing Authority.

(I) 2014-7290-R: Consider adopting a resolution authorizing a Chapter 380 Agreement with Temple Economic Development Corporation (TEDC) for conveyance of a 6.00 acre parcel of City-owned land located in Synergy Park, Temple, Texas to TEDC.

(J) 2014-7291-R: Consider adopting a resolution authorizing the purchase of a storage area network with Dell Marketing LP, of Round Rock utilizing the State of Texas DIR contract in the amount of \$69,938.

(K) 2014-7292-R: Consider adopting a resolution authorizing the purchase of sewer line chemical root control services for FY 2014 from Duke's Root Control, Inc. of Syracuse, New York, utilizing a BuyBoard contract in the estimated annual amount of \$65,000.

(L) 2014-7293-R: Consider adopting a resolution authorizing the purchase of 40 metal refuse containers for the Solid Waste Division from Rolloffs USA., Durant, OK, through the H-GAC Contract (#RH08-12) in the amount of \$48,184.

(M) 2014-7294-R: Consider adopting a resolution authorizing the purchase of a yearly Small Municipality Government Enterprise License Agreement and maintenance contract with Environmental Systems Research Institute (ESRI) in the amount of \$50,000.

(N) 2014-7295-R: Consider adopting a resolution authorizing the City Manager to execute a lease agreement between the City of Temple and Dr. Scott Irvine upon the Federal Aviation Administration approval permitting the Lessee to lease a 160' X 100' plot of land and construct a 70' X 60' private aircraft hangar at the Draughon-Miller Central Texas Regional Airport.

(O) 2014-7296-R: Consider adopting a resolution authorizing submission of an application for funding through the U.S. Department of Transportation, National Infrastructure Investment Grant (TIGER VI) in the amount of \$12,000,000, with \$10,000,000 reimbursed to the City through federal funding, to execute the construction of the bridge and improvement projects along Central Avenue and 1st Street.

(P) 2014-7297-R: Consider adopting a resolution authorizing the grant application for the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2014 for the purchase of ballistic vests and replacements for the Police Department in the amount of \$18,196, with \$9,098 of required City matching funds.

(Q) 2014-7298-R: Consider adopting a resolution authorizing a one (1) year renewal to the contract with World Fuel Services Corporation of Florida (f.k.a. Western Petroleum Company), to supply aviation bulk fuels and other business support to operate an exclusive fuel dealership at the Draughon-Miller Central Texas Regional Airport.

(R) 2014-4652: SECOND READING - Z-FY-14-20: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Commercial District (C) on 5.01 +/- acres, situated in the Maximo Moreno Survey, Abstract 14, Bell County Texas, located on the north side of East Adams Avenue, addressed as 2312 East Adams Avenue.

(S) 2014-7299-R: A-FY-13-13: Consider adopting a resolution to release the public utility easement the City reserved in a Deed Without Warranty (Document No. 2013-48981) pursuant to Ordinance No. 2013-4592, to protect existing utilities pending relocation from the abandoned alley through Block 8, Freeman

Heights Addition, City of Temple.

(T) 2014-7300-R: Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2014 Junior Fire Cadet Program in the amount of \$20,869.

(U) 2014-7301-R: Consider adopting a resolution of support for downtown redevelopment.

(V) 2014-7302-R: Consider adopting a resolution dissolving the Transit Advisory Committee.

(W) 2014-7303-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

Motion by Councilmember Perry Cloud adopt resolution approving the Consent Agenda. seconded by Councilmember Russell T. Schneider.

Motion passed unanimously.

VI. REGULAR AGENDA**ORDINANCES**

- 6. 2014-4654: PUBLIC HEARING - FIRST READING - A-FY-13-12: Consider adopting an ordinance authorizing the abandonment and conveyance of a 95' X 80' section of South 9th Street right-of-way, being a 0.17-acre portion of land, as measured from the south right-of-way line with West G Ave, situated between Block 39, Moores Addition and Block 62, Original Town of Temple as more fully described in the attached exhibit for development of the Salvation Army's Center of Hope Transitional Shelter.**

Mark Baker, Planner, presented this case to the Council and noted the applicant to be the Salvation Army. The applicant is requesting the abandonment and conveyance of a 95' x 80' section of ROW for construction of the Salvation Army's McLane Center of Hope Transitional Shelter, which will require a Conditional Use Permit. The private utility providers servicing this area were notified and have no objections to this request. There is a 6" City water line within the area to be abandoned; Public Works confirmed this relocation to be complete and there are no further issues. Mr. Baker noted the market value of the abandoned ROW has been appraised at \$6,100.

It is Staff's recommendation to approve the request as submitted by the Salvation Army and to abandon and convey the 95' x 80' portion of 9th Street ROW south of its intersection with West Avenue G.

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

Motion by Councilmember Timothy Davis adopt ordinance with second reading set for May 1, 2014. seconded by Councilmember Russell T. Schneider.

Motion passed unanimously.

7. 2014-4655: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to the City of Temple's Water Conservation Plan.

Ashley Williams, Sustainability & Grant Manager for the City presented this item to the Council. She stated that Title 30 of the Texas Administrative Code requires that public water systems have an adopted water conservation plan and must be updated every five years. The City adopted a Water Conservation & Drought Contingency Plan in March 2000. The Conservation Plan was updated in 2009 while the Drought Contingency Plan was updated in 2013. Ms. Williams reviewed the goals within the plans; stating it is to extend the life of current water supplies. Goals are established for 2020 and 2025 based on a 1% reduction in gallons per capita per day per year, assuming an average year of rainfall; with the target of 190 GPCD for 2020 and 180 GPCD for 2025. The proposed methods to reach these goals is the same as the previous plans.

Mayor Dunn declared the public hearing open with regards to item 7 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Russell T. Schneider adopt ordinance with second reading set for May 1, 2014. seconded by Councilmember Timothy Davis.

Motion passed unanimously.

RESOLUTIONS

8. 2014-7304-R: P-FY-13-46: Consider adopting a resolution

authorizing approval of the Final Plat of Shiloh Terrace, Phase Four, a 28.84 +/- acre, 3-block, 43-lot, residential subdivision with requested exceptions to Unified Development Code regarding park fees; extension of streets; and Residential Subdivision Entrances, as well Chapter 12 Fire Prevention and Protection, regarding number of required entrances, of which is located north of Sparta Road and west of Water Works Road in Temple's western E.T.J.

Tammy Lyerly, Planner, presented this case to the Council and noted the applicant to be Robert E. Mitchell for James Herring. This development is in the ETJ and can only be accessed off of Water Works Road; this is the last part of development that has already been established. This plat was deemed complete by DRC on March 10, 2014. There are no zoning regulations in the ETJ and water will be provided through 6" water lines. This development will be serviced by septic systems. The developer is request three exception (1) park fees; (2) extension of streets; and (3) residential subdivision entrances.

The developer has requested an exception to the UDC Section 8.3 related to Park Land Dedication to waive required park fees in the sum of \$9,675. The UDC stated park land dedication is not required if the City's ETJ if all of the following circumstances exist: (1) are proposed for development is more than one mile from the existing city limits; (2) the proposed subdivision will create fewer than nine lots; and (3) the city has not set forth plans to annex the area proposed for development in the City's Municipal Annexation Plan.

Next exception, UDC Section 8.2.1.D.4b - Projection of Streets to waive required extensions of streets. Each subdivision must provide for the location a reasonable number of street openings to adjoining properties; of which must occur a minimum of every 1,000 feet or in alignment with existing or proposed street along each boundary of the subdivision. This is adjacent to the Fort Hood Military Reserve to the west and is unable to extend a street in any direction. The applicant has provided a stub to adjacent undeveloped property to the east for a future extension.

The last exception is for UDC 8.2.1.D.3- Residential Subdivision Entrances and Chapter 12 Fire Prevention Code 2009; section 12-10.c. Water Works Road is the only entrance for the entire Shiloh Terrace Development. There are proposed plat's 43 additional residential lots, along with other phases, exceeds 150 lots. The applicant has provided a stub to adjacent undeveloped property to the east for future expansion. The Fire Department supports the exception a the applicant as furnished a stub and this is an extension of existing conditions.

It is staff's recommendation to approve the Final Plat of Shiloh Terrace, Phase Four with the applicant's requested exceptions. Planning and Zoning Commission reviewed this at their meeting on March 17, 2014, and voted 6/0 to recommend approval of the final plat as requested by the applicant. Commissioner Jones, Crisp and Fettig were absent from that meeting.

Motion by Councilmember Perry Cloud adopt resolution as presented seconded by Councilmember Russell T. Schneider.

Motion passed unanimously.

BOARD APPOINTMENTS

- 9. 2014-7305-R: Consider adopting a resolution establishing a Charter Review Committee, appointing the Committee membership, including a Chairperson and Vice-Chairperson, and charging the Committee to perform a comprehensive review of the City Charter.**

Mr. Graham, City Attorney gave a brief explanation to the Council. He stated this is to appoint a 27 member Charter Review Committee. If is the Council's desire to call this election and have this item on the November 4, 2014 ballot the election needs to be called by August 26, 2014. This resolution will create the committee and set the charge of which will be completed by July 15th to allow Council time to review and decide what language to put on the November ballot.

Mayor Dunn stated each Councilmember was asked to select and provide five individuals within their respective single member districts to serve on the committee. At this time each member of the council read the individuals they selected.

Councilmember Davis (District 1) selected Michelle Fettig; CJ Grisham; Rosa Hernandez; Arti Polchinski; and Bruce Walker.

Mayor Dunn selected District 2, Manuel Alaniz; Alesia Dawson; Dewayne McBride; Dorothy Powell; and Richard Schneider.

Councilmember Cloud (District 3) selected Thomas Baird; Harry Adams; Jan Janczak; Dan Jones; and Sonjanette Crossley.

Councilmember Schneider (District 4) selected John Kiella; Bob Browder; Larry Wilkerson; Mike Pilkington; and Karen Matous.

Mayor Dunn selected Roscoe Harrison; Tony Jeter; Jason Parks; Bill

Leak; and Y.V. Rao as at-large members and David Yeilding as Chair and Tanya Mikeska-Reed as Co-Chair.

Motion by Councilmember Russell T. Schneider adopt resolution as presented and with recommended appointments seconded by Councilmember Timothy Davis.

Motion passed unanimously.

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

APRIL 21, 2014

The City Council of the City of Temple, Texas conducted a Regular Meeting on Monday, April 21, 2014 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Timothy Davis
Councilmember Russell T. Schneider
Mayor Daniel A. Dunn

I. CALL TO ORDER

1. Invocation

Councilmember Timothy Davis voiced the Invocation.

2. Pledge of Allegiance

Brian Chandler, Director of Planning led the Pledge of Allegiance.

II. ANNEXATION PUBLIC HEARING

3. PUBLIC HEARING - Receive Municipal Service Plan and conduct the second public hearing to receive comments on the possible annexation of a proposed Lakewood Ranch subdivision on a 136.576 acre tract of land, located to the north of the Highlands and west of the Windmill Farms subdivisions abutting the city limits boundary to the north and west situated within part of the John J. Simmons Survey, Abstract No. 737 and the George V. Lindsey Survey, Abstract No. 513, Bell County, Texas.

Brian Chandler, Director of Planning presented this to the Council. He noted this is the 2nd public hearing with regards to the voluntary annexation; as the 1st hearing was conducted on Thursday, April 17, 2014, at 5:00 pm. He reminded Council of the schedule for this process. Mr. Chandler stated there will be a zoning case (Z-FY-14-23) which will accompany this annexation and will be heard at the Council's meeting on May 1, 2014.

Mayor Dunn declared the public hearing open with regards to item 3 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #4(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Public Works Director
Thomas Brown, Utility Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Matous Construction, LTD of Belton for the rehabilitation/replacement of the return activated sludge screw pumps at Doshier Farm Wastewater Treatment Plant in the amount not to exceed \$333,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The return activated sludge pumps (RAS) are a critical part of the treatment process at the Wastewater Plant. Activated sludge is a treatment process that uses a suspended growth of organisms to remove biochemical oxygen demand (BOD) and suspended solids from the wastewater. The solids are separated from the wastewater in the Clarifiers. These solids are either sent to the dewatering facilities (Waste Activated Sludge, WAS) or recycled to the front of the aeration process and mixed with the influent wastewater (Return Activated Sludge, RAS). The RAS contains microorganisms that are very efficient at digesting organic matter in the aeration process and is vital to maintaining the plant's ability to effectively treat the influent wastewater. The RAS pumps are the original pumps installed when the WWTP plant was built in 1994. One of the two pumps has failed and both pumps need to be rehabilitated or replaced immediately.

In an effort to address these needs, Kasberg Patrick and Associates was retained for engineering services, including design and site observation. KPA's opinion of probable cost was \$300,000. Identified in updates to the City's Utility capital improvement project list, this project will result in replacing and the rehabilitation of the RAS pumps. If the pumps and motors are not rehabilitated or replaced this may cause compliance issues at the WWTP.

On April 4, 2014 two bids were received for construction of the project. Per attached bid tabulation, Matous Construction, LTD submitted the lowest bid in the amount of \$333,000. References were checked and public records staff agree that Matous Construction is qualified to complete the project. Construction time allowed for this project is 160 days.

FISCAL IMPACT: Currently, funding in the amount of \$256,303.80 is available in account 561-5500-535-6945, project 100993 to partial fund this contract. A budget adjustment is being presented to Council for authorization allocating the remaining funds needed in the amount of \$76,697 from Capital – Special Projects / Contingency Fund Balance, account 561-5000-535-6532 to WWTP RAS Replacement Pump, account 561-5500-535-6945, project 100993, to fund the construction with Matous Construction, LTD in the amount not to exceed \$333,000.

ATTACHMENTS:

[Engineer's Letter of recommendation](#)
[Bid tabulation](#)
[Budget Adjustment](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

Temple

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

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., CFM

THOMAS D. VALLE, P.E.

GINGER R. TOLBERT, P.E.

ALVIN R. "TRAE" SUTTON, III, P.E., CFM

Georgetown

1008 South Main Street
Georgetown, Texas 78626
(512) 819-9478

April 4, 2014

Mr. Thomas Brown
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Doshier Farm WWTP RAS Pump Rehabilitation

Dear Mr. Brown:

On April 3, 2014, the City of Temple received competitive bids from two (2) contractors for the Doshier Farm WWTP RAS Pump Rehabilitation. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows Matous Construction, Ltd of Belton, Texas as the low bidder with a total bid of \$333,000.00. The bids ranged from this low bid to \$398,000.00. Our final opinion of probable construction cost was \$300,000.00.

Matous Construction, Ltd has successfully completed several projects for the City of Temple at both the water and wastewater treatment plant facilities and have the experience necessary to perform this type of work. Therefore, we recommend that a contract be awarded to Matous Construction, Ltd for the Doshier Farm WWTP RAS Pump Rehabilitation in the amount of \$333,000.00.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas D. Valle'.

Thomas D. Valle, P.E.

xc: Ms. Belinda Mattke, City of Temple
2013-135-40

**BID TABULATION
CITY OF TEMPLE**

DOSHIER FARM WWTP RAS PUMP REHABILITATION PROJECT

3210 E. Ave H; Bldg C; Temple, TX

April 3, 2014; 2:00 PM

BIDDER INFORMATION					
Matous Construction, Ltd 8602 North Hwy 317 Belton TX 76513			Austin Engineering Co. Inc. P.O. Box 342349 Austin TX 78734		
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance	\$ 15,000.00	\$ 15,000.00
2	2	EA	Provide Labor, Equipment, Materials, Tools and Supervision to Remove and Replace Existing Drive Unit, 50 HP Motor, Upper Bearing Assembly, Lower Bearing Assembly and Automatic Lubrication System on RAS Screw Pump as shown on the Plans and detailed in the Specifications.	120,000.00	240,000.00
3	2	EA	For Removing, Rehabilitating (surface preparation to SSPC.SP10, Near White Blast and coating) and Reinstalling Existing Screw Pump including similar rehabilitation of existing Screw Pump Trough and Splash Guard in place as shown on the Plans and detailed in the Specifications.	38,000.00	76,000.00
4	100%	LS	Provide DVD detailing existing condition of adjacent Structures, Roads and Natural Ground, Complete For	1,000.00	1,000.00
5	100%	LS	Provide Record Drawings detailing As-Built conditions	1,000.00	1,000.00
TOTAL BID AMOUNT - (Items 1 - 5)				\$ 333,000.00	\$ 398,000.00

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

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

Thomas D. Valle

Thomas D. Valle, PE

Kasberg, Patrick & Associates, LP

April 4, 2014

Date



FY **2014****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
561-5500-535-69-45	100993	WWTP - Replace RAS Pump	\$ 76,697	
561-5000-535-65-32		Capital - Special Projects/Contingency		76,697
TOTAL.....			\$ 76,697	\$ 76,697

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

To allocate additional funds needed to fund the construction contract with Matous Construction, LTD for the rehabilitation/replacement of the return activated sludge screw pumps at Doshier Farm Wastewater Treatment Plant in the amount not to exceed \$333,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/1/2014

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2014-7306-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH MATOUS CONSTRUCTION, LTD. OF BELTON, TEXAS, FOR THE REHABILITATION/REPLACEMENT OF THE RETURN ACTIVATED SLUDGE SCREW PUMPS AT DOSHIER FARM WASTEWATER TREATMENT PLANT, IN AN AMOUNT NOT TO EXCEED \$333,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the return activated sludge pumps (RAS) are a critical part of the treatment process at the Doshier Farm Wastewater Treatment Plant - activated sludge is a treatment process that uses a suspended growth of organisms to remove biochemical oxygen demand and suspended solids from the wastewater;

Whereas, the RAS contains microorganisms that are very efficient at digesting organic matter in the aeration process and is vital to maintaining the plant's ability to effectively treat the influent wastewater;

Whereas, the RAS pumps are the original pumps installed when the plant was built in 1994 and one of the two pumps has failed – both pumps are in need of rehabilitation or replacement immediately;

Whereas, Kasberg, Patrick & Associates (KPA) was retained for engineering services, including design and site observance;

Whereas, on April 4, 2014, two (2) bids were received for construction of this project and both staff and KPA recommend award of the contract to the lowest bidder, Matous Construction, LTD. of Belton, Texas;

Whereas, funding is available for this construction contract, however an amendment to the fiscal year 2013-2014 budget needs to be approved to transfer the funds to Account No. 561-5500-535-6945, Project No. 100993; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract with Matous Construction, LTD. of Belton, Texas, after approval as to form by the City Attorney, for the rehabilitation/replacement of the return activated sludge (RAS) screw pumps at Doshier Farm Wastewater Treatment Plant, in an amount not to exceed \$333,000.

Part 2: The City Council authorizes an amendment to the fiscal year 2013-2014 budget, substantially in the form of the copy attached hereto as Exhibit 'A'.

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

PASSED AND APPROVED this the **1st** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #4(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Public Works Director
Don Bond, PE, CFM, City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for coordinating the acquisition of rights-of-way, bidding, construction administration, and on-site services for Avenue U from South 1st Street to the proposed 13th - 17th connector intersection in an amount not to exceed \$153,300.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 5, 2011, Council authorized a professional services agreement with KPA in the amount of \$347,450 to design the roadway, drainage, utilities, striping, signage, landscaping, pedestrian facilities and features for Avenue U from Scott & White Boulevard to 1st Street and the 13th - 17th connector from Avenue R to Loop 363. A Map of the project locations is attached.

On September 2, 2013, the city approved the first contract amendment in the amount of \$13,700. That contract amendment revised the design for the 13th - 17th connector to accommodate the final location of fill material from an adjacent Scott & White project.

On April 23, 2014, the Temple Redevelopment Zone #1 Board approved to recommend to Council this second amendment to the professional services agreement in an amount not to exceed \$153,300.

Consultant services recommended under this contract amendment include the following tasks and costs:

Professional Services

Rights-of-Way Coordination	\$ 13,200.00
Bidding	\$ 6,500.00
Construction Administration	\$ 77,400.00
On-Site Representation	\$ 56,200.00

TOTAL **\$ 153,300.00**

These services are proposed for the portion of Avenue U extending from South 1st Street to the proposed intersection with the 13th-17th connector. This portion of construction is estimated at \$2,800,000 and expected to require 10 months for completion.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 460, account 795-9800-531-6874, project 101012, to fund this contract amendment.

ATTACHMENTS:

[Project Map](#)
[Proposal](#)
[Resolution](#)

PROPOSED 13TH TO 17TH ST.
(TMED AVE.) CONNECTOR

PROPOSED 13TH TO 17TH ST.
(TMED AVE.) CONNECTOR

PROPOSED AVENUE U FROM
13TH/17TH CONNECTOR TO 1ST STREET

PROPOSED AVENUE U



PROPOSED AVENUE U LAYOUT



0 100 200
HORIZONTAL SCALE IN FEET





KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

Georgetown
1008 South Main Street
Georgetown, Texas 78626
(512) 819-9478

April 15, 2014

Mr. Don Bond, P.E., CFM
City Engineer
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: Temple Reinvestment Zone
Avenue U from 13th to 17th Connector Intersection to 1st Street

Dear Mr. Bond:

At the request of the City of Temple and the Temple Reinvestment Zone, we are submitting this proposal for the above referenced project. The project consists of coordinating the acquisition of rights-of-way, bidding, construction administration and on-site services for Avenue U from 13th to 17th Connector Intersection to 1st Street. The project will assist and coordinate the required rights-of-way, bid and provide construction phase services for the project. Our preliminary opinion of probable construction cost for this project is \$2,800,000.

The work to be performed by KPA under this contract consists of providing engineering services for metes and bounds for rights-of-way including coordination with the City of Temple Staff, bidding and construction phase services. The estimated timeline for construction is ten (10) months from the notice to proceed to the contractor.

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project.

The following services will be performed:

I. Rights-of-Way

- A. Coordinate with All County Surveying for all metes and bounds required for acquisition of rights-of-way.
- B. Develop maps that illustrate the Rights-of-Way requirements for the project.
- C. Develop Right-of-Way data sheets to include Property Identification on the BellCad System, Address, Market Value from the BellCad System, Estimated cost to Acquire (based on identified criteria), Legal Description, Volume and Page data, Total Acres of Property, Acres to Acquire, Temporary Easement and Structure(s) Removal.
- D. Develop Rights-of-Way Dashboards and maintain as progress develops.
- E. Coordinate with the City of Temple Project Manager and Rights-of-Way Manager.

- F. Update the Temple Re-investment Zone Project Group with updated maps and Dashboards.

II. Bidding

- A. Provide a signed and sealed Opinion of Probable Cost the City of Temple Project Manager.
- B. After the project publically advertises, solicit contractors to bid the project.
- C. Chair the Pre-Bid Conference and develop notes for the project based on questions asked by potential bidders.
- D. Develop the addenda for the project. The addenda will be sent to the City of Temple Project Manager for distribution to the City of Temple Purchasing Department.
- E. Attend the bid opening for the project. Tabulate all bids received and certify the bids. After a low bidder is determined, research of the apparent low bidder will be conducted to make a recommendation of award.
- F. Attend the City Council for award of the project.

III. Construction Administration

- A. Chair the Pre-Construction Conference.
- B. Review and approve all submittals for the project.
- C. Perform construction administration to include site visits, meeting with the contractor and answer questions and holding progress meetings as required.
- D. Perform a monthly evaluation of the contractor's performance on the City of Temple form and submit to the City of Temple Project Manager.
- E. Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
- F. Submit a recommendation for acceptance of infrastructure to the City of Temple Project Manager.
- G. Develop record drawings based on information supplied by the contractor.

IV. On-Site Representation

- A. Perform daily on-site representation an average of 3 hours per day.
- B. Prepare and submit weekly logs of construction activities.

Mr. Don Bond, P.E., CFM
April 15, 2014
Page 3

The following scope of work for the Avenue U from 13th to 17th Connector Intersection to 1st Street can be completed for the lump sum price of \$153,300. Below is a breakdown of project costs by individual item. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Avenue U from 13th to 17th Connector Intersection to 1st Street

Rights-of-Way	\$ 13,200.00
Bidding	\$ 6,500.00
Construction Administration	\$ 77,400.00
On-Site Representation	\$ 56,200.00
TOTAL	<u>\$ 153,300.00</u>

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", with a horizontal line extending to the right.

R. David Patrick, P.E., CFM
xc: File

ATTACHMENT "C"

Charges for Additional Services

City of Temple

Avenue U from 13th to 17th Connector Intersection to 1st Street

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 75.00 – 95.00/hour
Project Manager	2.4	60.00 – 75.00/hour
Project Engineer	2.4	50.00 – 60.00/hour
Engineer-in-Training	2.4	40.00 – 50.00/hour
Engineering Technician	2.4	35.00 – 50.00/hour
CAD Technician	2.4	30.00 – 50.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	125.00 – 160.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour

RESOLUTION NO. 2014-7307-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, FOR COORDINATING THE ACQUISITION OF RIGHTS-OF-WAY, BIDDING, CONSTRUCTION ADMINISTRATION, AND ON-SITE SERVICES FOR AVENUE U FROM SOUTH 1ST STREET TO THE PROPOSED 13TH – 17TH CONNECTOR INTERSECTION, IN AN AMOUNT NOT TO EXCEED \$153,300; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 5, 2011, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) of Temple, Texas to design the roadway, drainage, utilities, striping, signage, landscaping, pedestrian facilities and features for Avenue U from Scott & White Boulevard to 1st Street and the 13th – 17th connector from Avenue R to Loop 363;

Whereas, on September 2, 2013, the City approved the first contract amendment in the amount of \$13,700 which revised the design for the 13th – 17th connector to accommodate the final location of fill material from an adjacent Scott & White project;

Whereas, on April 23, 2014, the Temple Reinvestment Zone #1 Board approved to recommend to Council, a second amendment to the professional services agreement which will include coordinating the acquisition of rights-of way, bidding, construction administration and on-site representation, in an amount not to exceed \$153,300;

Whereas, these services are proposed for the portion of Avenue U that extends from South 1st Street to the proposed intersection with the 13th – 17th connector;

Whereas, funds are available for this contract amendment in the Reinvestment Zone Number One Financing and Project Plans Account No. 795-9800-531-6874, Project No. 101012, Line 460; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, for coordinating the acquisition of rights-of-way, bidding, construction administration, and on-site services for Avenue U from South 1st Street to the proposed 13th – 17th connector intersection, in an amount not to exceed \$153,300.

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 **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #4(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Austech Roof Consultants, Inc. of Austin for the design and bidding for roof replacement work at the Frank Mayborn Convention Center and the Summit Center in an amount not to exceed \$32,567.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Included in the FY 2014 budget is a project to replace the roofs at two city facilities: the Frank Mayborn Convention Center and the Summit Center. The project includes the schematic design, design development, construction documents, and bidding for the replacement of both roofs.

The attached Proposal includes fees for the scope of work listed above:

Summit Center

<i>Phase</i>	<i>Amount</i>
1. Pre-Design	\$1,934
2. Bidding Documents	5,415
3. Bid Phase	387
Total	\$7,736

Frank Mayborn Convention Center

<i>Phase</i>	<i>Amount</i>
1. Pre-Design	\$6,208
2. Bidding Documents	17,381
3. Bid Phase	1,242
Total	\$24,831

FISCAL IMPACT: Funding is appropriated in the accounts below.

<u>Description</u>	<u>Account #</u>	<u>Project #</u>	<u>Available Funds</u>
<u>Roof Replacement – Summit</u>	<u>110-5924-519-6310</u>	<u>101025</u>	<u>\$ 45,285</u>
<u>Roof Replacement – Mayborn Center</u>	<u>240-4400-551-6310</u>	<u>101057</u>	<u>\$ 130,000</u>
<u>Total Available Funds</u>			<u>\$ 175,285</u>

ATTACHMENTS:

[Proposal](#)
[Resolution](#)

April 16, 2014



Mr. Gerald Ervin
City of Temple
2 North Main Street
Temple, TX 76501

Proj: **Frank Mayborn Convention Center, 3303 North 3rd & Summit Center, 620 Fryer Creek Roof Work**

Austech Roof Consultants, Inc. proposes to provide the following roof consulting services:

I. Schematic Design Phase

- A. Review existing building plans and specifications, as made available by Client.
- B. Visit site and verify existing penetrations, curbs, flashings, and include on roof plan.
- C. Probe major roof details to help determine as-built construction.

II. Design Development Phase

- A. Provide Client recommended available options, along with preliminary budget figures.
- B. Solicit Client's preferences for incorporation into Bidding Documents.
- C. Provide limited structural review and report by a licensed Structural Engineer.

III. Construction Documents Phase

- A. Create roof work Specifications, Detail Drawings, and Roof Plan depicting requirements.
- B. Consult with Owner's Representative to determine construction contract general conditions, insurance and other administrative requirements.
- C. Provide Client with draft documents for review and incorporate Client's revisions into documents.
- D. Provide Client with 2 sets of printed bidding documents, sealed by registered architect and electronic version of documents in Adobe pdf file format.

IV. Bidding Phase

- A. Assist Client in solicitation of bidders.
- B. Issue addenda (if necessary).
- C. Conduct Pre-Bid Conference.
- D. Consult with Client to determine successful bidder.
- E. Assist Client in review of pre-contract submittals.

V. Construction Phase

- A. Construction Phase scope of work shall be determined and budgets developed upon successful completion of the Bidding Phase.

VI. Proposed Budgets & Hourly Rates

- A. The budgets below are based upon two options the first would be if the Projects are completely separate meaning designed, bid and constructed at different times. The second option is if the Projects are designed at the same time then bid and constructed in the same time frame.
- B. Option One (Project designed, bid and constructed at different times)

Summit Center

Phase	Amount	Percent
I. Pre-Design	\$2,226	25%
II. Bidding Documents	\$6,234	70%
III. Bid Phase	\$445	5%
IV. Construction Phase (part-time)	\$0	0%
Totals :	\$8,905	100%

Frank Mayborn Convention Center

Phase	Budget Amount	Percent
I. Pre-Design	\$7,101	25%
II. Bidding Documents	\$19,884	70%
III. Bid Phase	\$1,420	5%
IV. Construction Phase (part-time)	\$0	0%
Totals:	\$28,405	100%

- C. Option Two (Project designed, bid, and constructed near the same time frame)

Summit Center

Phase	Amount	Percent
I. Pre-Design	\$1,934	25%
II. Bidding Documents	\$5,415	70%
III. Bid Phase	\$387	5%
IV. Construction Phase (part-time)	\$0	0%
Totals:	\$7,735	100%

Frank Mayborn Convention Center

Phase	Budget Amount	Percent
I. Pre-Design	\$6,208	25%
II. Bidding Documents	\$17,381	70%
III. Bid Phase	\$1,242	5%
IV. Construction Phase (part-time)	\$0	0%
Totals:	\$24,830	100%

NOTE: We anticipate developing construction documents for each Project and each Project being bid and awarded as stand-alone work. But if the Schematic Design, Design Development and Construction Document phases can be accomplished at the same time there is a cost benefit reflected above.

VII. Hourly Rates

Rates below are for services requested by Client not included in above scope of services. Written authorization will be obtained prior to providing additional services (if any). Expenses (if any) will be invoiced at cost.

Classification	Hourly Rate
Principal	\$150
Senior Consultant	\$120
Consultant	\$90
Construction Observer	\$80
Secretary/Word Processing	\$50

GENERAL INFORMATION

- Austech can monitor Contractor progress during the Work and report construction phase budget status to Client's Representative. Client's Representative may choose to change frequency and duration of Austech's visits.
- Austech will invoice monthly, with updates on budget balance indicated on each invoice. Balance left in Budgets, upon conclusion of services, will not be invoiced.
- Austech does not provide environmental, structural or mechanical engineering services, but will coordinate with these professionals, when conditions require their services. Services for these professionals are not included in our scope of work unless by line item above.

Please call if you have any questions.



Ken Ollinger RRC, CCCA
Roof Consultant
ken@austechrci.com

File: P2014-014R.doc

RESOLUTION NO. 2014-7308-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH AUSTECH ROOF CONSULTANTS, INC., OF AUSTIN, TEXAS, FOR THE DESIGN AND BIDDING FOR ROOF REPLACEMENT WORK AT THE FRANK MAYBORN CONVENTION CENTER AND THE SUMMIT CENTER, IN AN AMOUNT NOT TO EXCEED \$32,567; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, included in the fiscal year 2014 budget is a project to replace the roofs at two city facilities: the Frank Mayborn Convention Center and the Summit Center;

Whereas, the project includes the schematic design, design development, construction documents and bidding for the replacement of both roofs;

Whereas, staff recommends authorizing a professional services agreement with Austech Roof Consultants, Inc., of Austin, Texas for the design and bidding for roof replacement at the Frank Mayborn Convention Center and the Summit Center, in an amount not to exceed \$32,567;

Whereas, funding for this professional services agreement is available in Account No. 110-5924-519-6310, Project No. 101025 (Summit Center) and Account No. 240-4400-551-6310, Project No. 101057 (Frank Mayborn Convention Center); and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with Austech Roof Consultants, Inc., of Austin, Texas, after approval as to form by the City Attorney, for the design and bidding for roof replacement work at the Frank Mayborn Convention Center and the Summit Center, in an amount not to exceed \$32,567.

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 **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #4(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Don Bond, P.E., City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to a professional services agreement with Clark & Fuller, PLLC (C&F), for required to reconstruct sanitary sewer within the Western Hills subdivision in an amount not to exceed \$38,615.82, as well as, declare an official intent to reimburse the expenditures with the issuance of 2014 Utility Revenue Bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Reconstruction of Geronimo Trail and portions of Antelope, Chisholm, and Deer Trails in Western Hills has been designed. Construction of the prerequisite water and sanitary sewer main reconstruction has been awarded. Other sanitary sewers in portions of Filly Lane and Fox Trail are aged and beginning to fail. See attached Map.

In December of 2012, the City executed a professional services agreement with C&F in the amount of \$17,050 to conduct a geotechnical investigation and preliminary street cross-section design. On April 4, 2013, Council authorized a professional services agreement with C&F to design, bid, and administer the utility and street reconstruction in an amount not to exceed \$642,074. On April 17 of this year, Council awarded the utility reconstruction contract to K&S Backhoe Services, Inc., of Gatesville in an amount not to exceed \$1,496,622.96.

The additional improvements described in the attached Proposal comprise approximately 630 feet of 10" sewer and 661 feet of 8" sewer reconstruction. A map is attached. No additional right-of-way or easement is required. The Engineer's preliminary OPC is \$280,480.25. 60 additional calendar days are required for design.

Consultant services and costs recommended are:

Surveying	\$ 5,525.00
Design	\$ 23,840.82
Construction Administration	\$ 750.00
Inspection Services	\$ <u>8,500.00</u>

TOTAL	\$ <u>38,615.82</u>
--------------	----------------------------

FISCAL IMPACT: Council authorized this project as part of the Capital Improvement Plan in the FY 2014 Budget. This project will be funded with the proposed 2014 Utility Revenue Bonds to be issued Fall 2014. Funds in the amount \$1,800,000 will be made available in account 561-5200-535-6950, project 100967, to fund this contract amendment in the amount of \$38,615.82 with Clark & Fuller, PLLC.

ATTACHMENTS:

[Proposal](#)
[Map](#)
[Resolution](#)

April 8, 2014

City of Temple
Director of Public Works
Nicole Torralva, P.E.
3210 E. Ave. H, Bldg. A
Temple, TX 76501

Re: Additional Services Proposal for the City of Temple - 2013 Western Hills Roadway and Utility Replacement Project –Sanitary Sewer Main Replacement Antelope - Fox

Dear Mrs. Torralva,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for Additional Services for the City of Temple - 2013 Western Hills Roadway and Utility Replacement Project – Sanitary Sewer Main Replacement Antelope - Fox. (Please refer to attached maps and documents for further information).

This project will consist of approximately 630 linear feet of new 10” Sanitary Sewer Main and 661 linear feet of new 8” Sanitary Sewer Main construction to replace existing utility mains that are aging and beginning to fail.

Clark & Fuller, PLLC will complete design topography surveys, new sanitary sewer main designs, construction document preparation, provide construction administration, and post construction record drawings. In addition, at the City of Temple’s request, Clark & Fuller, PLLC can also provide daily on-site project representation and inspection services.

The proposed timeline for the project design phase is 60 calendar days from the authorization of notice to proceed. Furthermore we estimate the contractor’s time to construct to be 90 calendar days.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering, Inspection, and Surveying Services for a Lump Sum Amount not to exceed \$38,615.82. We estimate the total cost of construction to be \$280,480.25 and we estimate the total cost of construction including professional services and contingencies to be \$319,096.07. (Please refer to attached Maps, Exhibits, and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.)

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,



Monty L. Clark, P.E., CPESC

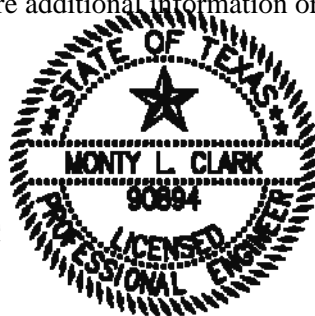


EXHIBIT “A”
Additional Services Proposal for City of Temple - 2013 Western Hills Roadway and Utility Replacement Project
Sanitary Sewer Main Replacement Antelope-Fox

Scope of Professional Services

Surveying Services: **\$ 5,525.00**

- Provide Project Elevation Benchmark
- Locate Existing Rights of Ways and Property Boundaries
- Prepare Design Topography Surveys
- Provide Construction Staking
 - Final Manhole Locations

Civil Engineering Design Phase: **\$ 23,840.82**

- Research Existing Utilities
- Prepare Final Design Construction Documents
- Technical Specifications
- Provide Engineers Opinion of Construction Cost and Probable Days to Complete Project Construction
- Attend and Facilitate Project Coordination with the City Staff
- Attendance at Property Owner/Neighborhood Meetings
- Provide Miscellaneous Maps and Exhibit Drawings (if required)

Project Bidding Phase: **N/A**

Construction Phase: **\$ 750.00**

- Attend and facilitate a Pre-Construction Meeting
- Review all Contractor Submittals
- Provide Construction Administration and Project “Site” Visits to assist contractor with field construction questions
- Assist the City of Temple with Construction Questions and Respond to Requests for Information (RFI’s)
- Review Contractor Applications for Payment and insure conformance with percentage of construction complete
- Execute Necessary Change Orders
- Attend Final Project Inspection
- Provide Final Inspection Punch List
- Prepare Record Drawings

Daily Onsite Construction Inspection Services **\$ 8,500.00**

- Provide Daily On-Site Project Representation and Inspection Services

PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$ 110.00/hr.
Licensed Professional Architect	\$ 125.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily On-Site Inspection Services	\$ 40.00/hr.



KEYED NOTES ①

1. NEW CONNECTION TO EXISTING SANITARY SEWER MAIN

RESOLUTION NO. 2014-7309-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC, OF TEMPLE, TEXAS, TO RECONSTRUCT SANITARY SEWER WITHIN THE WESTERN HILLS SUBDIVISION IN AN AMOUNT NOT TO EXCEED \$38,615.82; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2014 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, reconstruction of Geronimo Trail and portions of Antelope, Chisholm, and Deer Trails in the Western Hills Subdivision has been designed and construction of the prerequisite water and sanitary sewer main reconstruction has been awarded;

Whereas, other sanitary sewers in portions of Filly Lane and Fox Trail are aged and beginning to fail and the additional necessary improvements are approximately 630 feet of 10 inch sewer and 661 feet of 8 inch sewer reconstruction – no additional right-of-way or easement is required;

Whereas, in December of 2012, the City executed a professional services agreement with Clark & Fuller, PLLC (C&F), of Temple, Texas to conduct a geotechnical investigation and preliminary street cross-section design;

Whereas, on April 4, 2013, Council authorized a professional services agreement with C&F to design, bid and administer the utility and street reconstruction – on April 17, 2014, Council then awarded the utility reconstruction contract to K&S Backhoe Services, Inc, of Gatesville, Texas;

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

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations and the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

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

Whereas, Section 1.150.2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; and

Whereas, this project was authorized as part of the Capital Improvement Plan in the fiscal year 2014 budget and funds will be made available for this contract amendment in Account No. 561-5200-535-6950, Project No. 100967; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to a professional services agreement with Clark & Fuller, PLLC, of Temple, Texas, after approval as to form by the City Attorney, for reconstruction of sanitary sewer within the Western Hills subdivision, in an amount not to exceed \$38,615.82, as well as declare an official intent to reimburse the expenditure with the issuance of 2014 Utility Revenue Bonds.

Part 2: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

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

PASSED AND APPROVED this the 1st day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #4(G)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: SECOND READING - A-FY-13-12: Consider adopting an ordinance authorizing the abandonment and conveyance of a 95' X 80' section of South 9th Street right-of-way, being a 0.17-acre portion of land, as measured from the south right-of-way line with West G Avenue, situated between Block 39, Moores Addition and Block 62, Original Town of Temple as more fully described in the attached exhibit for development of the Salvation Army's Center of Hope Transitional Shelter.

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

Staff recommends approval of the applicant's requested abandonment of a portion of 9th Street as submitted and described in the item description.

ITEM SUMMARY: The applicant, The Salvation Army, has submitted a request for the abandonment of a portion of 9th Street, approximately 7,600 square feet of its intersection with West G Avenue to allow for the construction of the Salvation Army's Center of Hope emergency shelter facility.

The City has a 6" water line within the right-of-way which extends the full length of 9th Street. Water service will be retained for the remainder of 9th Street from a connection to an existing 6" waterline in West H Avenue.

Public Works has indicated that relocation of the water line has been completed and no further utilities are within the right of way proposed to be abandoned.

Private utility providers servicing the area were notified and indicated no private utilities are located within the easement.

No objections were raised by the providers and they concurred with the abandonment. The Utility Division within the Public Works/Engineering Department confirmed that the existing utility easement does not contain an active line within the boundaries of the subdivision.

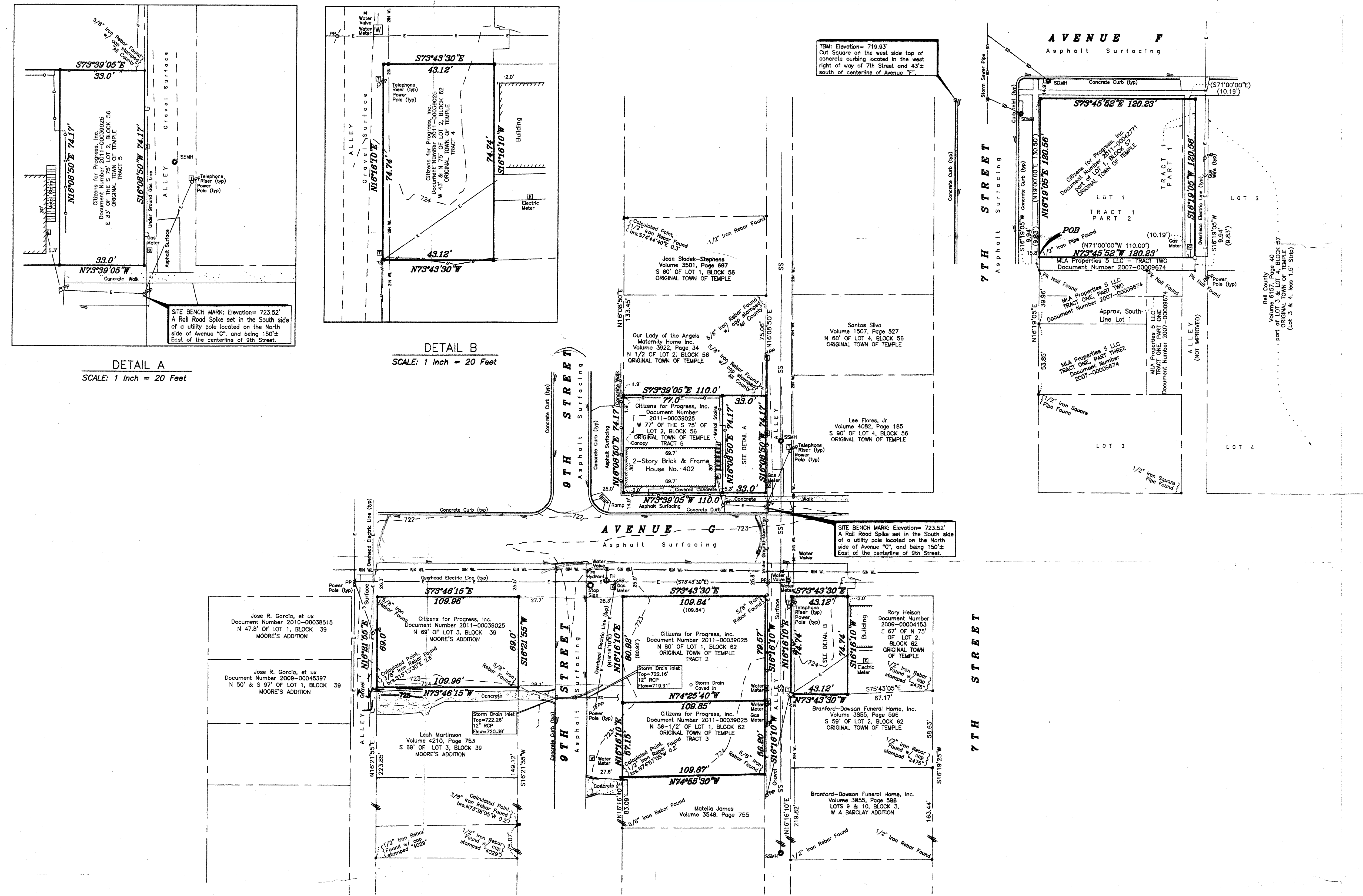
The abandonment is for the development of the Salvation Army's McLane Center of Hope transitional housing facility. The facility requires a conditional use permit which is currently under review and scheduled for recommendation by the Planning & Zoning Commission on April 21st. The conditional use permit is anticipated for 1st reading during the May 1st City Council meeting.

FISCAL IMPACT: If approved, the Salvation Army will be allowed to purchase the abandoned 0.17-acre portion of South 9th Street right-of-way at the fair market value of \$6,100, according to the attached appraisal report.

ATTACHMENTS:

[Surveyors Sketch \(Exhibit A\)](#)
[Appraisal Report](#)
[Ordinance](#)

Exhibit A



- LEGEND:**
- Asphalt Surfacing
 - Electric Line
 - Electric Meter
 - Fire Hydrant
 - Gas Line
 - Gas Meter
 - Power Pole
 - Reinforce Concrete Pipe
 - Sanitary Sewer Line
 - Sanitary Sewer Manhole
 - Stop Sign
 - Storm Drain Inlet
 - Storm Drain Line
 - Storm Drain Manhole
 - Telephone Riser
 - Water Line
 - Water Meter
 - Water Valve

NOTES:

- All Property Corners are 5/8" Iron Rebar Set with yellow plastic cap stamped Ron Carroll, RPLS 2025, unless otherwise stated.
- Calculated Point
- Mag Nail set in Concrete
- Point of Beginning

* Basis of Bearing: The bearings shown hereon are related to Geodetic or True North based on GPS observations, processed to the Texas Coordinate System using the NAD 83 Datum, Texas Central Zone as referenced to the NGS CORS Base Station "Temple College" in Temple, Texas whose published coordinate value is N=10,366,800.419 E=3,229,830.945

See attached field notes for Part of Block 57.

Symbols may be exaggerated for clarification purposes only.

Restrictive Covenants identified in the instrument found recorded as Document Number 2011-00039025 of the Official Public Records of Bell County, Texas AFFECT Parcels Two, Three, Four, Five, Six and Seven as set out and described in Schedule "A" of that Commitment for Title Insurance having a G.F. or File Number 11-3215, Effective date April 30, 2012, prepared by Fidelity National Title Insurance Company.

Restrictive Covenants identified in the instrument found recorded as Document Number 2011-00042771 of the Official Public Records of Bell County, Texas AFFECT Parcel One, as set out and described in Schedule "A" of that Commitment for Title Insurance having a G.F. or File Number 11-3215, Effective date April 30, 2012, prepared by Fidelity National Title Insurance Company.

The location of subsurface Utility lines shown hereon are based on a combination of tying the visible evidence available combined with record information provided by individual utility providers and the City of Temple.

Topographic information shown hereon was only obtained for those Parcels lying South of Avenue "G", and is based on an on the ground survey of this area.

The vertical/topographic information shown hereon is based on (or tied to) the North American Vertical Datum of 1988 (NAVD88). The source of the elevations is static GPS observations.

A Site Bench Mark is described as follows: A Rail Road Spike set in the South side of a utility pole located on the North side of Avenue "G", and being +/-150' East of the centerline of 9th Street. Elevation = 723.52'

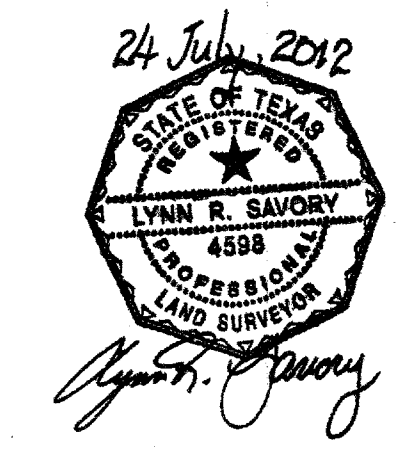
TO ANYONE USING THIS DRAWING CONCERNING DIMENSIONS SHOWN
The survey work for this project is on Grid Coordinates (NAD83), Texas Coordinate System-Central Zone, obtained from GPS observations. The distances shown are surface distances. The Combined Correction Factor (CCF) for this project is 0.999851220.

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 © 2012, Ronald Carroll Surveyors, Inc., All Rights Reserved.
This survey was provided solely for the use of Citizens for Progress, Inc.

Sketch showing part of the MAXIMO MORENO SURVEY, Abstract Number 14 and being the West 77 feet of the South 75 feet of Lot 2, Block 56, the East 33 feet of the South 75 feet of Lot 2, Block 56, part of Lot 1, Block 57, the North 80 feet of Lot 1, Block 62, the South 56.5 feet of Lot 1, Block 62, the West 43 feet of the North 75 feet of Lot 2, Block 62 of the ORIGINAL TOWN OF TEMPLE, an addition situated in Temple, Bell County, Texas, as it appears upon the map recorded in Volume 36, Page 640 of the Bell County Deed Records, and being the North 69 feet of Lot 3, Block 39 of MOORE'S ADDITION AND MOORE'S RAILROAD ADDITION, an addition situated in Temple, Bell County Texas as it appears upon the map recorded in Volume 115, Page 416 of the Bell County Deed Records. To the best of my knowledge there are no apparent easements or visible encroachments, except as shown above as determined on the ground.

Surveyed June 12, 2012.
RONALD CARROLL SURVEYORS, INC.



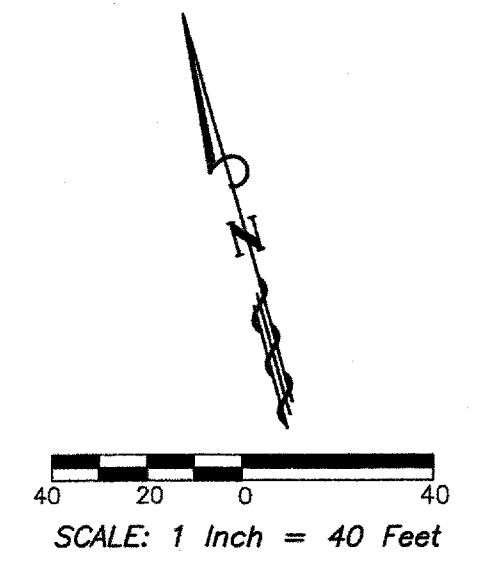
Salvation Army

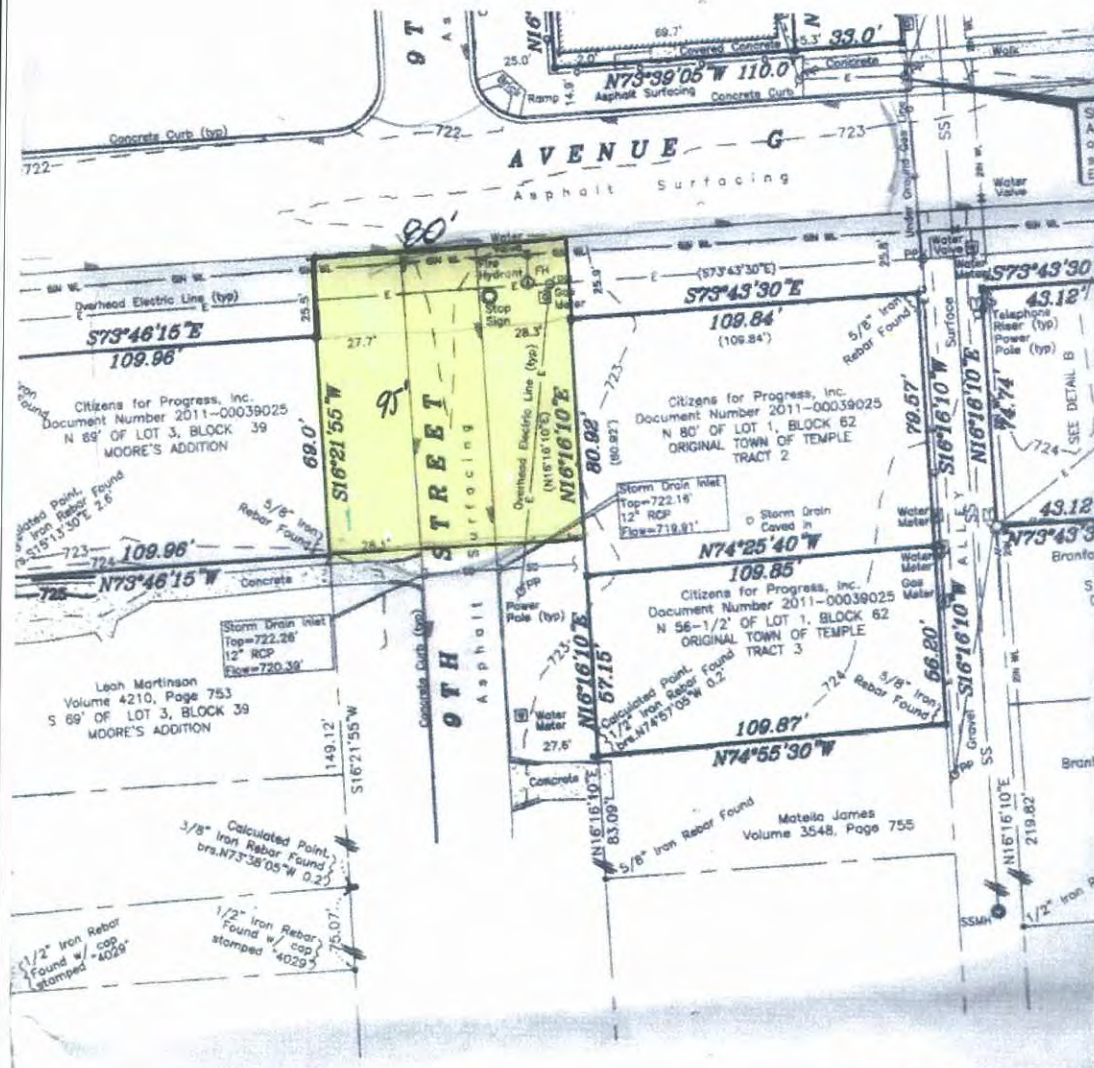
Sketch showing part of the MAXIMO MORENO SURVEY, Abstract Number 14 and being the West 77 feet of the South 75 feet of Lot 2, Block 56, the East 33 feet of the South 75 feet of Lot 2, Block 56, part of Lot 1, Block 57, the North 80 feet of Lot 1, Block 62, the South 56.5 feet of Lot 1, Block 62, the West 43 feet of the North 75 feet of Lot 2, Block 62 of the ORIGINAL TOWN OF TEMPLE, an addition situated in Temple, Bell County, Texas.

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

FOR: Citizens for Progress, Inc.	FIELD BOOK: "NO. PG"	DRAWN BY: MJA	DATE: 7/9/2012
DISK: S:\Data RCS Job Database	DRAWING NAME: 12063-BD-Salvation.dwg	JOB#:	12063
DISK: N=10,373,055.12	E=3,230,817.91		

Amended July 24, 2012 to show correction to north arrow on sketch.





Sketch showing part of the MAXIMO MORENO SURVEY, Abstract 75 feet of Lot 2, Block 56, the East 33 feet of the South 75 feet of Lot 1, Block 62, the South 56.5 feet of Lot 2, Block 62 of the ORIGINAL TOWN OF TEMPLE, Bell County, Texas, as it appears upon the map recorded in Volume 115, County Deed Records, and being the North 69 feet of Lot 3, Block 39, MOORE'S ADDITION, an addition to the original town of Temple, as it appears upon the map recorded in Volume 115, County Deed Records. To the best of my knowledge there are no additions or alterations to the above described property except as shown above as de-
Surveyed June 1, 2011
CARROLL S.

Restricted-Use Appraisal

of

S. 9th St. and W. Ave. G
Temple, TX 76504

As Of:

March 7, 2013

Prepared For:

The Salvation Army, C/O Captain Bill Shafer
120 S. 21st St.
Temple, TX 76504 (bshafer1964@yahoo.com)

Prepared By:

Hal Dunn & Associates, Steven Grant Gryseels & Harold P. Dunn
5106 S. General Bruce Dr., Suite 200, Temple, TX 76502
254-773-2222 (Phone), 254-742-1615 (Fax)
GrantGryseels@yahoo.com, HalDunn_Associates@yahoo.com

Borrower N/A

Property Address S. 9th St. and W. Ave. G

City Temple County Bell State TX Zip Code 76504

Lender/Client The Salvation Army, C/O Captain Bill Shafer Address 120 S. 21st St., Temple, TX 76504 (bshafer1964@yahoo.com)

Hal Dunn and Associates
Telephone 254-773-2222
Fax 254-742-1615

5106 S. General Bruce Dr., Suite 200
Temple, TX 76502

March 7, 2013

The Salvation Army
C/O Captain Bill Shafer
120 S. 21st St.
Temple, TX 76504
bshafer1964@yahoo.com

Attention (Intended User): The Salvation Army, C/O Captain Bill Shafer

Re: Restricted-Use Evaluation of Market Value of property at the south intersection of S. 9th St. and W. Ave. G, Temple, TX 76504

In accordance with your request, I have physically-inspected the above-referenced property, and developed this report in order to estimate its market value. I have done research into various factors that influence its market value. The report of that analysis is attached. The objective/purpose of this report is to estimate the market value of the property described in this report, as-is, in unencumbered fee-simple title of ownership.

The intended use of this report is for our client to make financial decisions regarding the subject property. This report will establish a market value of the real estate for the exclusive use of our client. The purpose of this report is to provide an opinion of market value along with relevant analysis and data for our client. This report was prepared for utilization solely by our client in making financial decisions regarding the subject property. I have performed no appraisal or other specified service as an appraiser or in any other capacity regarding the property that is the subject of this report within the three-year period immediately preceding the acceptance of this assignment.

This report is based on a physical analysis of the site, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. This report determined the highest and best use of the subject, completed or analyzed the three approaches to value (when appropriate), and has reconciled the appropriate approaches to value into a final estimate of market value. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice. According to the Uniform Standards of Professional Appraisal Practice, this report fulfills the requirements of a Restricted-Use Appraisal Report.

The market value conclusions reported are as of the effective date stated in the body of the report, and are contingent upon the certification and limiting conditions attached.

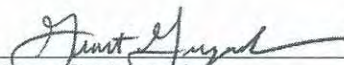
The existence of any hazardous substances, including and without limitation to asbestos, radon gas, petroleum leakage, or agricultural chemicals, or any other environmental conditions, which may or may not be present on or within the property, were not called to the attention of the broker nor did this broker become aware of such during the inspection of the subject. This broker has no knowledge of the existence of such materials, unless otherwise noted. This broker is not qualified to detect or test for such substances or conditions. If such substances exist on the subject property, the finding and removal of those could be quite costly and could substantially affect the value of the property. The final values predicted on the assumption that there is no such condition on, near, or within the property, or within such proximity thereto that it would cause a loss of value. No responsibility is assumed for any such conditions, or for expertise including engineering knowledge required to discover them. A title commitment, or qualified engineer, surveyor, or other professional would be required to make easement, encroachment, land size, drainage, available utilities, road frontage, deed restriction, flood plain, soil condition, environmental condition, and other condition determinations regarding the subject property.

After consideration of the data, discussion, and analysis contained within this report and subject to the Assumptions and Limiting Conditions, it is concluded that the market value of the subject property, with an estimated marketing period and exposure time of 180 to 365 days, as of March 7, 2013, is:

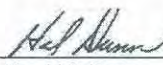
\$6,100 (Six thousand, one hundred dollars)

It has been a pleasure to assist you. Please do not hesitate to contact us if we can be of additional service to you.

Appraiser Name


Steven Grant Gryseels

Supervisor Name


Harold P. Dunn

Definition of Market Value:**(Source: The Appraisal of Real Estate, 11th Edition by the Appraisal Institute)****Market Value:**

The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.

Fundamental assumptions and conditions presumed in this definition are:

1. Buyer and seller are motivated by self-interest.
2. Buyer and seller are well informed, well advised, and are acting prudently in what they consider their own best interests.
3. The property is exposed for a reasonable time on the open market.
4. Payment is made in cash in United States dollars, or in terms of financial arrangements comparable thereto.
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Purpose of Assignment:

The purpose of this report is to present this appraiser's concluded opinion of the market value of the fee-simple estate (Full ownership of the complete bundle of rights; Unencumbered by any other interest or estate, subject only to the limitations imposed by the government powers of escheat, eminent domain, taxation, and police power) of the subject property as of the effective date of this report, along with a summary of the data and rationale that support this conclusion for the exclusive use of our client, who is under no restrictions regarding the distribution of this report to other interested parties of choice.

Date of Market Value and Date of Inspection:

The market value estimate is made based upon knowledge and data available on March 7, 2013. The subject property was physically inspected on March 7, 2013.

Neighborhood:

The neighborhood consists of various commercial, industrial, and residential properties. This neighborhood has a fair to average appeal to the marketplace. Property values in this neighborhood are expected to remain stable in the foreseeable future. The subject has an estimated marketing period and exposure time of 180 to 365 days, based on sales of comparable properties and assuming reasonable and proper marketing of the subject. See the Quickfacts and Neighborhood Data summaries in the addenda of this report.

Legal Description:

There is no legal description for the subject property.

History of the Subject Property:

The subject property is a portion of an asphalt-paved, publicly-maintained roadway in the city of Temple. This report is needed by the client to make financial decisions regarding the subject property. No current listings, options, or agreements of sale of the subject property were discovered or observed over the course of this appraisal. **Your appraiser has been specifically asked to estimate the market value of the portion of land/street (outlined and highlighted in the survey which can be seen in the addenda of this report) as if it were a vacant lot.**

Hypothetical Conditions and Extraordinary Assumptions:

Your appraiser has been specifically asked to estimate the market value of the portion of land/street (outlined and highlighted in the survey which can be seen in the addenda of this report) as if it were a vacant lot. **Therefore, this appraisal is being made under the hypothetical condition that the subject property is a vacant lot in this exact location.**

This appraisal will be made assuming that there are no adverse easements, encroachments, environmental conditions, deed restrictions, drainage issues, flood plain issues, soil conditions, and other adverse site features and conditions on the subject property.

The neighboring properties are zoned *Commercial*, therefore this evaluation will consider the subject property as if it were zoned *Commercial*.

The subject property will be assumed to be served with public water, sewer, and electricity.

Description of the Land and Zoning:

The neighboring properties are zoned *Commercial*, therefore this evaluation will consider the subject property as if it were zoned *Commercial*. See the Zoning Map in the addenda of this report.

The subject property is not located within the flood hazard area (See Flood Map in the addenda of this report).

The subject land is of level to gently-sloping topography. The subject property is located in Census Tract 207.02. **Based on the survey, the subject property measures approximately 80' x 95' which is approximately 7,600 square feet (See survey in the addenda of this report).** The subject property will be assumed to be served with public water, sewer, and electricity. The subject property currently consists of a portion of an asphalt-paved, two-way, publicly-maintained roadway, and utility easements.

Highest and Best Use:

Highest and best use may be defined as the reasonably probable and legal use which is physically possible, appropriately supported, financially feasible, and that results in the highest value. It is the most profitable likely use to which a property can be used. The opinion of such use may be based upon the highest and most profitable continuous use to which the property is adapted and needed, or likely to be in demand, in the reasonably near future.

As implied in its definition, the highest and best use of a property must be:

1. Legally permissible;
2. Physically possible;
3. A use for which there is a demand in the area;
4. Financially feasible;
5. Reasonably probable and not speculative nor conjectural;
6. Profitable;
7. Deliver to the land the highest net return for the longest period of time, or be maximally productive.

This appraisal is based on a hypothetical situation. Under those hypothetical conditions and extraordinary assumptions, we will consider the following: Based on the location of the subject property, the hypothetical zoning of the subject property, and the uses of surrounding properties, it is the opinion of your appraiser that the highest and best use of the subject property is Commercial.

SCOPE OF THE APPRAISAL ASSIGNMENT

The following steps and procedures were completed in processing this appraisal assignment:

(This report will only include an abbreviation of these steps; some calculations and figures are only in the work file)

- 1.) Definition of the objective/purpose of the appraisal.
- 2.) Inspection of the subject neighborhood.
- 3.) Inspection of the subject property.
- 4.) Gather economic data which pertains to the subject property, neighborhood, and region.
- 5.) Determine the highest and best use of the subject property.
- 6.) Determine the appraisal techniques which are appropriate for the subject property.
- 7.) Process Sales Comparison Approach for estimate of as-is land value for the hypothetical subject lot.
 - A.) Select comparable's.
 - B.) Analyze comparable's by comparing them to the subject property; Make appropriate adjustments to the comparable's for factors that affect land value, and use this analysis to estimate the market value of the subject land based on a price per square foot or price per acre basis.
- 8.) Reconcile value indications from the applicable approaches into a concluded subject market value.

Approaches to Value:

The only applicable approach for estimating the market value of the subject property as if it were a vacant lot is the Sales Comparison Approach. The Sales Comparison Approach will be briefly analyzed to determine an estimated market value of the subject land as a whole.

This approach utilizes sales of comparable properties to conclude a value estimate for the subject property. This involves comparing the sales to the subject property, and making the required adjustments for factors that affect the value of the land. This approach is based on the idea that a property's value may be equated with the cost of acquiring an equally desirable substitute/alternative property. Relying upon the principle of substitution, this approach estimates value by a comparison of the subject with comparable properties. Differences between the comparable's and the subject are considered. A value from the Sales Comparison Approach is then concluded from the values indicated by the adjusted price per square foot or price per acre of the comparable properties.

Sales Comparison Approach:

The Sales Comparison Approach will consider the price per square foot of the comparable properties, and adjustments will be considered for factors and features that affect market value.

Comparable's can be seen below, along with their MLS listing in the addenda of this report. I am aware of reasonably comparable sales in the subject marketplace such as the following:

Comparable Sales:

<u>Location in Temple</u>	<u>Date of Sale</u>	<u>Size</u>	<u>Sales Price</u>	<u>Zoning</u>
701 S. 19th St.	01/30/2013	14,300 SF	\$10,000 (\$0.70/SF)	C
306 S. 25th St.	08/14/2012	10,500 SF	\$5,500 (\$0.52/SF)	2F
1211 N. 2nd St.	01/27/2012	6,000 SF	\$7,500 (\$1.25/SF)	SF1

The subject and comparable's size, location, and zoning were taken into consideration. Adjustments were considered and analyzed for each comparable respectively. Comparable 1 is by far the most similar to the subject, and was given the most consideration after an upward adjustment of 10% for size.

Based upon my analysis of the comparable land sales, the subject property is considered to have a land market value of \$0.80 per square foot or \$6,100 (Rounded).

Overall Conclusion:

Indicated market values of the subject property are as follows:

Sales Comparison Approach	\$6,100
Total Estimated Market Value of the Subject	\$6,100

Based upon my knowledge of the subject marketplace, and after consideration of the data, discussion, and analysis contained within this report (Subject to the Assumptions and Limiting Conditions), it is concluded that the market value of the subject property, with an estimated marketing period and exposure time of 180 to 365 days, as of March 7, 2013, is:

\$6,100 (Six thousand, one hundred dollars)

Borrower N/A

Property Address S. 9th St. and W. Ave. G

City Temple County Bell State TX Zip Code 76504

Lender/Client The Salvation Army, C/O Captain Bill Shafer Address 120 S. 21st St., Temple, TX 76504 (bshafer1964@yahoo.com)



View down 9th St. facing north toward Ave. G



Angle view from 9th St. facing northeast toward Ave. G



Angle view from Ave. G, facing southeast down 9th St.



Street view of Ave. G, facing east; subject property on the right



Angle view from Ave. G, facing southwest down 9th St.



Street view of Ave. G, facing west; subject property on the left

Hal Dunn & Associates
SITE LOCATION MAP

File No. 23913-SGG
Case No.

Borrower N/A

Property Address S. 9th St. and W. Ave. G

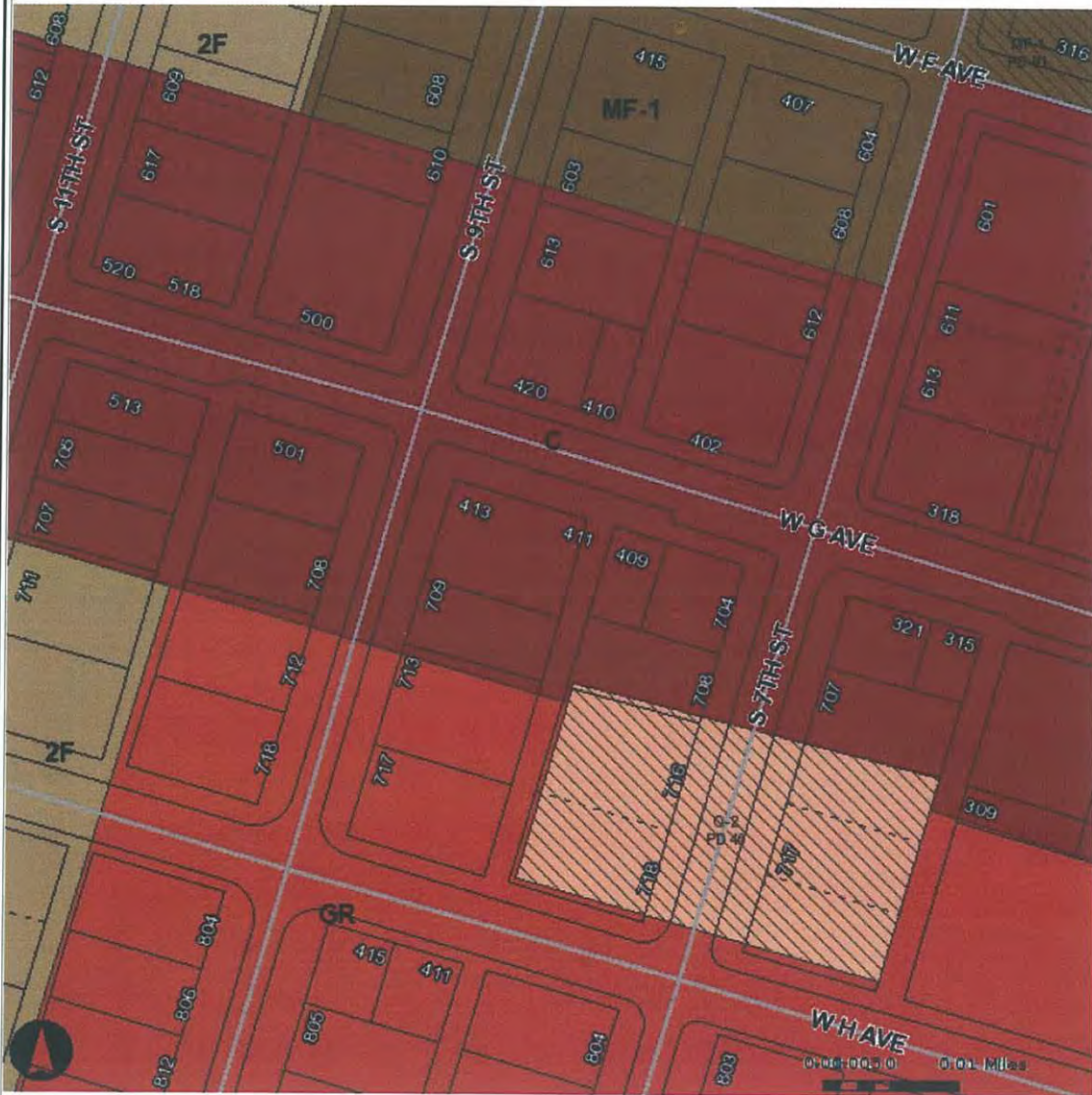
City Temple County Bell State TX Zip Code 76504

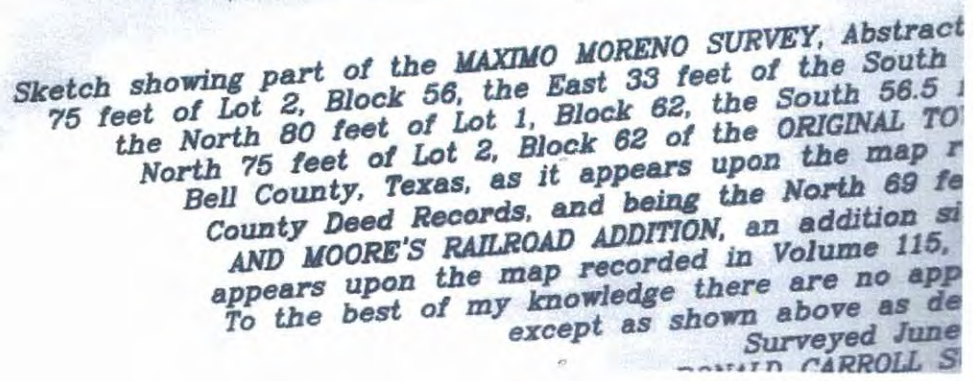
Lender/Client The Salvation Army, C/O Captain Bill Shafer Address 120 S. 21st St., Temple, TX 76504 (bshafer1964@yahoo.com)



Zoning Map of the Area

File No. 23913-SGG
Case No.

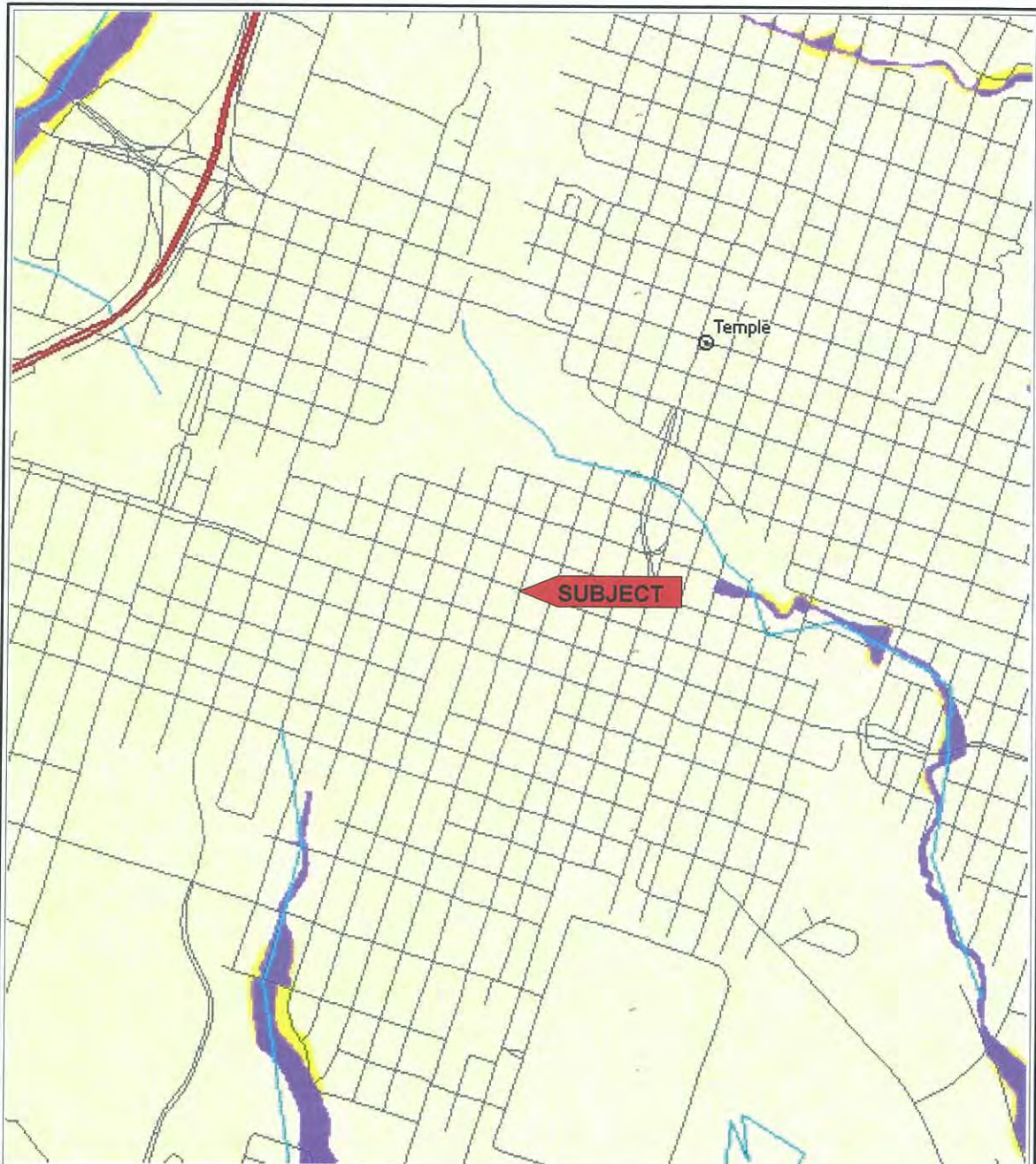




Hal Dunn & Associates
FLOOD MAP ADDENDUM

File No. 23913-SGG
Case No.

Borrower N/A
Property Address S. 9th St. and W. Ave. G
City Temple County Bell State TX Zip Code 76504
Lender/Client The Salvation Army, C/O Captain Bill Shafer Address 120 S. 21st St., Temple, TX 76504 (bshafer1964@yahoo.com)



Flood Map Legends

Flood Zones

- Areas inundated by 500-year flooding
- Areas outside of the 100 and 500 year flood plains
- Areas inundated by 100-year flooding
- Areas inundated by 100-year flooding with velocity hazard
- Floodway areas
- Floodway areas with velocity hazard
- Areas of undetermined but possible flood hazard
- Areas not mapped on any published FIRM

Flood Zone Determination

SFHA (Flood Zone): **Out**
Within 250 ft. of multiple flood zone? **No**
Community: **480034**
Community Name: **TEMPLE, CITY OF**
Zone: **X** Panel: **480034 0355E** Panel Date: **09/26/2008**
FIPS Code: **48027** Census Tract: **0207.02**
This Flood Report is for the sole benefit of the Customer that ordered and paid for the Report and is based on the property information provided by the customer. That customer's use of this report is subject to the terms agreed by that customer when accessing this product. No third party is authorized to use or rely on this report for any purpose. NEITHER FIRST AMERICAN FLOOD DATA SERVICES NOR THE SELLER OF THIS REPORT MAKES ANY REPRESENTATIONS OR WARRANTIES TO ANY PARTY CONCERNING THE CONTENT ACCURACY OR COMPLETENESS OF THIS REPORT INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Neither FAFDS nor the seller of this Report shall have any liability to any third party for any use or misuse of this Report.

ALL FIELDS DETAIL



MLS #	97068	Coverage	Mostly Open
Status	SOLD	Acreage	>1
Type	Commercial Land	Financing	New Loan
Address	701 S 19th Street	Zoning	Commercial
Address 2		SchoolDist	Temple
City	Temple		
State	TX		
Zip	76501		
Area	Temple Central 2		
Class	LAND		
Asking Price	\$10,000		
Sale/Rent	For Sale		
IDX Include	Yes		

GENERAL

Seller Concessions \$		Client Hit Count	53
Agent Hit Count	45	Number of Acres	0.33
Price Per Acre		Agent	Margo Wyatt - Home: (254) 718-0692
Listing Office 1	<u>RODNEY DUNN COMPANY, INC -</u> <u>Main: (254) 774-7355</u>	Listing Agent 2	
Listing Office 2		Subagent Code	0
Buyers Agent Code	5	VCR Y/N	No
Owners Name	Steven & Jaqueline Sanders	Owner Phone	
Expiration Date		Subdivision	Jones & Moores Addition
Lot Size	110 x 130	Lot/Block	LOT PT1(N 130' OF 1)/BL15
Addition	Jones & Moores Addition	Legal	LOT PT1(N 130' OF 1) BLOCK 15 of Jones & Moores Addition
Property ID#	685	Living Quarters Size	n/a
Out Buildings	n/a	Improves	n/a
Directions	At the corner of W. Avenue G and S. 19th	Internet Remarks	Level Commercial Lot, 1/3 Acre
Map		Sign Y/N	Yes
Lockbox Location	No Lockbox	Off Market Date	1/30/2013
Associated Document Count	0	Seller Cost \$	
Search By Map		Tax ID	
VOW Include	Yes	VOW Address	Yes
VOW Comment	Yes	VOW AVM	Yes
Update Date	1/30/2013	Status Date	1/30/2013
HotSheet Date	1/30/2013	Price Date	1/30/2013
Input Date	5/18/2012 4:34:00 PM	Original Price	\$20,000
Buyer Cost \$		Buyers Name	
Days On Market	256		

FEATURES

TOPOGRAPHY	ROAD SURFACE	RESTRICTIONS	POSSESSION
Level/Flat	Hardtop	Zoned	Negotiable
DOCUMENTS/FILE	SELLER SUBDIVIDE	UTILITIES AVAILABLE	HOW SHOW
Legal Description	No	Electricity	Show Anytime
MINERALS-SUBJECT TO	WATER	Natural Gas	
No Slr Res.	City/Meter Available	Telephone	
ROAD FRONTAGE		TV Cable	
State/County			

FINANCIAL

Addendum

SOLD STATUS

How Sold	Cash	Contract Date	1/14/2013
Closing Date	1/30/2013	Sold Price	\$10,000
Selling Agent 1	Margo Wyatt - Home: (254) 718-0692	Selling Office 1	RODNEY DUNN COMPANY, INC - Main: (254) 774-7355
Selling Agent 2		Selling Office 2	
Sold Remarks		Concessions/Addendums	Seller pd for new survey

REMARKS

Seller is not under pressure to sell but will consider all offers.

ALL FIELDS DETAIL



MLS #	96319	Coverage	Scattered Trees
Status	SOLD	Acreage	None
Type	City Residential Lots	Financing	New Loan
Address	306 S 25th Street	Zoning	Multi-Family
Address 2		SchoolDist	Temple
City	Temple		
State	TX		
Zip	76504		
Area	Temple South		
Class	LAND		
Asking Price	\$10,500		
Sale/Rent	For Sale		
IDX Include	Yes		

GENERAL

Seller Concessions \$		Client Hit Count	25
Agent Hit Count	26	Number of Acres	0.24
Price Per Acre		Agent	DAVID JIRASEK - Home: (254) 718-7600
Listing Office 1	JIRASEK REALTY - Main: (254) 770-0996	Listing Agent 2	JEREMY JIRASEK - Cel: (254) 541-8895
Listing Office 2	JIRASEK REALTY - Main: (254) 770-0996	Subagent Code	0
Buyers Agent Code	3	VCR Y/N	No
Owners Name	Johnnie Blohm Attaway	Owner Phone	
Expiration Date		Subdivision	Freeman Heights
Lot Size	75' x 140'	Lot/Block	S 1/2 of 9 & Lot 10 Blk29
Addition	Freeman Heights	Legal	S 1/2 of 9 & Lot 10 Blk 29 Freeman Heights
Property ID#	4196	Living Quarters Size	
Out Buildings		Improves	
Directions	25th Street, between Ave C & D	Internet Remarks	2 Family Vacant Lot
Map		Sign Y/N	Yes
Lockbox Location	N/A	Off Market Date	8/14/2012
Associated Document Count	0	Seller Cost \$	
Search By Map		Tax ID	
VOW Include	Yes	VOW Address	Yes
VOW Comment	Yes	VOW AVM	Yes
Update Date	8/24/2012	Status Date	8/24/2012
HotSheet Date	8/24/2012	Price Date	8/24/2012
Input Date	3/16/2012 5:46:00 PM	Original Price	\$10,500
Buyer Cost \$		Buyers Name	Mohler
Days On Market	151		

FEATURES

TOPOGRAPHY	ROAD FRONTAGE	RESTRICTIONS
Level/Flat	State/County	Zoned
DOCUMENTS/FILE	ROAD SURFACE	POSSESSION
Legal Description	Hardtop	Closing
Aerial Photos	SOIL TYPE	HOW SHOW
	Blackland	Show Anytime

FINANCIAL

Addendum

SOLD STATUS

How Sold	Cash	Contract Date	7/12/2012
Closing Date	8/14/2012	Sold Price	\$5,500
Selling Agent 1	DAVID JIRASEK - Home: (254) 718-7600	Selling Office 1	JIRASEK REALTY - Main: (254) 770-0996
Selling Agent 2	JEREMY JIRASEK - Cel: (254) 541-8895	Selling Office 2	JIRASEK REALTY - Main: (254) 770-0996
Sold Remarks		Concessions/Addendums	

REMARKS

75' x 140' Two-Family zoned vacant lot.

ADDITIONAL PICTURES**DISCLAIMER**

The information contained in this document was obtained from the Homeowner, Official Governmental Records or other Third-Party Sources and has not been verified by the Temple-Belton Board of REALTORS or any of its Members. It is highly recommended that any prospective purchaser have an independent verification of any information presented herein before making a decision to purchase.

ALL FIELDS DETAIL



MLS #	94052	Coverage	Scattered Trees
Status	SOLD	Acreage	3+
Type	City Residential Lots	Financing	New Loan
Address	1211 N 2	Zoning	Residential
Address 2		SchoolDist	Temple
City	Temple		
State	TX		
Zip	76501		
Area	Temple Central 3		
Class	LAND		
Asking Price	\$7,500		
Sale/Rent	For Sale		
IDX Include	Yes		

GENERAL

Seller Concessions \$		Client Hit Count	23
Agent Hit Count	3	Number of Acres	0.15
Price Per Acre		Agent	TIFFANI J FOXX - CELL: (254) 421-1000
Listing Office 1	COVINGTON REAL ESTATE INC - Main: (254) 939-3800	Listing Agent 2	
Listing Office 2		Subagent Code	0
Buyers Agent Code	500	VCR Y/N	No
Owners Name	Walter D. Jr. & Jules Haster	Owner Phone	
Expiration Date		Subdivision	Northpark
Lot Size	50 x 120	Lot/Block	Pt 3,(N 50' of 3) BLK 06
Addition		Legal	Lot PT 3, (N 50' of 3) Blk 006 North Park
Property ID#	46818	Living Quarters Size	
Out Buildings		Improves	
Directions	North Temple to 3rd street right on Lamar	Internet Remarks	
Map		Sign Y/N	
Lockbox Location	none	Off Market Date	1/27/2012
Associated Document Count	2	Seller Cost \$	
Search By Map		Tax ID	
VOW Include	Yes	VOW Address	Yes
VOW Comment	Yes	VOW AVM	Yes
Update Date	1/31/2012	Status Date	1/31/2012
HotSheet Date	1/31/2012	Price Date	11/30/2011
Input Date	8/10/2011 1:33:00 PM	Original Price	\$12,000
Buyer Cost \$		Buyers Name	
Days On Market	169		

FEATURES

ROAD FRONTAGE	WATER	UTILITIES AVAILABLE	POSSESSION
State/County	City/Meter Available	Electricity	Closing
FENCING		Natural Gas	HOW SHOW
Partial Fence		Telephone	Show Anytime
SELLER SUBDIVIDE		TV Cable	
No			

FINANCIAL

Addendum

SOLD STATUS

How Sold	Cash	Contract Date	1/13/2012
Closing Date	1/27/2012	Sold Price	\$7,500
Selling Agent 1	LAVERNE PICK - cell: (254) 760-1588	Selling Office 1	COVINGTON REAL ESTATE INC - Main: (254) 939-3800
Selling Agent 2		Selling Office 2	
Sold Remarks		Concessions/Addendums	none

REMARKS

RESIDENTIAL lot, already has utilities available. Some trees great homesite

ADDITIONAL PICTURES

MSA Code: 28660	State Code: 48	County Code: 027	Tract Code: 0207.02
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Summary Census Demographic Information

Tract Income Level	Moderate	Tract Population	2172
Underserved or Distressed Tract	No	Tract Minority %	73.07
2012 FFIEC Estimated MSA/MD/non-MSA/MD Median Family Income	\$56,700	Minority Population	1587
2012 Est. Tract Median Family Income	\$35,948	Owner-Occupied Units	220
2010 Tract Median Family Income	\$34,728	1- to 4-Family Units	657
Tract Median Family Income %	63.40		

Census Income Information

Tract Income Level	Moderate	Tract Median Family Income %	63.40
2010 MSA/MD/statewide non-MSA/MD Median Family Income	\$54,774	2010 Tract Median Family Income	\$34,728
2012 FFIEC Estimated MSA/MD /non-MSA/MD Median Family Income	\$56,700	2012 Estimated Tract Median Family Income	\$35,948
% below Poverty Line	16.26	2010 Tract Median Household Income	\$29,573

Census Population Information

Tract Population	2172	Tract Minority Population	1587
Tract Minority %	73.07	American Indian Population	13
Number of Families	443	Asian/Hawaiian/Pacific Islander Population	12
Number of Households	607	Black Population	462
Non-Hispanic White Population	585	Hispanic Population	1046
		Other/Two or More Races Population	54

Census Housing Information

Total Housing Units	754	Owner-Occupied Units	220
1- to 4- Family Units	657	Renter Occupied Units	387
Median House Age (Years)	49	Vacant Units	
Inside Principal City?	---	Owner Occupied 1- to 4- Family Units	210

Temple (city), Texas

People QuickFacts	Temple	Texas
Population, 2011 estimate	67,188	25,631,778
Population, 2010 (April 1) estimates base	66,130	25,145,561
Population, percent change, April 1, 2010 to July 1, 2011	1.6%	1.9%
Population, 2010	66,102	25,145,561
Persons under 5 years, percent, 2010	8.4%	7.7%
Persons under 18 years, percent, 2010	26.4%	27.3%
Persons 65 years and over, percent, 2010	13.8%	10.3%
Female persons, percent, 2010	52.2%	50.4%
White persons, percent, 2010 (a)	68.1%	70.4%
Black persons, percent, 2010 (a)	16.9%	11.8%
American Indian and Alaska Native persons, percent, 2010 (a)	0.6%	0.7%
Asian persons, percent, 2010 (a)	2.1%	3.8%
Native Hawaiian and Other Pacific Islander, percent, 2010 (a)	0.1%	0.1%
Persons reporting two or more races, percent, 2010	3.3%	2.7%
Persons of Hispanic or Latino origin, percent, 2010 (b)	23.7%	37.6%
White persons not Hispanic, percent, 2010	55.5%	45.3%
Living in same house 1 year & over, percent, 2007-2011	84.1%	82.1%
Foreign born persons, percent, 2007-2011	8.5%	16.2%
Language other than English spoken at home, percent age 5+, 2007-2011	17.5%	34.4%
High school graduate or higher, percent of persons age 25+, 2007-2011	86.3%	80.4%
Bachelor's degree or higher, percent of persons age 25+, 2007-2011	24.7%	26.1%
Veterans, 2007-2011	7,447	1,618,413
Mean travel time to work (minutes), workers age 16+, 2007-2011	16.3	24.8
Housing units, 2010	28,422	9,977,436
Homeownership rate, 2007-2011	59.9%	64.5%
Housing units in multi-unit structures, percent, 2007-2011	31.8%	24.0%
Median value of owner-occupied housing units, 2007-2011	\$110,900	\$126,400
Households, 2007-2011	23,944	8,667,807
Persons per household, 2007-2011	2.66	2.79

Per capita money income in the past 12 months (2011 dollars), 2007-2011	\$26,310	\$25,548
Median household income, 2007-2011	\$47,955	\$50,920
Persons below poverty level, percent, 2007-2011	12.9%	17.0%

Business QuickFacts	Temple	Texas
Total number of firms, 2007	3,916	2,164,852
Black-owned firms, percent, 2007	S	7.1%
American Indian- and Alaska Native-owned firms, percent, 2007	S	0.9%
Asian-owned firms, percent, 2007	S	5.3%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	F	0.1%
Hispanic-owned firms, percent, 2007	10.3%	20.7%
Women-owned firms, percent, 2007	22.8%	28.2%
Manufacturers shipments, 2007 (\$1000)	1,604,189	593,541,502
Merchant wholesaler sales, 2007 (\$1000)	3,972,377	424,238,194
Retail sales, 2007 (\$1000)	1,133,818	311,334,781
Retail sales per capita, 2007	\$19,169	\$13,061
Accommodation and food services sales, 2007 (\$1000)	132,985	42,054,592

Geography QuickFacts	Temple	Texas
Land area in square miles, 2010	69.01	261,231.71
Persons per square mile, 2010	957.9	96.3
FIPS Code	72176	48
Counties		

(a) Includes persons reporting only one race.

(b) Hispanics may be of any race, so also are included in applicable race categories.

D: Suppressed to avoid disclosure of confidential information

F: Fewer than 100 firms

FN: Footnote on this item for this area in place of data

NA: Not available

S: Suppressed; does not meet publication standards

X: Not applicable

Z: Value greater than zero but less than half unit of measure shown

Source U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, County Business Patterns, Economic Census, Survey of Business Owners, Building Permits, Consolidated Federal Funds Report, Census of Governments
Last Revised: Thursday, 10-Jan-2013 10:48:13 EST

Affidavit of Appraiser - Certification of Non-Influence

The appraiser named respectfully submits and represents to the following:

I hereby acknowledge to the best of my ability the following:

1. There have been no written or verbal communications or conversations between the mortgage lender or any staff person thereof and myself, my assistant, or any other staff member working on my behalf during the completion of this particular assignment or review assignment regarding a predetermined value for the subject property of this assignment.
2. I acknowledge that I have not been influenced, coerced, extorted, or bribed regarding the outcome of this appraisal report, nor am I knowingly aware of being recommended by any staff member, director, or agent of the mortgage lender's loan production staff, including the loan officer, to complete this assignment.
3. I certify that I have been engaged to provide a complete order with the information required for me to agree and complete a full appraisal assignment that meets USP AP guidelines and standards. Included on their order form was the originating lender's company name and address for purposes of inclusion on the appraisal report. No individual names from lender's staff, including loan officer name, was provided to me. No preliminary estimation of value, loan amount, or any similar information was provided to me or communicated to me or any staff person within my company. With respect to a Purchase Transaction, the Purchase Agreement (Sales Contract) was made available in its entirety (as required by USPAP Standard Rule 1- Sa). In the event the loan is an FHA transaction, I understand that the lender may require my identity, including my State Certification number; however, no attempt was made to coerce or influence the outcome of this appraisal report.
4. I acknowledge that I have completed this assignment and have only acted with the highest integrity and in a manner considered ethical to my profession, and consistent both with USPAP standards and the Appraiser Independence Requirements rules and regulations.
5. I acknowledge that I am not an employee of nor affiliated with the mortgage lender, and that I am not a staff appraiser to any entity that is either wholly or partially owned by the lender/investor or by any entity that is owned in whole or in part by a "Settlement Services" provider. By including this document within this appraisal report, I acknowledge to the best of my ability that all of the above statements are valid and true, I have honestly agreed with them, and that I have no objections or reservations to their contrary.

Privacy Notice

Appraisers, along with all providers of personal financial services, are now required by federal law to inform their clients of the policies of the firm with regard to the privacy of client nonpublic personal information. As professionals, we understand that your privacy is very important to you and are pleased to provide you with this information.

Types of Nonpublic Personal Information We Collect

In the course of performing appraisals, we may collect what is known as "nonpublic personal information" about you. This information is used to facilitate the services that we provide to you and may include the information provided to us by you directly or received by us from others with your authorization.

Parties to Whom We Disclose Information

We do not disclose any nonpublic personal information obtained in the course of our engagement with our clients to nonaffiliated third parties except as necessary or as required by law. By way of example, a necessary disclosure would be to our employees, and in certain situations, to unrelated third party consultants who need to know that information to assist us in providing appraisal services to you. All of our employees and any third party consultants we employ are informed that any information they see as part of an appraisal assignment is to be maintained in strict confidence within the firm.

A disclosure required by law would be a disclosure by us that is ordered by a court of competent jurisdiction with regard to a legal action to which you are a party.

Confidentiality and Security

We will retain records relating to professional services that we have provided to you for a reasonable time so that we are better able to assist you with your needs. In order to protect your nonpublic personal information from unauthorized access by third parties, we maintain physical, electronic and procedural safeguards that comply with our professional standards to insure the security and integrity of your information.

Please feel free to call us at any time if you have any questions about the confidentiality of the information that you provide to us.

USPAP COMPLIANCE ADDENDUM

File No. 23913-SGG
Case No.

Borrower/Client <u>N/A</u>			
Address <u>S. 9th St. and W. Ave. G</u>			
City <u>Temple</u>	County <u>Bell</u>	State <u>TX</u>	Unit No. _____ Zip Code <u>76504</u>
Lender/Client <u>The Salvation Army, C/O Captain Bill Shafer</u>			

APPRAISAL AND REPORT IDENTIFICATION

This Appraisal Report is one of the following types:

- ☐ Self Contained (A written report prepared under Standards Rule 2-2(a), pursuant to the Scope of Work, as disclosed elsewhere in this report.)
- ☐ Summary (A written report prepared under Standards Rule 2-2(b), pursuant to the Scope of Work, as disclosed elsewhere in this report.)
- ☒ Restricted Use (A written report prepared under Standards Rule 2-2(c), pursuant to the Scope of Work, as disclosed elsewhere in this report, restricted to the stated intended use by the specified client or intended user.)

COMMENTS ON THE STANDARDS RULE 2-3

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The report analyses, opinions, and conclusions are limited only by the reported assumptions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or specified) personal interest with respect to the parties involved.
- ☒ I have performed **NO** services, as an appraiser or in another other capacity, regarding the property that is the subject of the report within the three-year period immediately preceding acceptance of this assignment.
- ☐ I **HAVE** performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I ☒ have or ☐ have not made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification. (If there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report.)

COMMENTS ON APPRAISAL AND REPORT IDENTIFICATION

Note any USPAP related issues requiring disclosure and any State mandated requirements:

MARKETING TIME AND EXPOSURE TIME FOR THE SUBJECT PROPERTY

- ☒ A reasonable marketing time for the subject property is 180-365 day(s) utilizing market conditions pertinent to the appraisal assignment.
- ☒ A reasonable exposure time for the subject property is 180-365 day(s).

APPRAISER

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature

Name Steven Grant GryseelsDate of Signature March 7, 2013State Certification # 1335811-G

or State License # _____

State TXExpiration Date of Certification or License 02/28/2014Effective Date of Appraisal March 7, 2013

Signature

Name Harold P. DunnDate of Signature March 7, 2013State Certification # 1324607-G

or State License # _____

State TXExpiration Date of Certification or License 03/31/2013

Supervisory Appraiser Inspection of Subject Property:

☐ Did Not ☒ Exterior Only from street ☐ Interior and Exterior

**Definition of Market Value
Ordinary Assumptions and Limiting Conditions
Certification**

DEFINITION OF MARKET VALUE:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

ORDINARY ASSUMPTIONS AND LIMITING CONDITIONS:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. If the appraiser has provided a sketch in the appraisal report, the sketch shows approximate dimensions and is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. If the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report that the subject site is (or is not) located in an identified Special Flood Hazard Area, as the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless required to do so by a court.
5. The appraiser has noted in the appraisal report any significant adverse conditions (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
6. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
7. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
8. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
9. I have agreed to enter into this assignment as requested by the client named in the report for the use specified by the client which is stated in the report, which calls for things that are different from the work that would otherwise be required by the specific guidelines of the USPAP. The client has agreed that the performance of this limited appraisal service is appropriate for their intended use.

Other:

CERTIFICATION:

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
3. I have no (or the specified) present or prospective interest in this property that is the subject of this report, and I have no (or the specified) personal interest or bias with respect to the parties involved.
4. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
5. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Practice.
6. I have (or have not) as indicated on the report made a personal inspection of the property that is the subject of this report. If more than one person has signed the report, each person has indicated on the report whether they did or did not make an inspection of the appraisal property.
7. Unless otherwise indicated below, no one provided me with significant professional assistance in the completion of this appraisal assignment.

SUPERVISORY APPRAISER'S CERTIFICATION:

If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications, and am taking full responsibility for the appraisal and the appraisal report.

APPRAISER

Signature

Name Steven Grant Gryseels

Date Report Signed March 7, 2013

☒ Did ☐ Did Not Inspect Property

Cert./Lic. # 1335811-G St TX Exp: 02/28/2014

SUPERVISORY APPRAISER

Signature

Name Harold P. Dunn

Date Report Signed March 7, 2013

☒ Did ☐ Did Not Inspect Property

Cert./Lic. # 1324607-G St TX Exp: 03/31/2013

**QUALIFICATIONS
OF
S. GRANT GRYSEELS**

Mr. Steven Grant Gryseels became a State Certified General Real Estate Appraiser on February 7, 2006. He has been engaged in the analysis and appraisal of real estate since January of 2003, appraising various types of real estate under the sponsorship of Harold P. Dunn, State Certified General Appraiser. Mr. Gryseels has appraised various types of real estate including single-family and multi-family residences, apartments, various commercial/office/retail buildings, subdivisions, raw land, and farm/ranch properties.

EDUCATIONAL BACKGROUND:

Mr. Gryseels graduated in 2002, with a Bachelor of Business Administration degree in Finance from Baylor University.

TEXAS REAL ESTATE APPRAISER CERTIFICATION:

State Certified General Real Estate Appraiser: TX-1335811-G, effective February 7, 2006.

FHA CERTIFICATION:

FHA certified on October 30, 2006.

CURRENT STATUS:

Mr. Gryseels is an associate of Hal Dunn & Associates Realty and Appraisal Company which is engaged in the valuation of all types of real estate throughout the Central Texas area. Mr. Gryseels responsibilities include research, inspection, and report preparation on various types of appraisal assignments which this company completes.

APPRAISAL COURSES COMPLETED:

Real Estate Principles: Baylor University, 12/15/01, Semester Course
Real Estate Appraisal: Baylor University, 05/15/02, Semester Course
USPAP: Leonard Hawes Real Estate School, 05/08/03, 15 Hours
Appraisal 0211: Austin Institute of Real Estate, 12/13/03, 30 Hours
Appraising Residential Properties: Lon Morris College, 01/28/05, 30 Hours
Income Property Appraisal: Texas A&M Commerce, 09/06/05, 30 Hours
USPAP: Foundation of Real Estate Appraisers, 11/04/05, 15 Hours
USPAP: Champions School of Real Estate, 01/16/08, 7 Hours
AQE Residential Report Writing: Champions School of Real Estate, 01/17/08, 15 Hours
Residential Cost Approach: Champions School of Real Estate, 01/17/08, 7 Hours
USPAP 2010-2011 Update: Champions School of Real Estate, 02/09/10, 7 Hours
Commercial Appraisal: Champions School of Real Estate, 01/26/10, 3.5 Hours
FHA & VA Appraisal: Champions School of Real Estate, 01/28/10, 7 Hours
Supervising Appraisal Trainees: Champions School of Real Estate, 01/28/10, 3.5 Hours
Mortgage Fraud: Champions School of Real Estate, 02/03/10, 7 Hours
USPAP 2012-2013 Update: Champions School of Real Estate, 01/31/12, 7 Hours
Foreclosure Basics for Appraisers: Champions School of Real Estate, 01/23/12, 7 Hours
Appraisal of 2-4 Family & MF: Champions School of Real Estate, 01/20/12, 7 Hours
Challenging Assignments: Champions School of Real Estate, 02/01/12, 7 Hours

Appraiser License Certificate

File No. 23913-SGG
Case No.

You may wish to laminate the pocket identification card to preserve it.

HAROLD P DUNN
P O BOX 4215
TEMPLE, TX 76505

The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board.

Inquiry as to the status of this license may be made to:

Texas Appraiser Licensing and Certification Board
P.O. Box 12188
Austin, Tx 78711-2188
www.talcb.state.tx.us
(512) 459-2232 (TREC)
Fax(512) 465-3995

Texas Appraiser Licensing and Certification Board P.O. Box 12188 Austin, Texas 78711-2188

Certified General Real Estate Appraiser

Number: TX 1324607 G

Issued: 03/16/2011

Expires: 03/31/2013

Appraiser: HAROLD P DUNN

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Douglas E. Oldmixon
Commissioner

Texas Appraiser Licensing and Certification Board

P.O. Box 12188 Austin, Texas 78711-2188

Certified General Real Estate Appraiser

Number: TX 1324607 G

Issued: 03/16/2011

Expires: 03/31/2013

Appraiser: HAROLD P DUNN

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Douglas E. Oldmixon
Commissioner

QUALIFICATIONS
OF
HAL DUNN

Hal Dunn has been engaged in the analysis and appraisal of real estate since 1985. Prior to this, he was associated with the development and property management of real estate for two years. Previously, he was associated with a savings and loan association engaged in real estate finance for eight years. Mr. Dunn has appraised various types of real estate including single-family residences, apartments, office buildings, financial institutions, retail and commercial facilities, subdivisions, raw land, farm and ranch properties.

COLLEGE EDUCATION:

Graduated from Texas A&M University with a Bachelor of Business Administration in 1971.

PROFESSIONAL AFFILIATIONS:

Texas Association of Realtors; National Association of Realtors
Temple-Belton Board of Realtors; Waco Association of Realtors, and
Fort Hood Area Association of Realtors
Temple Area Home Builders Association

PROFESSIONAL CERTIFICATION AND LICENSE:

Mr. Dunn has provided satisfactory evidence of the qualifications required by Section 22 of the Real Estate License Act (Article 6573a.V.T.C.S.) and of Chapter 544 of the rules of the Texas Real Estate Commission. He is authorized to use the title State Certified General Real Estate Appraiser, holds License No. TX-1324607-G and certified for FHA appraisals. Mr. Dunn has held a Real Estate Broker's license for more than twenty years.

CURRENT STATUS:

Mr. Dunn is the owner of Hal Dunn & Associates Appraisal & Realty Company that is engaged in the valuation of all types of real estate throughout the Central Texas area. Mr. Dunn's responsibilities include research, inspection and report preparation on various types of appraisal assignments completed by this company. Additionally he reviews all of the work of the seven appraisers and/or apprentices associated with this firm. Mr. Dunn is also engaged in the listing and sale of real estate. He has also participated in updating the real estate industry of Bell County changes effecting FHA requirements.

COUNTIES SERVED:

Bell, Coryell, Falls, McLennan, and Milam Counties.

REFERENCES:

Extraco Mortgage Company
3615 South 31st Street
Temple, TX 76502
Telephone No.: 254-774-5500

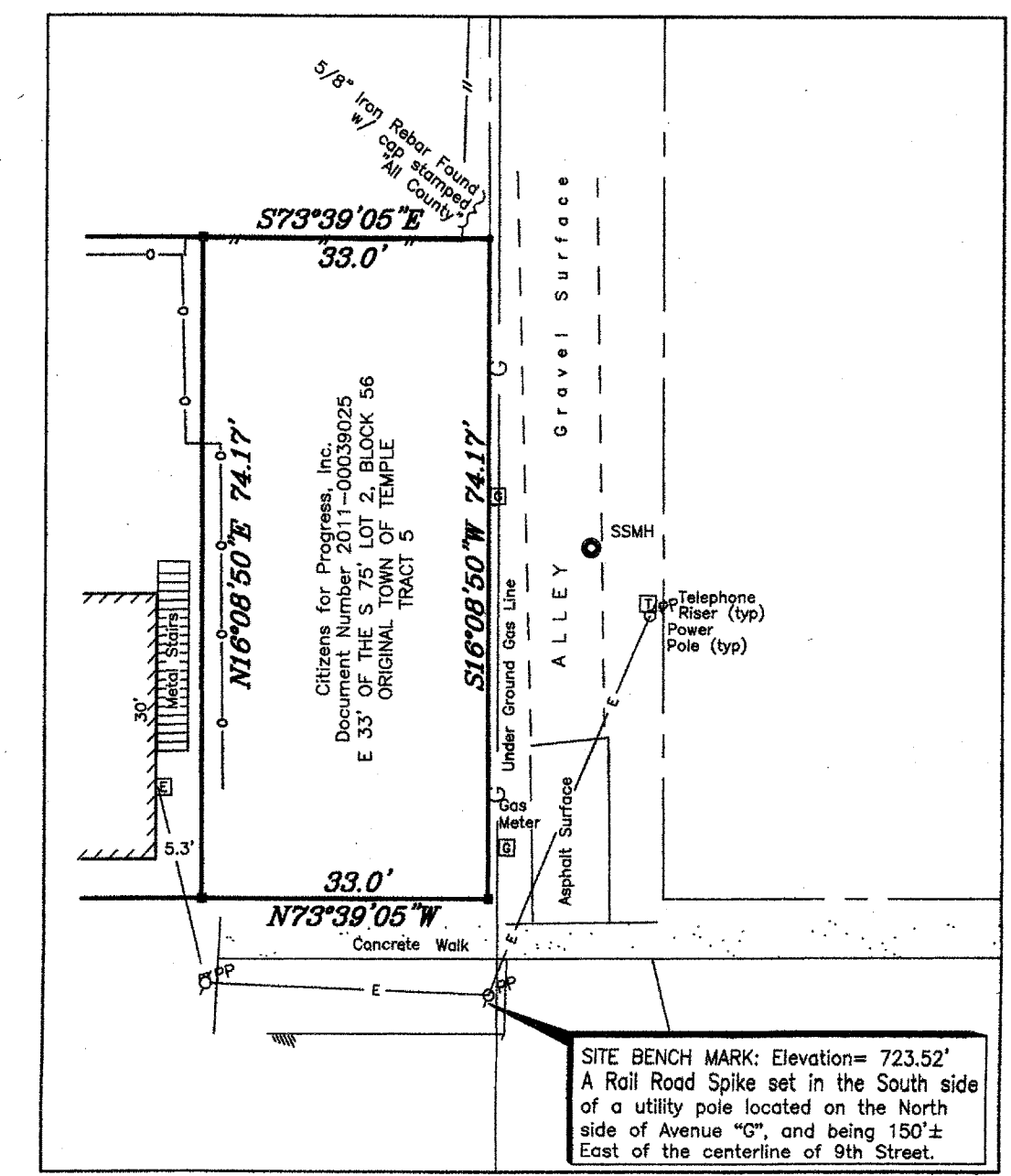
First Texas Bank
300 East 1st Street
Belton, TX 76513
Telephone No. 254-939-3701

Cornerstone Mortgage Company
3820 West Adams
Temple, TX 76504
Telephone No.: 254-791-3400

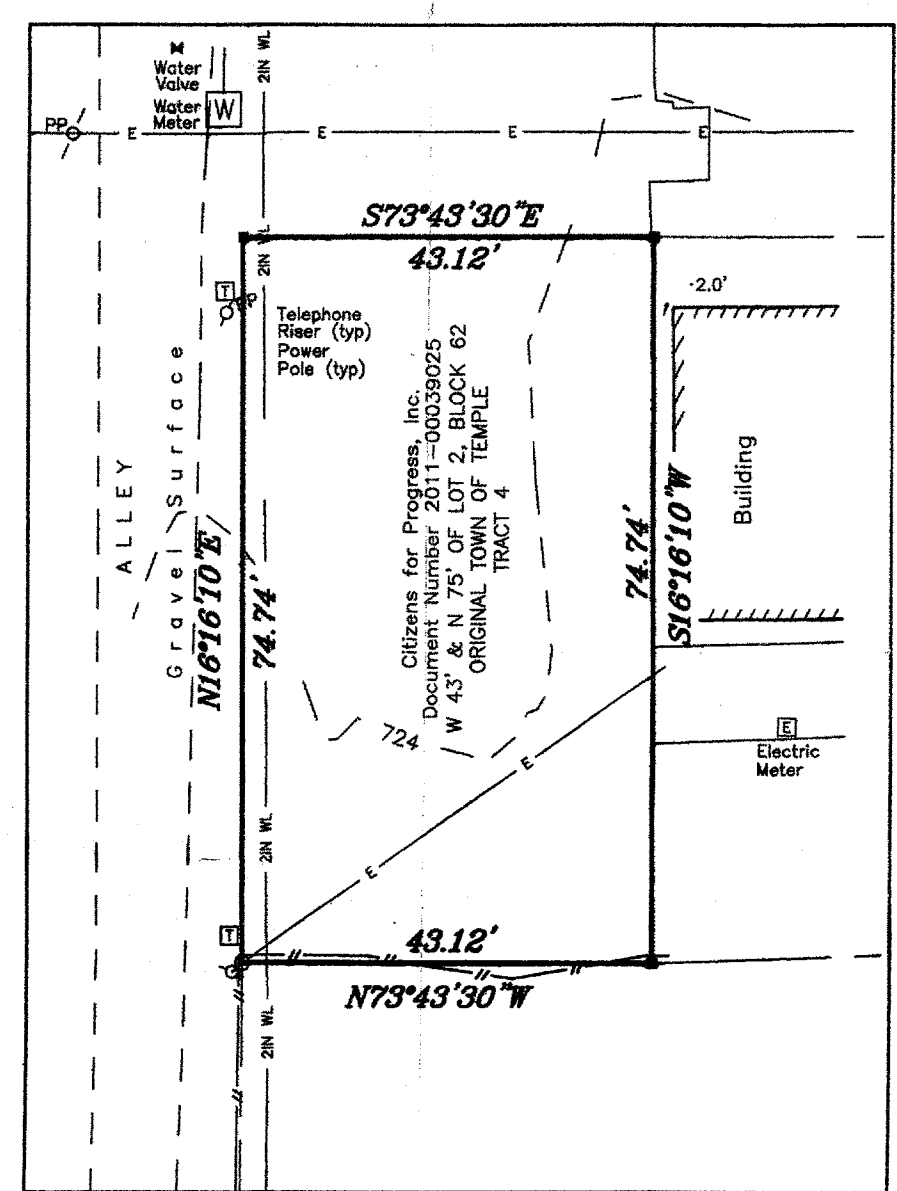
First State Bank
5550 SW H. K. Dodgen Loop
Temple, TX 76504
Telephone No.: 254-771-5550

Central National Bank
938 Canyon Creek Drive
Temple, TX 76502
Telephone No. 254-743-6950

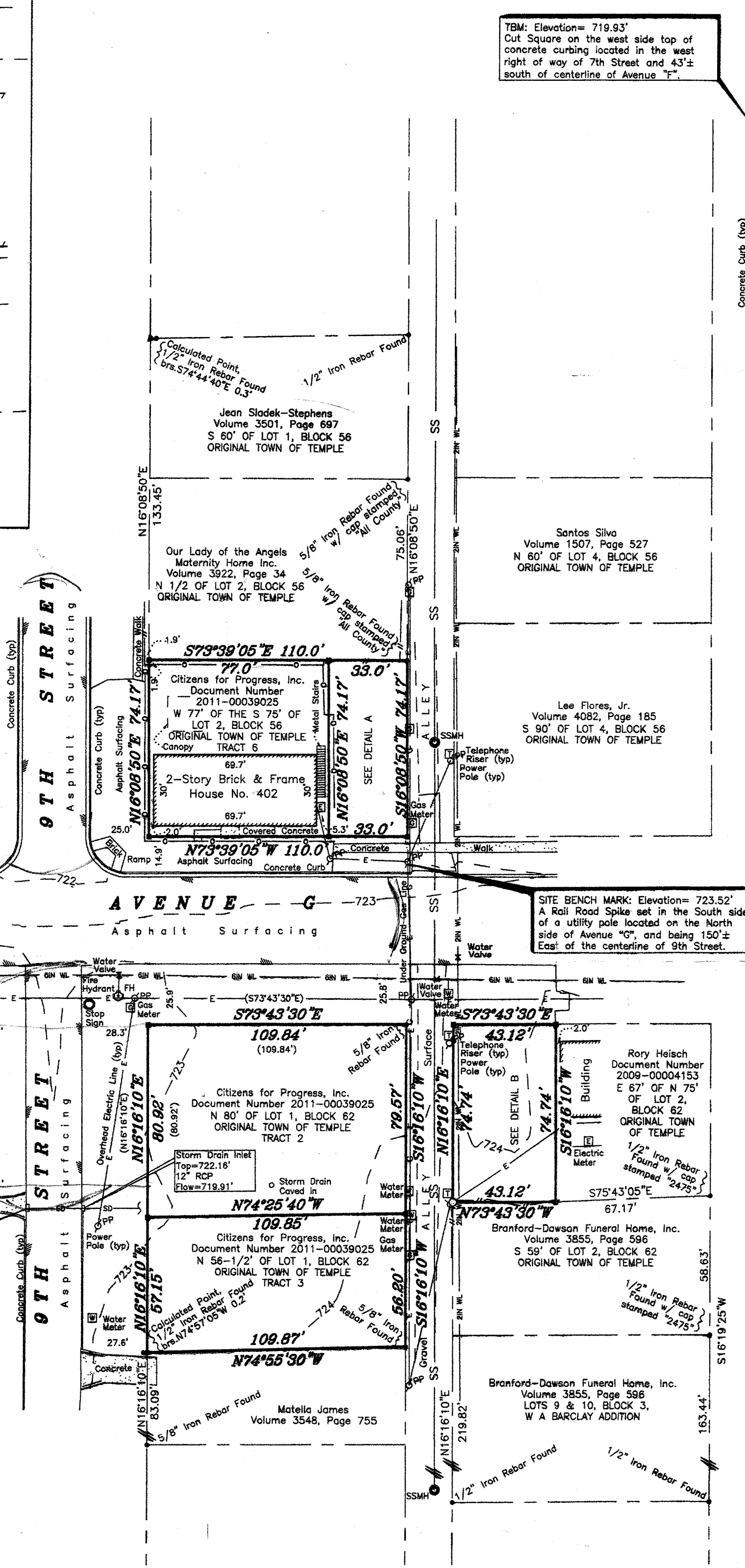
City Bank Mortgage
2210 E. Central Texas Expwy. #108
Killeen, TX 76543
Telephone No.: 254-933-0008



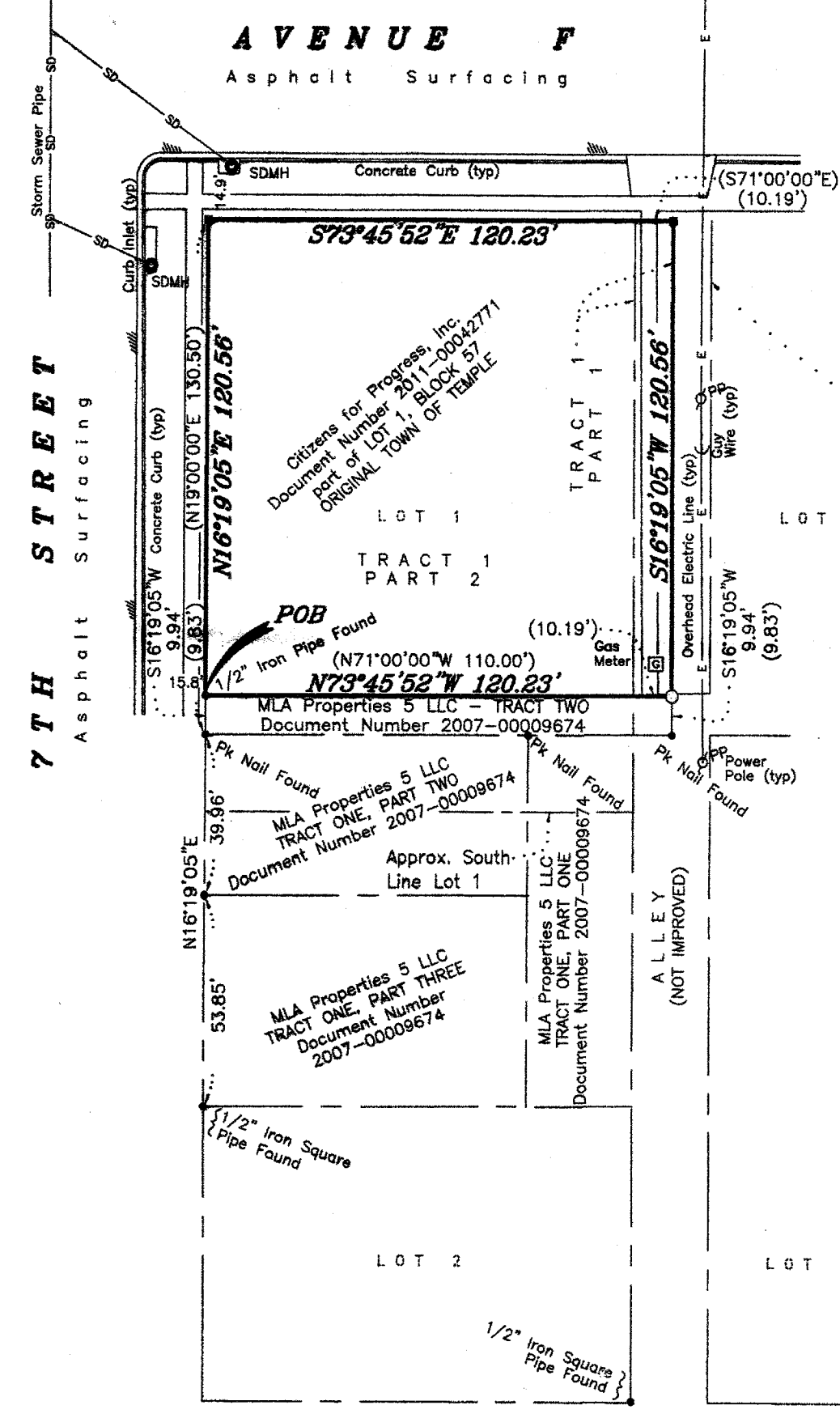
DETAIL A
SCALE: 1 Inch = 20 Feet



DETAIL B
SCALE: 1 Inch = 20 Feet



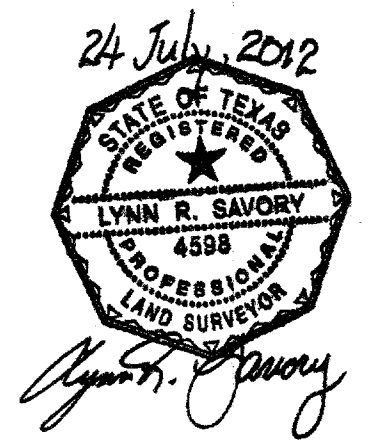
7TH STREET



- LEGEND:
- Asphalt Surfacing
 - Electric Line
 - Electric Meter
 - Fire Hydrant
 - Gas Line
 - Gas Meter
 - Power Pole
 - Reinforce Concrete Pipe
 - Sanitary Sewer Line
 - Sanitary Sewer Manhole
 - Stop Sign
 - Storm Drain Inlet
 - Storm Drain Line
 - Storm Drain Manhole
 - Telephone Riser
 - Water Line
 - Water Meter
 - Water Valve

- NOTES:
- All Property Corners are 5/8" Iron Rebar Set with yellow plastic cap stamped Ron Carroll, RPLS 2025, unless otherwise stated.
 - Calculated Point
 - Mag Nail set in Concrete
 - Point of Beginning
 - Basis of Bearing: The bearings shown hereon are related to Geodetic or True North based on GPS observations, processed to the Texas Coordinate System using the NAD 83 Datum, Texas Central Zone as referenced to the NGS CORS Base Station "Temple College" in Temple, Texas whose published coordinate value is N=10,366,800.419 E=3,229,830.945
 - See attached field notes for Part of Block 57.
 - Symbols may be exaggerated for clarification purposes only.
 - Restrictive Covenants identified in the instrument found recorded as Document Number 2011-00039025 of the Official Public Records of Bell County, Texas AFFECT Parcels Two, Three, Four, Five, Six and Seven as set out and described in Schedule "A" of that Commitment for Title Insurance having a G.F. or File Number 11-3215, Effective date April 30, 2012, prepared by Fidelity National Title Insurance Company.
 - Restrictive Covenants identified in the instrument found recorded as Document Number 2011-00042771 of the Official Public Records of Bell County, Texas AFFECT Parcel One, as set out and described in Schedule "A" of that Commitment for Title Insurance having a G.F. or File Number 11-3215, Effective date April 30, 2012, prepared by Fidelity National Title Insurance Company.
 - The location of subsurface Utility lines shown hereon are based on a combination of tying the visible evidence available combined with record information provided by individual utility providers and the City of Temple.
 - Topographic information shown hereon was only obtained for those Parcels lying South of Avenue "G", and is based on an on the ground survey of this area.
 - The vertical/topographic information shown hereon is based on (or tied to) the North American Vertical Datum of 1988 (NAVD88). The source of the elevations is static GPS observations.
 - A Site Bench Mark is described as follows: A Rail Road Spike set in the South side of a utility pole located on the North side of Avenue "G", and being +/-150' East of the centerline of 9th Street. Elevation = 723.52'
 - TO ANYONE USING THIS DRAWING CONCERNING DIMENSIONS SHOWN: The survey work for this project is on Grid Coordinates (NAD83), Texas Coordinate System-Central Zone, obtained from GPS observations. The distances shown are surface distances. The Combined Correction Factor (CCF) for this project is 0.999851220.
 - 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 © 2012, Ronald Carroll Surveyors, Inc., All Rights Reserved. This survey was provided solely for the use of Citizens for Progress, Inc.

Sketch showing part of the MAXIMO MORENO SURVEY, Abstract Number 14 and being the West 77 feet of the South 75 feet of Lot 2, Block 56, the East 33 feet of the South 75 feet of Lot 2, Block 56, part of Lot 1, Block 57, the North 80 feet of Lot 1, Block 62, the South 56.5 feet of Lot 1, Block 62, the West 43 feet of the North 75 feet of Lot 2, Block 62 of the ORIGINAL TOWN OF TEMPLE, an addition situated in Temple, Bell County, Texas, as it appears upon the map recorded in Volume 36, Page 640 of the Bell County Deed Records, and being the North 69 feet of Lot 3, Block 39 of MOORE'S ADDITION AND MOORE'S RAILROAD ADDITION, an addition situated in Temple, Bell County Texas as it appears upon the map recorded in Volume 115, Page 416 of the Bell County Deed Records. To the best of my knowledge there are no apparent easements or visible encroachments, except as shown above as determined on the ground. Surveyed June 12, 2012. RONALD CARROLL SURVEYORS, INC.



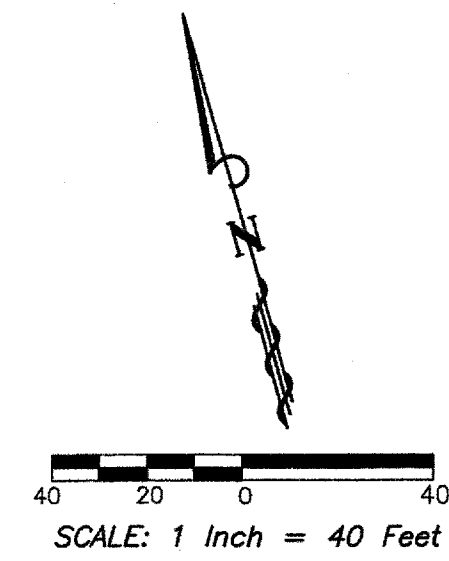
Salvation Army

Sketch showing part of the MAXIMO MORENO SURVEY, Abstract Number 14 and being the West 77 feet of the South 75 feet of Lot 2, Block 56, the East 33 feet of the South 75 feet of Lot 2, Block 56, part of Lot 1, Block 57, the North 80 feet of Lot 1, Block 62, the South 56.5 feet of Lot 1, Block 62, the West 43 feet of the North 75 feet of Lot 2, Block 62 of the ORIGINAL TOWN OF TEMPLE, an addition situated in Temple, Bell County, Texas.

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

FOR: Citizens for Progress, Inc.	FIELD BOOK: "NO. PG"	DRAWN BY: MJA	DATE: 7/9/2012
DISK: S:\Data RCS Job Database	DRAWING NAME: 12063-BD-Salvation.dwg	JOB#:	12063
DISK: N=10,373,055.12	E=3,230,817.91		

Amended July 24, 2012 to show correction to north arrow on sketch.



ORDINANCE NO. _____

(PLANNING NO. A-FY-13-12)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ABANDONMENT AND CONVEYANCE OF A SECTION OF SOUTH 9TH STREET RIGHT-OF-WAY, BEING AN APPROXIMATELY 0.17 ACRE SECTION OF RIGHT-OF-WAY, SITUATED BETWEEN BLOCK 39, MOORES ADDITION AND BLOCK 62, ORIGINAL TOWN OF TEMPLE, FOR DEVELOPMENT OF THE SALVATION ARMY'S CENTER OF HOPE TRANSITIONAL SHELTER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, The Salvation Army, has submitted a request for the abandonment of a portion of 9th Street, approximately 7,600 square feet of its intersection with West Avenue G to allow for the construction of the Salvation Army's Enter of Home emergency shelter facility;

Whereas, the City has a 6-inch water line within the right-of-way which extends the full length of 9th Street – water services will be retained for the remainder of 9th Street from a connection to an existing 6-inch waterline on West Avenue H;

Whereas, the Public Works department has indicated that relocation of the water line has been completed and no further utilities are within the right of way proposed to be abandoned – private utility providers servicing the area were notified and indicated no private utilities are located within the easement;

Whereas, no objections were raised by the providers and they concurred with the abandonment – the Utility Division of Public Works confirmed that the existing utility easement does not contain an active line within the boundaries of the subdivision; and

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

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

Part 1: The City Council abandons and conveys an approximately 0.17 acre section of right-of-way, situated between block 39, Moores Addition and block 62, Original Town of Temple, for development of the Salvation Army's Center of Hope Transitional Shelter.

Part 2: The City Council authorizes the Mayor of the City of Temple, Texas to execute a Deed Without Warranty conveying the rights and interests a 95-foot by 90-foot section of South 9th Street right-of-way, being an approximately 0.17 acre portion of land, as measured from the south right-of-way lien with West Avenue G, situated between block

38, Moores Addition and block 62, Original Town of Temple, to the Salvation Army, which when done, shall be and become a binding act and deed of the City of Temple.

Part 3: If any portion 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 4: 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 **17th** day of **April**, 2014.

PASSED AND APPROVED on Second Reading on the **1st** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of _____, 2014, 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

05/01/14
Item #4(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, Sustainability and Grant Manager

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance authorizing amendments to the City of Temple's Water Conservation Plan.

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

ITEM SUMMARY: Title 30, Texas Administrative Code, Chapter 288 requires wholesale public water suppliers and retail public water suppliers serving 3,300 connections or more to adopt and submit Water Conservation plans to the Texas Commission on Environmental Quality. In March 2000, the Temple City Council adopted the City's initial Water Conservation & Drought Contingency Plan. The City's plan provides a mechanism for conservation of available water supply, protection of the integrity of water supply facilities, and protection of the public health, safety and welfare.

The proposed update considers use and loss over the past five-years and provides new goals for the next ten-years, based on two five- year periods. The proposed goals are based off of a one-percent (1%) reduction in water loss per year. The goals are as follows:

- To reduce the consumption of water,
- To reduce the loss and waste of water,
- To reduce summertime peak demand,
- To improve efficiency in the use of water,
- To increase recycling and/or reuse of water, and
- To extend the life of current water suppliers.

The plan identifies the requirements that need to be addressed, in accordance with the Texas Administrative Code, and recommends the development of the plan for a public water system. The plan recommends implementation efforts to improve water conservation across the City. Through the establishment of the above listed goals, conservation may be achieved in a practical manner, which are not costly but rather achievable and sustainable.

FISCAL IMPACT: There is no direct fiscal impact with regard to expenditures for this ordinance.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING AN UPDATE TO THE CITY OF TEMPLE'S WATER CONSERVATION PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Title 30, Texas Administrative Code, Chapter 288 requires wholesale public water suppliers and retail public water suppliers serving 3,300 connections or more to adopt and submit Water Conservation plans to the Texas Commission on Environmental Quality;

Whereas, in March 2000, City Council adopted the City's initial Water Conservation and Drought Contingency Plan which provides a mechanism for the conservation of available water supply, protection of the integrity of water supply facilities, and protection of the public health, safety, and welfare;

Whereas, the proposed plan update considers use and loss over the past five years and provides new goals for the next ten years, based on two five-year periods – these goals are based off of a one-percent (1%) reduction in water loss per year as outlined below:

- To reduce the consumption of water;
- To reduce the loss and waste of water;
- To reduce summertime peak demand;
- To improve efficiency in the use of water;
- To increase recycling and/or reuse of water; and
- To extend the life of current water suppliers;

Whereas, the proposed plan updates identify the requirements that need to be addressed, in accordance with the Texas Administrative Code, and recommends the development of the plan for a public water system;

Whereas, through the establishment of the above listed goals, conservation may be achieved in a practical manner, which are not costly but rather achievable and sustainable; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: The City Council adopts an update to the City of Temple's Water Conservation Plan which recommends considers use and loss over the past five years and provides new goals for the next ten years, based on two five-year periods – these goals are based off of a one-percent (1%) reduction in water loss per year as outlined below:

- To reduce the consumption of water;
- To reduce the loss and waste of water;
- To reduce summertime peak demand;
- To improve efficiency in the use of water;
- To increase recycling and/or reuse of water; and
- To extend the life of current water suppliers;

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **April, 2014**.

PASSED AND APPROVED on Second Reading on the **1st** day of **May, 2014**.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #4(I)
Consent Agenda
Page 1 of 8

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: FIRST READING – Z-FY-13-37: Consider adopting an ordinance for a Conditional Use Permit to allow a transitional shelter operated by the Salvation Army to be known as the Temple McLane Center of Hope, within portions of Lot 3, Block 39, Lots 1 & 2, Block 62, Lot 2, Block 56 and Lot 1, Block 57, Original Town of Temple, County of Bell, Texas, addressed as 501, 420, 413, 411, 410, 409 West G Avenue, 708 and 709 South 9th Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its April 21, 2014 meeting, the Planning & Zoning Commission (P&Z) voted 8 to 0 to recommend approval of the requested conditional use permit in accordance with staff's recommendation as presented.

STAFF RECOMMENDATION: Adopt ordinance as presented, with the public hearing - second reading, and final adoption set for May 15, 2014.

Staff recommends approval of Z-FY-13-37, a Conditional Use Permit to allow a transitional shelter for the following reasons:

1. The request is compatible with the Future Land Use and Character Map (FLUP);
2. Public facilities are available to serve the property;
3. The use is compatible with Zoning and surrounding uses; and,
4. The applicant has demonstrated compliance with the specific standards in Section 5.3.12 of the Unified Development Code (UDC); and,

Staff recommends approval of the conditional use permit for a transitional shelter subject to the following conditions:

1. Space must be provided inside the transitional shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way;
2. The transitional shelter must be equipped with a functioning central heating, ventilation and air conditioning system;
3. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including fire Safety requirements;
4. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional shelter. A minimum of one shelter staff member must be present at the shelter at all times;

5. The transitional shelter shall be designed and operated in a manner that clients are provided temporary housing for period of up to one year;
6. Occasional, unplanned short term stays that exceed the thirty days or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance;
7. That a Street Use License be submitted for review for the use of the on-street parking, if determined necessary;
8. Substantial compliance to the submitted and attached site plan and building elevations shall be confirmed through review of Construction Documents;
9. That no more than 7 employees shall be on-shift at any one time;
10. Facility resources shall be scheduled and made available to clients in a manner that limits simultaneous occupancy.
11. That off-street parking to accommodate a maximum employee shift shall be provided;
12. That the Director of Planning may be authorized to approve minor modifications to the site plan including the provision of off-street parking.

ITEM SUMMARY: Proposed for portions of property previously occupied by Martha's Kitchen food pantry, the request for the conditional use permit was originally submitted to the City on September 24, 2013. The conditional use permit has been delayed due to the relocation of a waterline and the abandonment of South 9th Street right-of-way (ROW). Since First Reading of the abandonment was heard by City Council on April 17, 2014, the Conditional Use Permit is moving forward.

The properties as described further in the Item Description are proposed for the development of a transitional shelter within the Commercial (C) zoning district. UDC Section 5.3.12 provides for a conditional use permit process for a transitional, emergency or social service shelter in the Commercial zoning district.

The requested conditional use permit would allow approximately 22,017 square feet of floor area for the new Temple McLane Center of Hope transitional shelter. The development area would be within portions of property that was previously occupied by the Martha's Kitchen food pantry as well as adjacent property owned by the Salvation Army. The overall facility will include accommodations for up to one-year occupancy for woman and families along with a dining hall facility, classrooms, administrative offices, and a chapel within two separate buildings. The Center also includes a separate 2,100 square foot men's shelter located at the NE corner of South 9th Street and West G. Avenue. The proposed development will include 33 on-street parking spaces.

Per UDC Sections 5.3.12A, a transitional shelter may be permitted subject to the following considerations:

1. A transitional shelter must be a minimum of * 1,000 feet from the following uses:
 - a. Alcoholic beverage sales (on-premise or off-premise consumption).
 - b. All residential uses or zoning districts as specified in UDC Section 4.1.1 and in the use table in UDC Section 5.1.3;
 - c. Child care use;
 - d. elementary or secondary schools, public or private); and,
 - e. Other transitional, emergency or social service shelters.

- * The distance required above must be measured as a straight, direct line from the property line of a use listed above to the property line of the transitional, emergency or social service shelter, and in a direct line across intersections.

While the above distance requirements are not mandated, the City Council may consider these distances when reviewing the request. Staff has identified that with the exception of Item 1b, none of the above uses were found to be within the 1,000 foot distance. Specific to Item 1b, there is multi-family zoning (MF-1) less than 1,000 feet and residential uses that immediately border the development area. Screening and buffering will be required per UDC Section 7.7 where residential uses immediately border with the development.

In addition, per UDC Section 5.3.12B, a transitional, emergency or social service shelter may be permitted in accordance with the use table in UDC Section 5.1 subject to the following standards:

1. Space must be provided inside the transitional so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way;
2. The transitional, emergency, or social service shelter must be equipped with a functioning central heating, ventilation and air conditioning system;
3. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including all Fire Safety requirements;
4. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional shelter. A minimum of one shelter staff member must be present at the shelter at all times;
5. Emergency shelters are facilities designed and operated in a manner that clients are provided temporary housing for stays of up to thirty (30) consecutive days;
6. Transitional shelters are facilities designed and operated in a manner that clients are provided temporary housing for periods up to one year; and,
7. Occasional, unplanned short term stays that exceed the thirty day or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance.

As part of the overall conditional use permit process, a site plan is required for City Council review. The attached site plan allowed staff to make an evaluation and provide the following:

Parking: Under the previous use as Martha's Kitchen food pantry, parking was provided by limited on-site parking for staff and clientele utilizing the facility. While the parking requirement for the previous use has not been determined, based on the attached 2009 aerial photo comparison, it appears that there were as much as 25 on-site parking spaces. In contrast, the proposed Center of Hope is providing 33 parking spaces accommodated by only on-street parking. Per UDC Section 7.5, new development is required to provide off-street parking. Parking for the Center of Hope is provided with stalls along West G Avenue, South 9th Street and behind the center within ROW but adjacent to the abandoned portion of South 9th Street.

The provided parking is based on the occupancy of the chapel which requires 25 spaces for up to 75 people, based on 1 space per 3 seats (UDC Section 7.5). The center is expected to employ 13 people with no more than 7 people on shift at any one time. Therefore, a total of 32 spaces with one additional space have been provided.

In this case, it is noteworthy to clarify that in the strictest interpretation of the UDC, the chapel with a seating capacity of 75 people, a dining facility with a seating capacity of 100 people, housing for up to

85 people, 6 classrooms and employee administrative offices would generate a parking requirement far exceeding the 33 parking spaces being provided. Based on staff conversations, with the applicant, the program format for occupancy of the individual uses offered by the Salvation Army would be at different times and not at the same time. In other words, clients would arrive, occupy the chapel and then move to the dining facility and then onto the classroom room for instruction and then qualifying clients would be housed. The chapel, dining facility, classroom and housing facilities would not be occupied at the same time.

Further, while the center may have upwards of 75 people at any one time, according to the applicant, less than 5 would actually have personal vehicles.

The main employee parking is anticipated to be in the area behind the main building adjacent to the abandoned portion of South 9th Street. This area is proposed to accommodate 6 parking spaces and room for a required turnaround. There is a shortage of 1 parking space in this area if a full shift of 7 were to occur during any particular shift. However, additional parking is available along West G Avenue and South 9th Street on the northern side of West G Avenue

There are housing accommodations for upwards of 85 people. Based on the strict interpretation of the UDC, 85 spaces would be triggered at one space per bed. As discussed earlier, clients that would be utilizing the resources of housing would also occupy the dining facility, chapel and classroom. Occupancy would not occur at the same time. Again, according to the applicant, fewer than 5 clients have a personal vehicle on site.

A Street Use License can be used to validate the on-street parking to meet the off-street requirement but does not address the overall lack of off-street parking. At this time, the necessity for the license is still being evaluated. A condition of approval has been added to address the Street Use License requirement

In conclusion, while the proposed parking does not provide any off-street parking and on-street parking falls far short of the minimum, the uniqueness of the clientele using the facility and restrictions placed on simultaneous occupancies could be considered ample, if not a surplus. To summarize, 7 parking spaces are required with a full employee shift and based on applicant experience, if 5 client vehicles required parking, a total of 12 parking spaces would be needed at any one time. It is reasonable to say that additional parking could be expected for clients with personal vehicles, based on the above, there is a surplus of 21 parking spaces that could be available.

While the parking ratios can be justified, the total absence of off-street parking is problematic. Martha's Kitchen, while less intensive, provided off-street parking. It is suggested at minimum that accommodations for employee parking for a maximum shift of 7 be provided off-street to meet the intent and spirit of the code. Condition #12 is suggested to help meet that intent. The applicant is aware of this condition and is evaluating opportunity to provide on-site employee parking.

Landscaping: Conceptual landscape information has been provided on the attached site plan. This identifies proposed landscape areas within the overall development. Compliance with landscape requirements will be determined with the submittal and review of Construction Documents.

Exterior Building Materials: A conceptual building elevation has been provided (attached) for review. The architect has indicated to staff that 85% masonry and stone is proposed along with EIFS (Exterior Insulation and Finish System) for the exteriors around the dining facility and chapel. Compliance to required exterior building materials will be determined with the review of Construction Documents.

Buffering and Screening: While there is some applicant proposed screening of roof mounted mechanical units that will be provided, additional screening is required per the UDC 7.7. This additional screening will be along the northern and southern development areas adjacent to the residential uses. The screening and buffering would be in the form of a solid fence and/or landscaping.

DRC Review: The Development Review Committee (DRC) reviewed the site plan during their October 7, 2013 meeting which was found acceptable after minor revisions. As of early April 2014, the site plan was revised again and was forwarded to Public Works and Fire for any further comments. Delays bringing the Conditional Use Permit forward are a result of the relocation of a City waterline within the ROW. No new concerns have been identified from the recent circulation. The attached site plan and building elevations will be included in the Ordinance, if the conditional use permit is approved by City Council.

South 9th Street Abandonment: The first reading for the abandonment of a 95' x 80' section of the South 9th Street ROW was scheduled for consideration by the City Council at their April 17, 2014 meeting. Staff will provide an update during the Planning and Zoning Commission meeting. A Replat will be required in order to combine the abandoned ROW with the adjacent lot. It is anticipated that the Replat will follow after the conditional use permit and site plan.

SURROUNDING PROPERTY AND USES:

The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Neighborhood Conservation & Auto Urban Mixed Use	C	Vacant
North	neighborhood Conservation	C & MF-1	SF Residences
South	Auto-Urban Commercial	GR & O-2	SF Residences
East	Auto-Urban Commercial	C	SF Res / Non-Res
West	Auto-Urban Mixed Use	C	SF Residences

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)	Partially
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The Land Use and Character Map identifies the project area as within both the Auto-Urban Mixed Use district and the Neighborhood Conservation district. The Auto-Urban Mixed Use district is a hybrid district proposed for areas along and in the vicinity of the central portion of Avenue H, south of downtown. Given the mixing of residential uses that has occurred in this area to date, this designation would allow such mixing to continue subject to appropriate buffering and screening standards. On the other hand, Neighborhood Conservation is intended for the protection of existing residential neighborhoods. While the proposed project is consistent with the Auto-Urban Mixed Use district, it is not consistent with the Neighborhood Conservation district. Therefore, the request is in partial compliance.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies South 9th Street and West G Avenue as local streets. No issues related to capacity are expected from the anticipated use of the property.

Availability of Public Facilities (CP Goal 4.1)

A 6" water line is available in West G Avenue. A 6" sewer line is available in the alley between the blocks of South 9th Street and South 7th Street to serve the property's proposed use. A waterline was relocated as part of the South 9th Street abandonment. No further impacts to City facilities are anticipated.

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no trails identified by the Trails Master Plan map within or adjacent to the development area. Both South 9th Street and West G Avenue identified as existing local streets and no sidewalks are required along local streets.

DEVELOPMENT REGULATIONS: Per UDC Section 4.4.4, in the Commercial zone where a non-residential use abuts a residential zoning district, a minimum 10' side yard setback is required. An additional setback is required if the non-residential building exceeds 40' in height.

Refuse containers must be in the rear or side service area. (UDC Section 7.7.6).

Buffer and screening is required per UDC Section 7.7. The buffering would include a combination of a minimum 6' high solid fence and/or landscaping along property boundaries shared with residential uses or zoning.

REVIEW CRITERIA (UDC Section 3.5.4): In determining whether to approve, approve with conditions or deny a Conditional Use Permit application, the City Council per UDC Sec. 3.5.2 must consider the following criteria.

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.
- D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.
- G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

ADDITIONAL CONDITIONS (UDC Section 3.5.5): In authorizing a Conditional Use Permit, the City Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community, including a time period for which a Conditional Use Permit is valid. The Planning and Zoning Commission and the City Council, in considering and determining the additional conditions, may impose such developmental standards and safeguards as conditions and locations indicate to be important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glares, offensive view or other undesirable or hazardous conditions.

REVOCATION & MODIFICATION (UDC Section 3.5.6): A Conditional Use Permit may be revoked or modified, after notice to the property owner and a hearing before the City Council, for any of the following reasons:

- A. The Conditional Use Permit was obtained or extended by fraud or deception;
- B. One or more of the conditions imposed by the permit has not been met or has been violated;
or,
- C. The Conditional Use Permit previously authorized is determined to be detrimental to the public health, safety and welfare.

PUBLIC NOTICE: Twenty Seven notices of the 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 Tuesday April 22, 2014, at 3:00 pm, 7 notices had been returned in approval and no notices in denial to the proposed conditional use permit.

The newspaper printed notice of the Planning and Zoning Commission public hearing on April 10, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Properties Photos
Zoning and Location Map
Future Land Use Map
Site Plan
Building Elevations
Aerial Photo Comparison
Notification Map
Returned Property Owner Notices
Ordinance

Site & Surrounding Property Photos



Site: Existing Woman's Dorm – From South 9th Street - **Looking North** (C)



Site: Undeveloped – From South 9th Street **Looking South** (C)



East: Scattered Service & Commercial Uses (C)



West: Scattered Service & Commercial Uses (C)



North: Existing SF Residences (MF-1 & C)



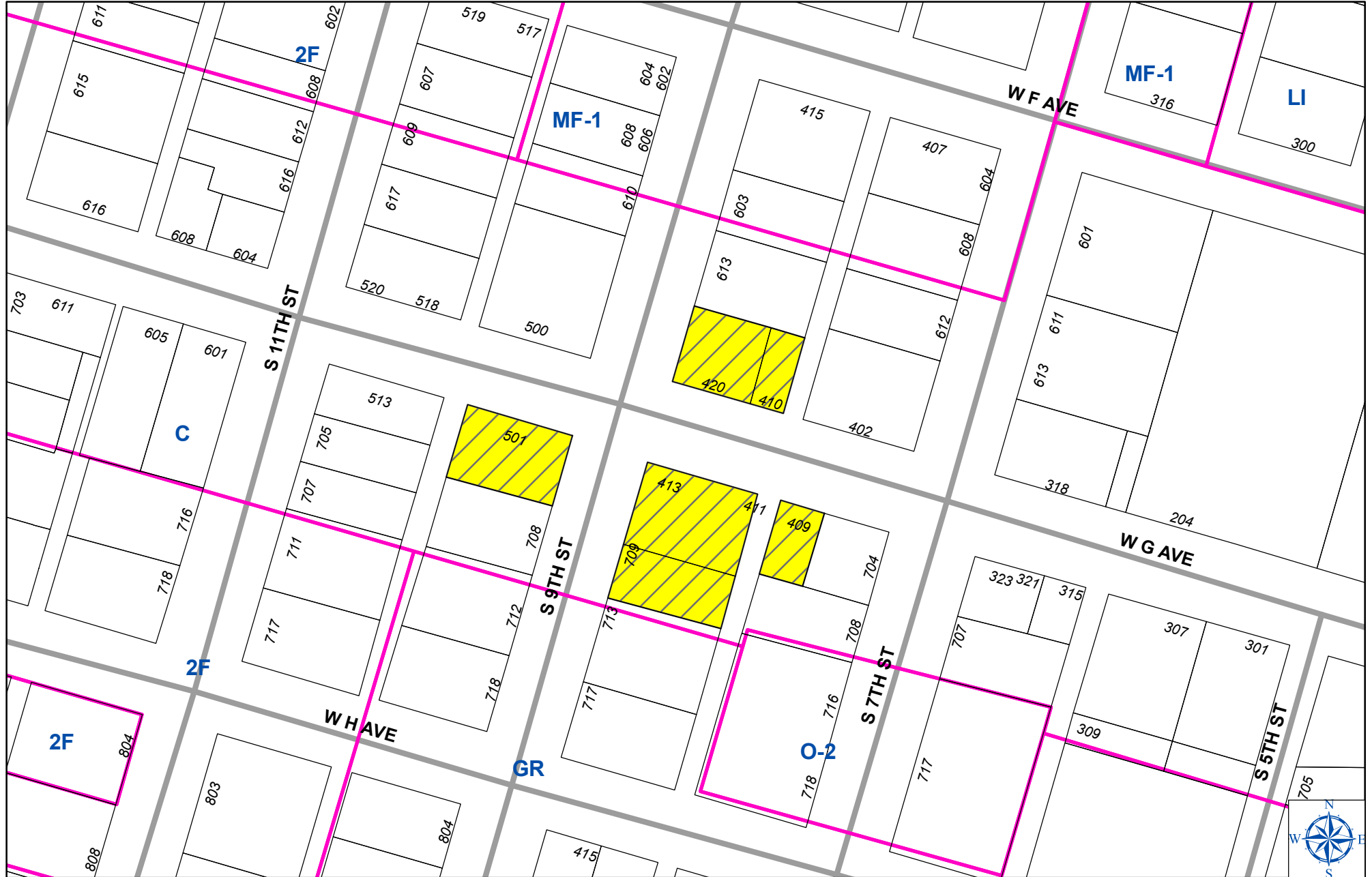
South: Existing SF Residences (GR & O-2)



Z-FY-13-37

Zoning & Location Map

Salvation Army
McLane Center of Hope



Case



Zoning

Address

0

200

400



Feet

4/11/2014
City of Temple GIS
mbaker

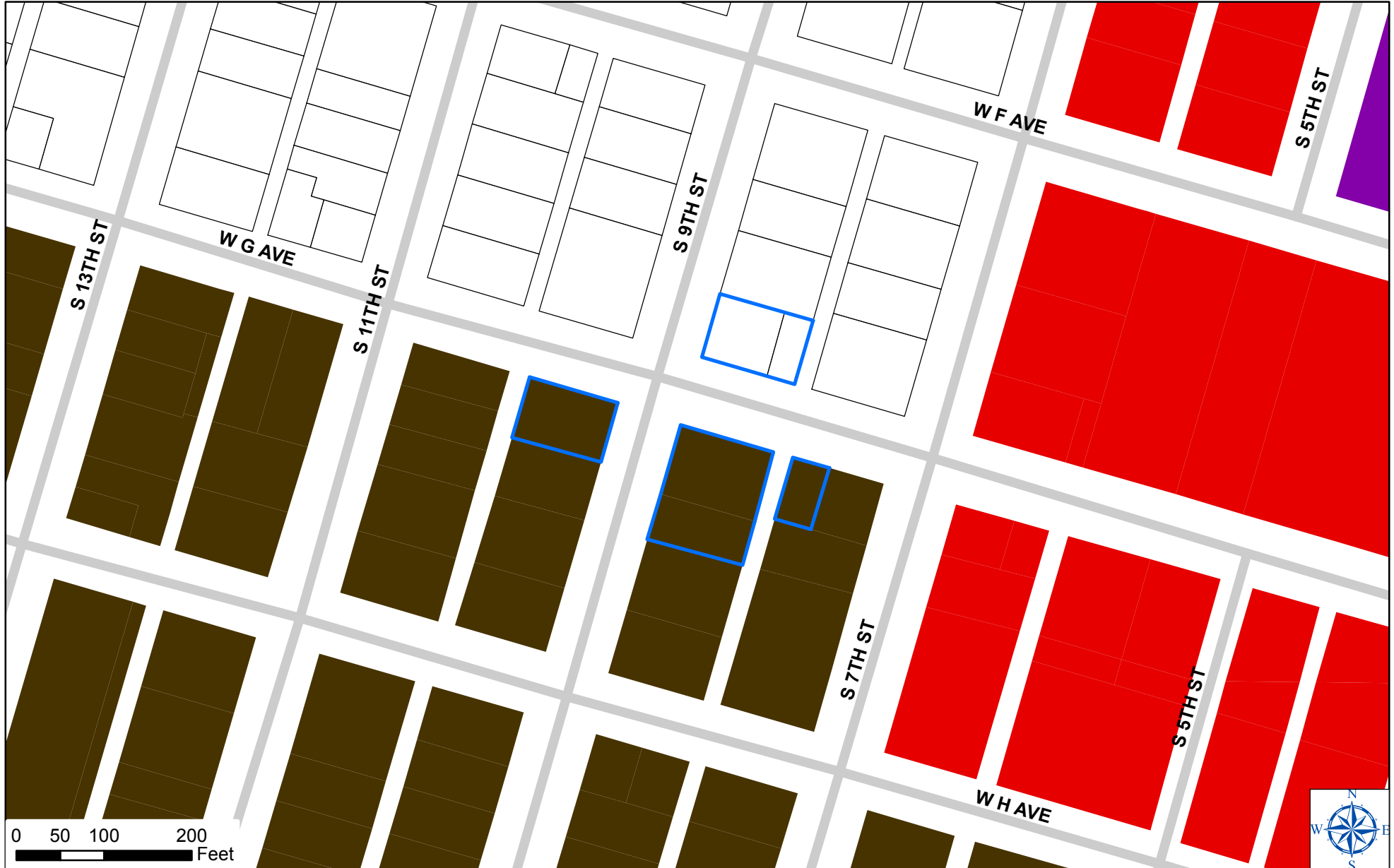
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-13-37

Salvation Army McLane Center of Hope

South 9th Street
& West G Ave

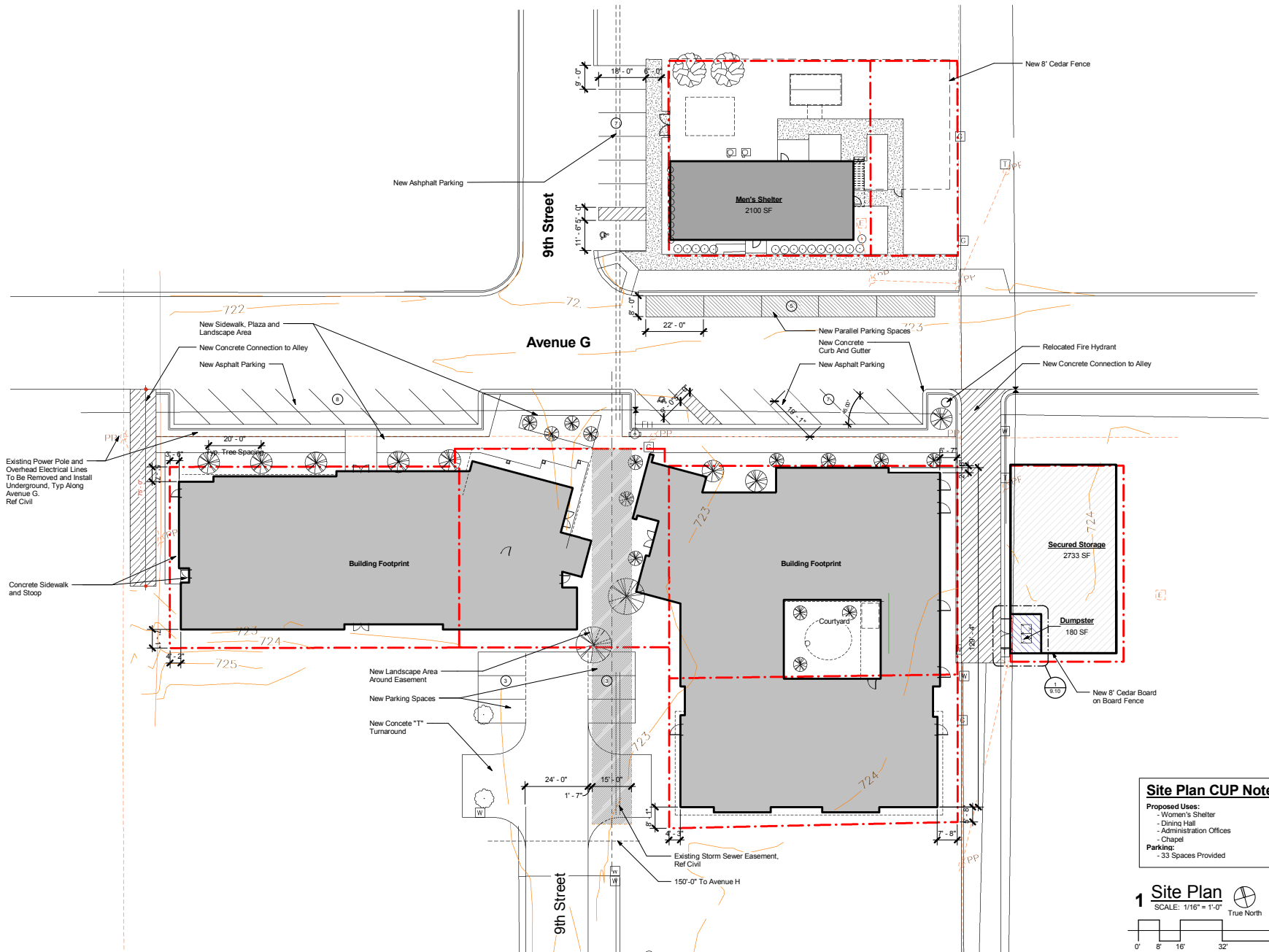


Future Land Use

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

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

4/11/2014
City of Temple GIS



NOT FOR CONSTRUCTION



McLane Center of Hope
420 West Avenue G | Temple, TX 76504

1212 04.17.2014

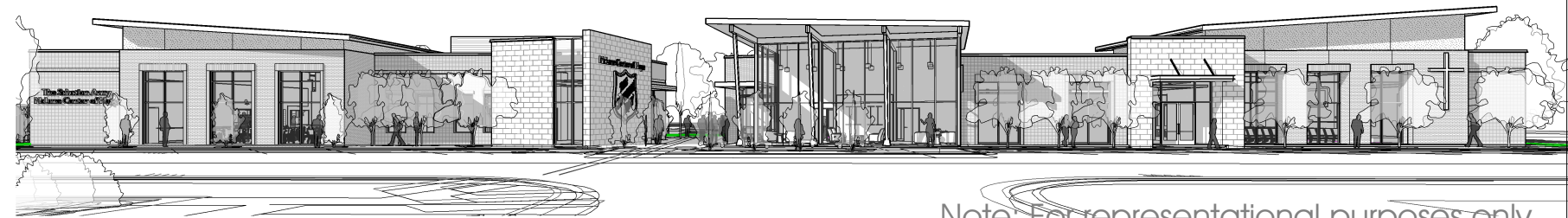
Schematic Design

Site Plan

2.10

JH Architects
Copyright 2014
JH Architects, Inc.
601 West Avenue G, Suite 1200
Dallas, Texas 75204
972-804-1034
fax 972-804-1036

Bruce E. Woody #14119



Note: For representational purposes only.

NOT FOR CONSTRUCTION

Checker
4/17/2014 5:00:15 PM

Revision Schedule

Bruce E. Woody #14119

JJA Architects
Copyright 2014
JJA Architects, Inc.
972-804-1034
Fax 972-804-1036
Dallas, Texas 75204

McLane Center of Hope
420 West Avenue G | Temple, TX 76704



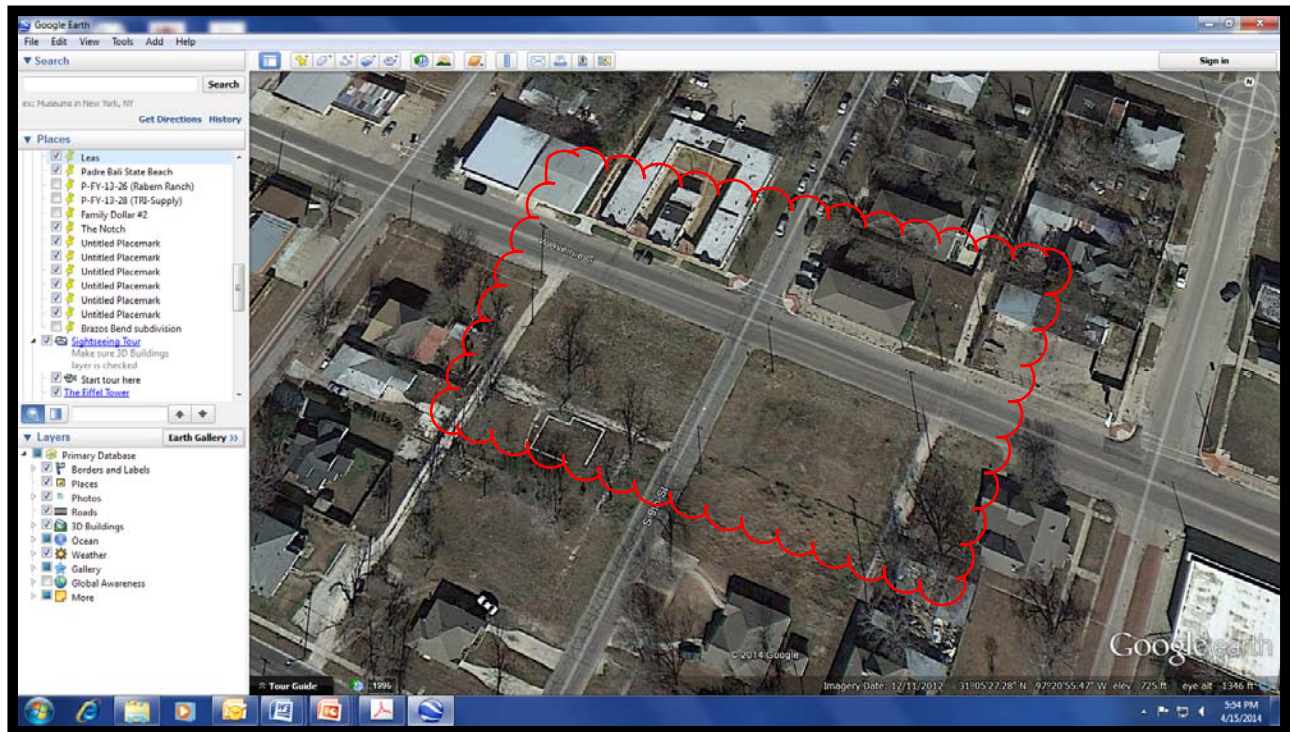
1212 04.17.2014

Schematic Design

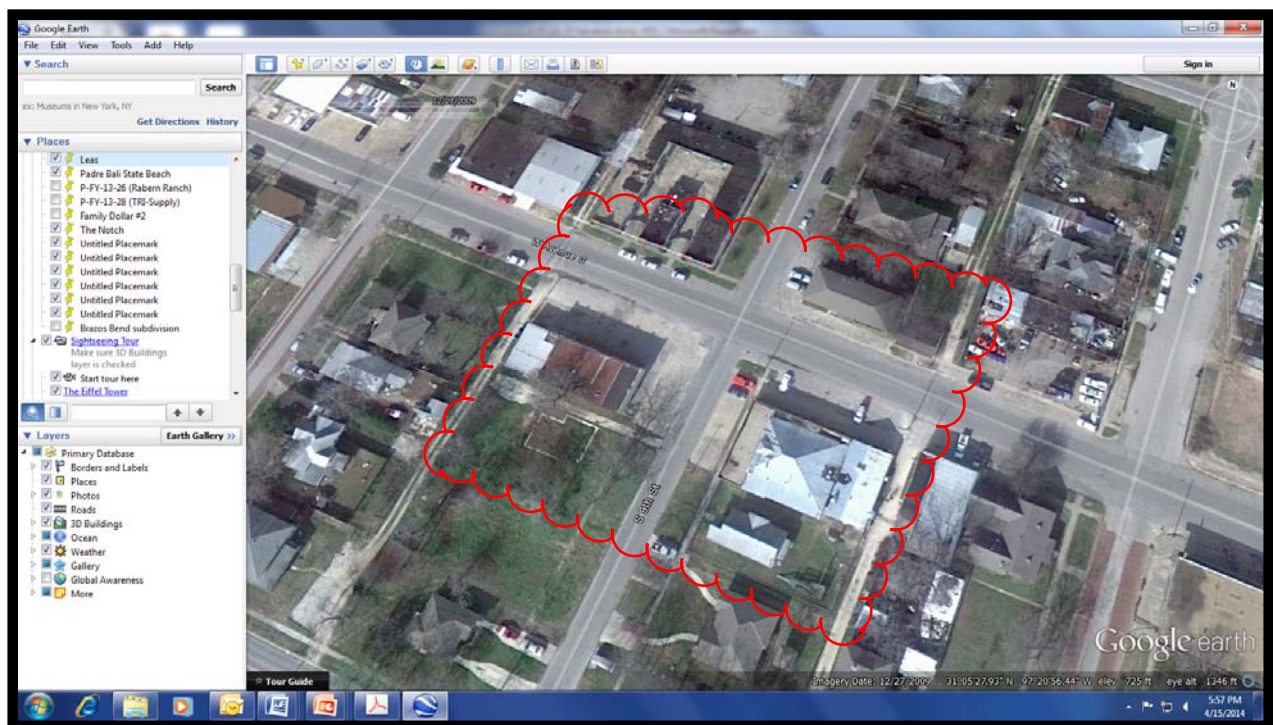
Perspective Views

6.00

Aerial Photo Comparison – 2012 & 2009



Site Development (Aerial Photo – circa 12/2012)



Site Development with Martha's Kitchen (Aerial Photo circa 12/2009)



Z-FY-13-37

Notification Map

Salvation Army
Transitional Shelter

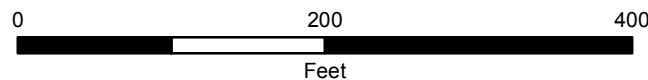


Case



200' Buffer

1234 Address



4/14/2014
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
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Our Lady of The Angels Maternity Home
613 South 9th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow for the Salvation Army's McLane Center of Hope Transitional Shelter. 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 proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

We believe this new Shelter is needed due to the large number of homeless individuals & families in our city. Our only comment would be that we would appreciate you keeping the property on the corner of Ave G & 9th noted that homeless pregnant women & children are living the house next door. We are Our Lady of Angels Maternity Shelter? 613 South 9th Street.

Jaheta Tidmore
Signature

Jaheta Tidmore
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 21, 2014

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

RECEIVED

APR 15 2014

City of Temple

Planning & Development

Number of Notices Mailed: 27

Date Mailed: April 10, 2014



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Santos Etux Maria Silva
612 South 7th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

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

Comments:

AS LONG AS IT IS WELL MAINTAINED, CONTROLLED
ENVIRONMENT.

Santos Silva
Signature

Santos, Silva.
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
April 21, 2014

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

RECEIVED

APR 15 2014

City of Temple
Planning & Development

Number of Notices Mailed: 27

Date Mailed: April 10, 2014



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Santos Silva
612 South 7th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

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

Comments:

AS LONG AS IT IS WELL MAINTAINED AND IS A CONTROLLED ENVIRONMENT.

Santos Silva
Signature

Santos Silva
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 21, 2014

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

RECEIVED

APR 15 2014

Number of Notices Mailed: 27

City of Temple
Planning & Development
Date Mailed: April 10, 2014



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Shirley Mason
415 West Avenue F
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

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I recommend ☒ approval ☐ denial of this request.

Comments:

I hope and pray this Transitional Shelter help people who are really in need and to help themselves also to do better. I call April 14-2014 to Mark Baker he was very understanding and explain to me and I appreciate it. It will save all of Bell County.

Shirley Mason-Wright
Signature

Shirley Mason-Wright
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 21, 2014**

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

RECEIVED

APR 21 2014

City of Temple
Planning & Development



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Frances Palasota
P.O. Box 797186
Dallas, Texas 73759

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

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I recommend ☒ approval () denial of this request.

Comments:

Frances Palasota
Signature

FRANCES PALASOTA
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 21, 2014

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

RECEIVED

APR 22 2014

City of Temple
Planning & Development



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

James Palasota, Jr.
P.O. Box 797186
Dallas, Texas 73759

Zoning Application Number: Z-FY-13-37

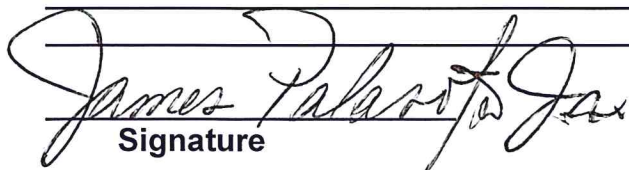
Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

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I recommend ☒ approval () denial of this request.

Comments:


Signature

James Palasota Jr.
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
April 21, 2014**

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

RECEIVED
APR 22 2014
City of Temple
Planning & Development



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Jimmy P. Palasota
P.O. Box 797186
Dallas, Texas 75379

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

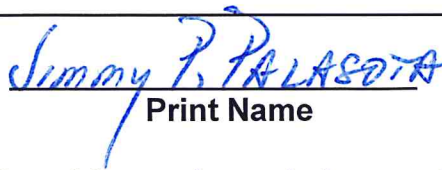
Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

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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
April 21, 2014**

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

RECEIVED

APR 22 2014

City of Temple
Planning & Development

ORDINANCE NO. 2014-4663

(Z-FY-13-37)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A TRANSITIONAL SHELTER OPERATED BY THE SALVATION ARMY, AND LOCATED AT 409, 410, 411, 413, 420 AND 501 WEST AVENUE G AND 708 AND 709 SOUTH 9TH STREET, TEMPLE, TEXAS; DECLARING FINDINGS OF FACT; 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 conditions, operation and location of property described as portions of lot 3, block 39, lot 1 and 2, block 62, lot 2, block 56 and lot 1, block 57, Original Town of Temple County, County of Bell, Texas, and addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 708 and 709 South 9th Street, recommends that the City Council approve the application for this Conditional Use Permit for a transitional shelter; 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 by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said 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 a transitional shelter on portions of lot 3, block 39, lot 1 and 2, block 62, lot 2, block 56 and lot 1, block 57, Original Town of Temple County, County of Bell, Texas, and addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 708 and 709 South 9th Street, more fully described in Exhibits 'A' & 'B' attached hereto and made a part hereof for all purposes.

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

- A. Space must be provided inside the transitional shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way;
- B. The transitional shelter must be equipped with a functioning central heating, ventilation and air conditioning system;
- C. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including fire Safety requirements;
- D. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional shelter. A minimum of one shelter staff member must be present at the shelter at all times;
- E. The transitional shelter shall be designed and operated in a manner that clients are provided temporary housing for period of up to one year;
- F. Occasional, unplanned short term stays that exceed the thirty days or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance;
- G. That a Street Use License be submitted for review for the use of the on-street parking, if determined necessary;
- H. Substantial compliance to the submitted and attached site plan and building elevations shall be confirmed through review of Construction Documents;
- I. That no more than 7 employees shall be on-shift at any one time;
- J. Facility resources shall be scheduled and made available to clients in a manner that limits simultaneous occupancy;
- K. That off-street parking to accommodate a maximum employee shift shall be provided; and
- L. That the Director of Planning may be authorized to approve minor modifications to the site plan including the provision of off-street parking.

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 4: 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 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs 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 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(J)
Consent Agenda
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DEPT. /DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Don Bond, P.E., CFM, City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing submission of a new Storm Water Management Program (SWMP) to the Texas Commission on Environmental Quality (TCEQ).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: TCEQ requires cities with populations less than 100,000 to submit an SWMP. The goal of the SWMP is to reduce pollution discharge to creeks, rivers and lakes.

On January 17, 2008, Council authorized the submission of the City's original 5-year SWMP.

On December 13, 2013, TCEQ issued the final Texas Pollutant Discharge Elimination System Phase 2 Small MS4 Permit. The permit requires cities in Temple's population classification to submit a new Storm Water Management Program within 6 months – a deadline of June 11, 2014. Failure to meet the deadline carries a risk of incurring fines.

City staff developed a new 5-year plan for the SWMP with input from the Storm Water Stakeholders Committee.

The SWMP plan addresses five categories specified by TCEQ:

- 1) Public Education & Involvement
- 2) Illicit Discharge Detection & Elimination
- 3) Construction Site Storm Water Runoff Control
- 4) Post Construction Storm Water Management in areas of New Development and Redevelopment
- 5) Pollution Prevention / Good Housekeeping for Municipal Operations

The SWMP incorporates City work that may eliminate or reduce pollutants discharging to natural waterways. The SWMP identifies 28 Best Management Practices (BMPs). An example of a BMP is street sweeping. Collecting silt, sand, trash and debris by street sweeping before these pollutants can enter a storm drain system and discharge into creeks is considered a BMP by both TCEQ and the Environmental Protection Agency.

The SWMP includes measurable goals and has a 5-year implementation period as prescribed by TCEQ rules. The estimated cost to implement the currently proposed SWMP (pending TCEQ approval) is \$94,911.

FISCAL IMPACT: The fiscal impact of this SWMP plan as currently proposed is estimated at \$94,911. Funding in the amount of \$94,911 was adopted in the FY 2014 Operating Budget for the City's Storm Water Management Program.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7310-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING SUBMISSION OF A NEW STORM WATER MANAGEMENT PROGRAM TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Commission on Environmental Quality (TECQ) requires cities with populations less than 100,000 to submit a Storm Water Management Program (SWMP) to reduce pollution discharge to creeks, rivers and lakes;

Whereas, on January 17, 2008, City Council authorized the submission of the City's original 5-year SWMP and on December 13, 2013, TCEQ issued the final Texas Pollutant Discharge Elimination System Phase 2 Small MS4 Permit;

Whereas, the permit requires cities in Temple's population classification to submit a new SWMP within six months, with a deadline of June 11, 2014 – failure to meet this deadline carries a risk of incurring fines;

Whereas, staff has developed a new 5-year plan for the SWMP with input from the Storm Water Stakeholders Committee – the plan addresses five categories specified by TCEQ, which includes:

- a) Public Education & Involvement;
- b) Illicit Discharge Detection & Elimination;
- c) Construction Site Storm Water Runoff Control;
- d) Post Construction Storm Water Management in areas of new development and redevelopment;
- e) Pollution Prevention/Good Housekeeping for Municipal Operations;

Whereas, the SWMP incorporates City work that may eliminate or reduce pollutants discharging to natural waterways, identifies 28 Best Management Practices, includes measureable goals and has a 5-year implementation period as prescribed by TCEQ rules;

Whereas, funding in the amount of \$94,911 was adopted in the fiscal year 2014 for the Storm Water Management Program; 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 submission of a new Storm Water Management Program to the Texas Commission on Environmental Quality.

Part 2: The City Manager, or his designee, is authorized to execute any documents which may be necessary for this submission, after approval as to form by the City Attorney.

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

PASSED AND APPROVED this the **1st** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #4(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2013-2014 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$13,730,068.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
May 1, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2011-521-2136		Public Safety Expenditures	\$ 3,500	
110-0000-313-0331		Reserved for Public Safety		\$ 3,500
Appropriating Public Safety funds for the purchase of the Fast Track program.				
110-0000-411-0111		Ad Valorem Taxes - Current Year	\$ 99,167	
110-1500-515-6532		Contingency		\$ 99,167
Reduces current year property taxes and contingency in FY 2014. An error was made in the certified roll for FY 2014. The added value for a property was added to the City's tax roll, and it should have been added to the Reinvestment Zone No. 1's tax roll.				
240-4600-551-2217		Signage/Banners	\$ 18,510	
240-0000-461-0841		Donations		\$ 13,650
240-0000-358-1110		Hotel/Motel Unallocated Fund Balance		\$ 4,860
Appropriating funds to purchase 240 banners and associated brackets. The banners will be located in the downtown area, Mayborn CAC area, TMED area, Scott & White, 31st Street, and Birdcreek area. The Chamber of Commerce is donating \$13,650 to partially fund the banner project. The remaining amount needed will be funded from Hotel/Motel Unallocated Fund Balance				
110-2057-521-2514		Travel & Training	\$ 9,271	
110-0000-442-0720		Police Revenue		\$ 9,271
Appropriating the annual allocation from the Local Law Enforcement Officer Standards and Education (LEOSE) account for expenditures related to continuing education.				
562-5200-535-6947	101097	T-B WWTP Reclaimed Effluent Water Line	\$ 12,354,596	
562-5200-535-6532		Contingency	\$ 445,404	
562-0000-373-0422		Bond Proceeds		\$12,800,000
562-0000-311-0112		Reserved for Encumbrance - prior year	\$ 773,150	
562-5200-535-6947	101097	T-B WWTP Reclaimed Effluent Water Line		\$ 773,150
Appropriating the Utility Revenue Bonds, Series 2014, related to the Reclaimed Effluent Water Line at the Temple-Belton WWTP. The budget adjustment also corrects a carry forward entry from FY 2013 to FY 2014 for an outstanding PO at the end of the fiscal year.				
260-3500-552-6316	100629	1st Street Sidewalk Improvements Phase II (STEP grant)	\$ 13,235	
260-0000-490-2582		Transfer In - CO Bonds		\$ 13,235
361-9100-591-8161		Transfer Out - Grant Fund	\$ 13,235	
361-3400-531-2588	100681	NW Loop 363		\$ 13,235
Appropriating additional funds needed to process change order #3 with Legends Landscapes in the amount of \$16,504.04. Funding in the amount o \$3,270 is currently available. The change order is to furnish and install pedestrian signal components (HAWK system).				
TOTAL AMENDMENTS			\$ 13,730,068	\$13,730,068

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
May 1, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
GENERAL FUND				
		Beginning Contingency Balance	\$	498,072
		Added to Contingency Sweep Account		89,700
		Carry forward from Prior Year		-
		Taken From Contingency		(280,903)
		Net Balance of Contingency Account	\$	306,869
		Beginning Judgments & Damages Contingency	\$	40,000
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(10,831)
		Net Balance of Judgments & Damages Contingency Account	\$	29,169
		Beginning Compensation Contingency	\$	288,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(216,697)
		Net Balance of Compensation Contingency Account	\$	71,303
		Net Balance Council Contingency	\$	407,341
		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		(49,574)
		Net Balance of Contingency Account	\$	426
		Beginning Compensation Contingency	\$	50,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(23,500)
		Net Balance of Compensation Contingency Account	\$	26,500
		Net Balance Water & Sewer Fund Contingency	\$	26,926

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
May 1, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	29,107
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(3,745)
		Net Balance of Contingency Account	\$	25,362
		Beginning Compensation Contingency	\$	7,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(7,500)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	25,362
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	7,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(7,500)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Drainage Fund Contingency	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		237,553
		Added to Contingency Sweep Account		-
		Taken From Contingency		(217,954)
		Net Balance of Contingency Account	\$	19,599

RESOLUTION NO. 2014-7311-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2013-2014 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 29th day of August, 2013, the City Council approved a budget for the 2013-2014 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2013-2014 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 2013-2014 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 **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Item #5(A)
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DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the annexation for a 49.979 tract of land located between South Pea Ridge Road (to the west) and Old Waco Road (to the east), abutting the city limits boundary to the north situated within the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, known as the Plains at Riverside.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, with the second reading and final adoption set for May 15, 2014.

ITEM SUMMARY: This annexation tracks with rezoning case Z-FY-14-23, a zoning request from Agricultural (Ag – the default zoning district upon annexation) to SF-2 (Single-Family Two), the First Reading for which will also occur at the May 1, 2014 City Council meeting.

3 Nex-Gen Devel LLC filed a petition on February 27, 2014 seeking voluntary annexation of 49.979 acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

On March 20, 2014, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. The first and second public hearings to present the Municipal Service Plan and to provide an opportunity for public comments occurred on April 3rd and 4th, respectively.

FISCAL IMPACT: Future development and improvements to the property will add value to the Ad Valorem Tax Base. The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

ATTACHMENTS:

[Municipal Service Plan](#)
[Field Notes](#)
[Survey](#)
[Location Map](#)
[Ordinance](#)

**CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
PLAINS AT RIVERSIDE**

For a 49.979 tract of land located between South Pea Ridge Road (to the west) and Old Waco Road (to the east), abutting the city limits boundary to the north situated within the Nancy Chance Survey, Abstract No. 5, Bell County, Texas and being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Survey) of the Annexation Ordinance (2014-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection from Station 3 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub

development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density as those found in the boundaries of the voluntary annexation also rely on on-site sewage facilities for wastewater infrastructure. For this reason and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the voluntary annexation.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2014.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 49.979 acre tract of land situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being all of that certain called 50.011 acre tract of land described in a Deed dated November 10, 1960 from The Veterans' Land Board of Texas to John V. Higginbotham and being of record in Volume 817, Page 428, Deed Records of Bell County, Texas and being referenced in a Affidavit of Heirship to Faye Higginbotham and being of record in Document No. 2007-00041490, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" found at a fence corner post being the occupied and evidenced southwest corner of the said 50.011 acre tract and being the northwest corner of that certain called 5.976 acre tract of land standing in the name of Lance Read and wife, Lori Read and being identified in Bell County Tax Appraisal District Records as Property Identification No. 389751 (no deed reference was found for this tract by this surveyor) and being in the east right-of-way line of South Pea Ridge Road (a publicly maintained roadway) as fenced and further evidenced on the ground (no recordation was found for the right-of-way of South Pea Ridge Road by this surveyor) for corner;

THENCE N. 19° 12' 00" E., 1375.33 feet departing the said Read tract and with the said east right-of-way line and with the west boundary line of the said 50.011 acre tract (calls N. 19° 12' 00" E., 1374.7 feet) (bearing base) as fenced and evidenced on the ground to a flagged fence corner post found being the occupied and evidenced northwest corner of the said 50.011 acre tract and being the southwest corner of that certain 32.02 acre tract of land described in a Warranty Deed dated June 20, 2013 from Stephen Bruce Easley, individually, and as Independent Executor of The Estate Of Charlene L. Easley, Deceased, and as Trustee of The 2007 Charlene Easley Irrevocable Trust; James Michael Easley, Individually; and Gary Lynn Easley, Individually to RTC Construction, Ltd., a Texas limited partnership and being of record in Document No. 2013-00028522, Official Public Records of Bell County, Texas for corner;

THENCE S. 71° 02' 06" E., 1575.48 feet departing the said east right-of-way line and with the occupied, fenced and evidenced north boundary line of the said 50.011 acre tract (calls S. 71° E., 1577.9 feet) and with the south boundary line of the said 32.02 acre tract (calls N. 71° W., 1577.9 feet) to a concrete monument found being the occupied and evidenced southeast corner of the said 32.02 acre tract and being the occupied and evidenced northeast corner of the said 50.011 acre tract and being in the west right-of-way line of Old Waco Road (a publicly maintained roadway) as fenced and further evidenced on the ground for corner;

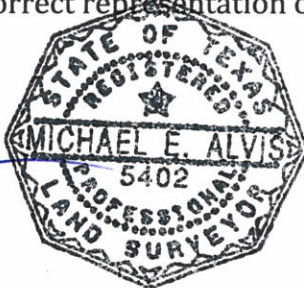
THENCE S. 18° 33' 11" W., 1374.90 feet departing the said 32.02 acre tract and with the east boundary line of the said 50.011 acre tract (calls S. 18° 39' W., 1374.9 feet) as occupied and further evidenced on the ground and with the said west right-of-way line to a ½" iron rod with cap stamped "RPLS 2475" set being the evidenced southeast corner of the said 50.011 acre tract and being the northeast corner of that certain 10.00 acre tract of land referenced in a Deed from Veterans Land Board of the State of Texas to Paul Rodney Bridges and being of record in Volume 5640, Page 767, Official Public Records of Bell County, Texas for corner;

THENCE N. 71° 03' 04" W., 1591.00 feet departing the said west right-of-way line and with the south boundary line of the said 50.011 acre tract (calls N. 71° W., 1591.0 feet) and with the north boundary line of the said 10.00 acre tract (makes no call) and continuing with the north boundary line of the aforementioned 5.976 acre tract (makes no call) to the Point of BEGINNING and containing 49.979 acres of land.

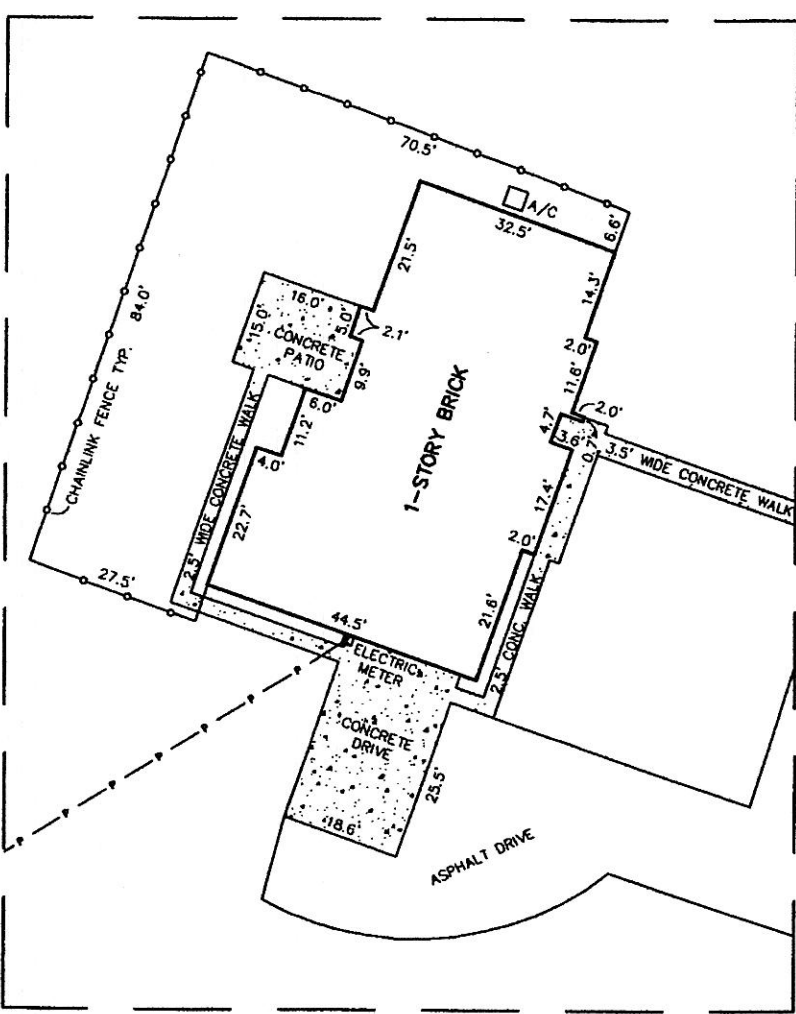
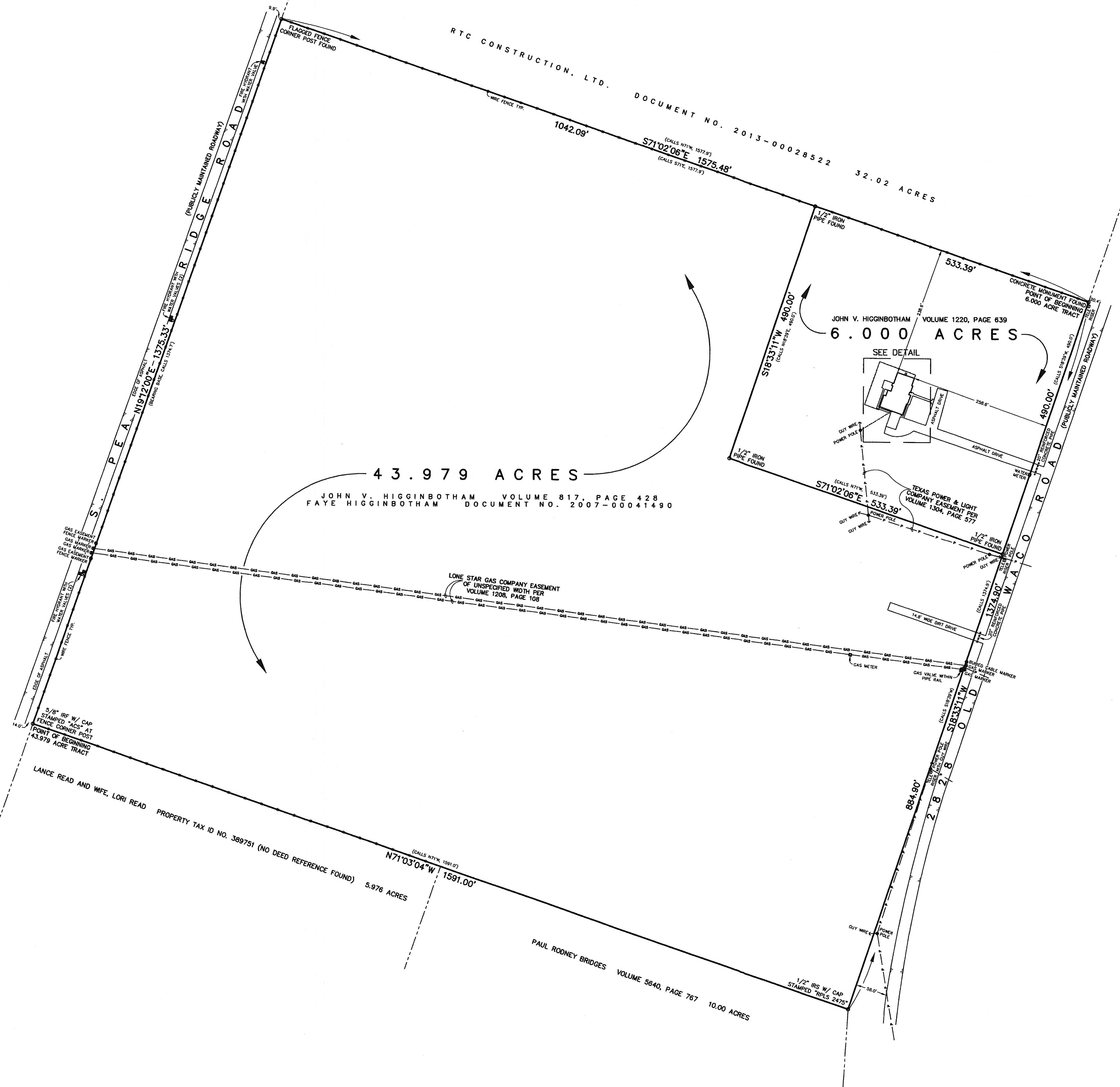
I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
August 13, 2013



Bearing Base: N. 19° 12' 00 E., 1374.74 feet west boundary line 50.011 acre tract, Volume 817, Page 428, Deed Records, Bell County, Texas



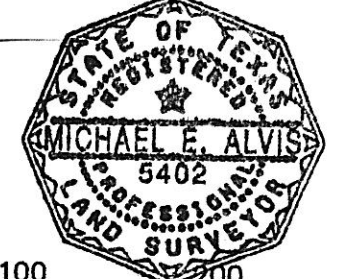
DETAIL
SCALE 1:30

BEING a 6.000 acre tract of land situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being all of that certain called 5.998 acre tract of land described in a Deed dated March 26, 1973 from The Veterans' Land Board of the State of Texas to John V. Higginbotham and being of record in Volume 1220, Page 639, Deed Records of Bell County, Texas.

BEING a 43.979 acre tract of land situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain called 50.011 acre tract of land described in a Deed dated November 10, 1960 from The Veterans' Land Board of Texas to John V. Higginbotham and being of record in Volume 817, Page 428, Deed Records of Bell County, Texas and being referenced in an Affidavit of Heirship to Faye Higginbotham and being of record in Document No. 2007-00041490, Official Public Records of Bell County, Texas Save and Except that certain called 5.998 acre tract of land described in a Deed dated March 26, 1973 from the Veterans' Land Board of the State of Texas to John V. Higginbotham and being of record in Volume 1220, Page 639, Deed Records of Bell County, Texas.

STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, COUNTY OF BELL I do hereby certify that this survey was this day made on the property described herein and is correct and that there are no discrepancies, conflicts, shortages in the area, easements, and right-of-ways except as shown hereon, that this tract of land has access to and from a public road, and I have marked all corners with monuments.
This Property is not within the Special Flood Hazard Area as per the Federal Emergency Management Agency Federal Insurance Administration Map No. 48027C0335E, dated September 26, 2008.
IN WITNESS THEREOF, my hand and seal, this the 13th day of August, 2013.

Michael E. Alvis, R.P.L.S. #5402



6.000 ACRES MORE FULLY DESCRIBED BY METES AND BOUNDS BY SEPARATE FIELD NOTES.
43.979 ACRES MORE FULLY DESCRIBED BY METES AND BOUNDS BY SEPARATE FIELD NOTES.



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
FIRM REGISTRATION NO. F-1658

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998

SURVEY OF:

49.979 ACRES
2828 OLD WACO ROAD
NANCY CHANCE SURVEY, ABSTRACT NO. 5
CITY OF TEMPLE, BELL COUNTY, TEXAS

PREPARED FOR:
EMILIO PERALES
7348 W. ADAMS AVENUE, SUITE 700
TEMPLE, TEXAS 76502

REVISIONS	

DATE:	08/13/13
DRN. BY:	JRG
REF.:	
FIELD BOOK	705/15
JOB NO.:	13642
SHEET	1 OF 1
COMPUTER DWG. NO.	13642

12735-D
DRAWING NUMBER




Voluntary Annexation

Plains at Riverside Location Map



 Case

0 100 200

Feet

4/20/2014
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.



ORDINANCE NO. 2014-4656

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING AN APPROXIMATELY 49.979 TRACT OF LAND LOCATED BETWEEN SOUTH PEA RIDGE ROAD AND OLD WACO ROAD, ABUTTING THE CITY LIMITS BOUNDARY AND SITUATED WITHIN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, ALSO KNOWN AS THE *PLAINS AT RIVERSIDE* AND APPROVING A MUNICIPAL SERVICE PLAN; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City;

Whereas, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code and the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

Whereas, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

Whereas, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city; and

Whereas, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

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

Part 1: All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Part 2: The property consisting of approximately 49.979 acres of land located between South Pea Ridge Road and Old Waco Road, described in Exhibit 'A' attached hereto, is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

Part 3: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this ordinance, made a part hereof and attached hereto as Exhibit "B."

Part 4: The owners and inhabitants of the Property herein annexed shall be entitled to all of the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

Part 5: The official map and boundaries of the City of Temple are heretofore adopted and amended be and hereby amended so as to include the annexed Property as part of the City of Temple.

Part 6: The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as SF-2 (Single-Family Two) until permanent zoning is established by the City Council.

Part 7: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.

Part 8: 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 9: If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 10: 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 11: 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 1st day of **May**, 2014.

PASSED AND APPROVED on Second and Final Reading on the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #5(B)
Regular Agenda
Page 1 of 7

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING- Z-FY-14-23: Consider adopting an ordinance to take action on permanent zoning upon annexation of a tract of land consisting of a total 49.979 +/- acres, where 42.440 +/- acres are proposed for Single-Family Two (SF-2) District and 7.539 +/- acres are proposed for Office-2 (O-2) District as part of the proposed subdivision plat for The Plains at Riverside, located on the west side of the intersection of Old Waco Road and Riverside Trail.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its April 7, 2014 meeting, the Planning & Zoning Commission voted 9 to 0 to recommend approval of the requested rezone from AG to AF-2 & O-2 with the following recommendations:

1. Approve 42.440 +/- acres for SF-2 as requested and,
2. Approve 7.539 +/- acres for PD-O-2 and prohibit residential uses.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, with the second reading and final adoption set for May 15, 2014.

Based on the following discussion, staff recommends approval for a rezone from AG to SF-2 and O-2 for the following reasons:

1. While the proposed zoning partially complies with the overall Future Land Use Plan, it complies with the existing Suburban Commercial designation but is also consistent with the adjacent property to the north and anticipated development of the surrounding area which is consistent with Suburban Residential;
2. The request is in partial compliance with the Thoroughfare Plan
3. The request is consistent with the anticipated development of the area and the surrounding area where single family development is consistent with the Future Land Use Plan and;
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: According to the City of Temple Comprehensive Plan / Future Land Use Plan, the subject property, being a total 49.979 +/- acres, is within both the designated Agricultural/Rural district and the Suburban Commercial district. The Agricultural/Rural district is intended for those areas within the City limits that do not yet have adequate public facilities and services and therefore, may have on-site utilities. On the other hand, the Suburban Commercial District is for office, retail and

service uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted. Additional discussion can be found regarding the consistency with the Future Land User Plan later in this staff report.

Although it is anticipated the SF-2-zoned portion of the property will be developed with detached single-family residences, there are a number of uses that are permitted by right. Those uses include but are not limited to:

Residential uses

Family or Group Home
Industrialized Housing

Nonresidential uses

Farm or Ranch
Park or Playground
Fire Station

Prohibited uses include Housing and Urban Development (HUD-Code) manufactured homes and land lease communities, duplexes, zero lot line dwelling, halfway houses and apartments. All commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit (temporary asphalt concrete batching plants, a petroleum or gas well or a cemetery, crematory or mausoleum).

The O-2-zoned portion of the property is anticipated to be developed with non-residential uses. There are a number of uses that are permitted by right. Those uses include but are not limited to:

Residential uses

Single-Family (detached/attached)
Industrialized Housing
Duplex
Triplex
Apartments

Nonresidential uses

Most retail and service uses
Offices
Restaurant (without drive-thru)
Drug Store / Pharmacy
Hotel / Motel

Prohibited uses include HUD-Code manufactured homes and land lease communities, zero lot line dwelling and All commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit (temporary asphalt concrete batching plants, a petroleum or gas well or a cemetery, crematory or mausoleum).

SURROUNDING PROPERTY AND USES: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Agriculture/ Rural & Suburban Commercial	AG (upon Annexation)	Undeveloped
North	Suburban Residential Suburban Commercial	SF-2	Undeveloped
South	Agriculture/ Rural & Suburban Commercial	ETJ	Scattered SF uses on acreage
East	Agriculture/Rural Suburban Commercial	ETJ	Scattered SF uses on acreage
West	Rural Estate	ETJ	Scattered SF uses on acreage

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

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within both the Agricultural/Rural and the Suburban Commercial districts. The applicant proposes 42.440 +/- acres for single-family residential development.

This request is consistent with the anticipated development of the property to the immediate north and the anticipated growth of the Extra Territorial Jurisdiction (ETJ) corridor between South Pea Ridge Road and Old Waco southward toward Old Waco Road's intersection with I-35. The 26.88 +/- acres for Glynn Cummings' rezone request was approved by 2nd reading on March 6th for SF-2, and is the first of anticipated single family development in the immediate incorporated area. The current proposal is the first of single-family development within an ETJ corridor east of South Pea Ridge Road and west of Old Waco Road southward toward I-35. While the proposed rezone is not consistent with the current Future Land Use Plan AG district, the requested 42.440 +/- acres to SF-2 is consistent with the anticipated development of the area and the surrounding area where single family development is consistent with the Future Land Use Plan where Suburban Residential is identified. If the rezone is approved, the Future Land Use Plan will need to be updated.

In contrast, the applicant is additionally requesting that 7.739 +/- acres be rezoned to O-2. The Suburban Commercial district on the other hand, is identified along the Old Waco Road corridor in both the City and ETJ areas of this corridor all the way to where Old Waco Road intersects with I-35 and the anticipated alignment of the "Outer Loop". The Suburban Commercial district is appropriate for office, retail and service uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted.

It should be noted that although the request for O-2 is consistent with the Future Land Use Plan, Old Waco Road is identified as the "Outer Loop". The "Outer Loop" is proposed to be widened with a 163' right-of-way (ROW) in the 1st phase of a Transportation Capital Improvements Plan (TCIP) project extending down to Jupiter Drive. The depth of the proposed O-2 portion ranges between 229.38' and 240.46'. The acreage of the requested O-2 zoning designation is consistent with the recent Glynn Cummings rezone which retained acreage for a future non-residential zoning along Old Waco Road. It is from that case that the proposed acreage along Old Waco Road is adequate for development of

uses within a non-residential zoning district which are consistent with Suburban Commercial district as well as meet needed dedication requirements. The dedication requirements will be addressed during the subdivision plat stage of development. Therefore the request for a rezone to 7.539 +/- acres to Office-2 (O-2) is consistent with the Future Land Use Plan.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along South Pea Ridge Road and Old Waco Road. Although South Pea Ridge Road is currently identified as a collector, several alignments are being considered and may be built to minor arterial standards when final right-of-way dedication and design is completed in the future. The Thoroughfare Plan will be required to be updated if South Pea Ridge Road is reclassified. Old Waco Road has been identified as the "Outer-Loop" and will be developed with a 163' ROW. ROW acquisition is on-going and if necessary, any needed ROW adjacent to this tract will be addressed at the platting stage of review.

In light of discussion as a result of the recent Glynn Cummings' rezone abutting to the north, it should be noted that City staff is in the process of comprehensively evaluating whether these roads need to move up the Transportation Capital Improvements Plan (TCIP) priority list due to proposed development in the area. Although these portions of South Pea Ridge and Old Waco Road are not on the immediate horizon for funding or the current Transportation Capital Improvements Plan (TCIP) project list, they are being evaluated by staff and the City Council. While the paved roadway surfaces are in place, neighborhood testimony from the recent public meetings have found that the paved surface may be inadequate and pose public safety hazards if residential development occurs without adequate upgrading to the surrounding roads, specifically South Pea Ridge Road, Poison Oak Road and Old Waco Road.

The Thoroughfare Plan (see attached) shows Poison Oak Road as a proposed minor arterial, South Pea Ridge Road as an existing collector and Old Waco Road as the Outer Loop. Staff has found that none of the roads in the immediate area are funded through 2019 on the Transportation Capital Improvements Plan (TCIP) project listing. However, portions of the Outer Loop from West Adams down to about Jupiter are on the list. Per Unified Development Code (UDC) Sec. 8.5.1(Perimeter Streets), the developer will be responsible at the platting stage for right-of-way dedication for adjacent street improvements.

The following shows existing and proposed ROW and pavement widths for Poison Oak, South Pea Ridge and Old Waco Road.

Existing Roadway Conditions

	Right- of-Way	Pavement Width
Poison Oak Road	70'	16' 8" (Varies)
South Pea Ridge Road	55'	18' 4" (Varies)
Old Waco Road	70'	20' (Varies)

Proposed Roadway Conditions

	Right-of-Way	Pavement Width
Poison Oak Road	70'	49'
South Pea Ridge Road	75'	49'
Old Waco Road	163'	106' with a 40' median

The Thoroughfare Plan identifies the proposed alignment of Poison Oak (a proposed minor arterial) as crossing diagonally across the subject parcel. The proposed preliminary plat has not addressed this alignment and further review by Design Review Committee (DRC) is on-hold pending the outcome of annexation and this rezone. Any alternatives will require an amendment to the Thoroughfare Plan and would need to go before the Planning and Zoning Commission and City Council before being considered as part of any anticipated plat. Current as well as alternative alignments of Poison Oak have been discussed however future alignment also needs to be resolved prior to the plat moving forward.

As previously noted, the preliminary plat for the Plains at Riverside and any future subdivision development related to the Glynn Cummings property is forthcoming, it is anticipated the combination will add approximately 300 new homes to the area.

In conclusion, roadway alignments are physically in place for Poison Oak Road, South Pea Ridge and Old Waco Road, the roads are clearly not built to their current or proposed standards; the request therefore is in partial in compliance with the Thoroughfare Plan. However, roadway alignment and design are platting issues and will be addressed further at the platting stage.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property by a 15" line on the northern property boundary. Water is available through an 8" waterline in South Pea Ridge Road and a 3" in Old Waco Road.

Temple Trails Master Plan Map and Sidewalks Ordinance

According to the Trails Master Plan Map, no trails have been identified along South Pea Ridge Road. However, a proposed Community-Wide spine trail is proposed within Old Waco Road. Trail and sidewalks will be addressed at the platting stage of review.

DEVELOPMENT REGULATIONS: Standard residential setbacks in the SF-2 district are:

Min Lot Size	5,000 S.F
Min Lot Width	50'
Min Lot Depth	100'
Front	25'
Side	5'
Side (corner)	15'
Rear	10'

Standard non-residential setbacks in the O-2 district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	25' (Special Setbacks may apply per UDC Section 4.4)
Side	5' (Special Setbacks may apply per UDC Section 4.4)
Side (corner)	10' (Special Setbacks may apply per UDC Section 4.4)
Rear	0' (Special Setbacks may apply per UDC Section 4.4)

Per UDC Section 8.2.3, sidewalks are required on one side of the road for collector streets. The sidewalk will be installed at the time of development, and will be noted on the plat.

Additional Development Regulations include but not limited to:

- * A minimum 10' rear setback is required where a non-residential use abuts a residential zoning district or use (UDC Section 4.4.4.F3) and,
- * A residential access drive is prohibited onto arterial streets (UDC Section 7.2.4A).

General provisions for buffering and screening are found in UDC Section 7.7, highlighted provisions include but not limited to:

- * Evergreen hedges with a minimum planted height of six feet, placed on 36-inch centers or, fences and walls constructed of wood , masonry, stone or pre-cast concrete from 6 to 8 feet in height above the adjacent grade (UDC Section 7.7.4),
- * Refuse containers are to be located in the side or rear of the property and screened from view per UDC Section 7.7.6, and
- * Outdoor storage is permitted in the O-2 zoning district, where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material (UDC Section 7.7.8.B1).

PUBLIC NOTICE: Eleven notices, 4 within the City and 7 within the ETJ, for 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 Tuesday April 22, 2014 at 12:00 PM, no notices have been received.

The newspaper printed notice of the public hearing on March 26, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Zoning and Location Map
Future Land Use and Character Map
Localized area of the Thoroughfare Plan
Utility Map
Notification Map
Ordinance

Site & Surrounding Property Photos



Site: Undeveloped – From Old Waco Road **Looking West** (ETJ)



Site: Undeveloped – From South Pea Ridge Road **Looking East** (ETJ)



East: Scattered Residences on Acreage (ETJ)



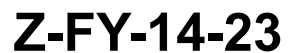
West: Undeveloped (ETJ)



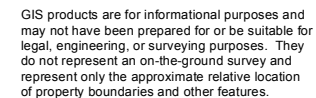
North: Undeveloped (SF-2 & AG)



South: Scattered Residences on Acreage (ETJ)



S. Pea Ridge &
Old Waco Rd.

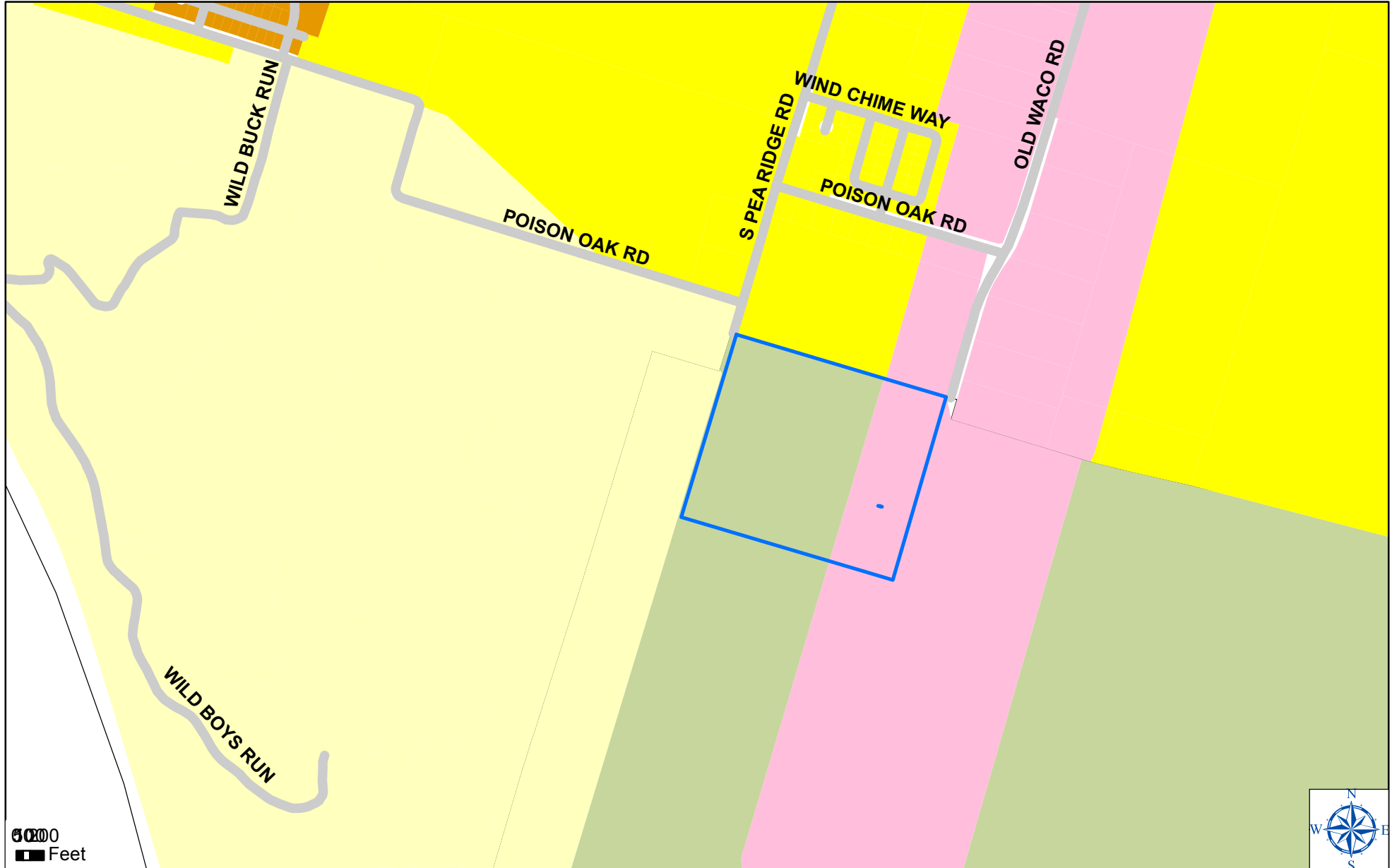




Z-FY-14-23

Rezone AG (Initial) to SF-2 & O-2

**Old Waco Road
& Riverside Trail**



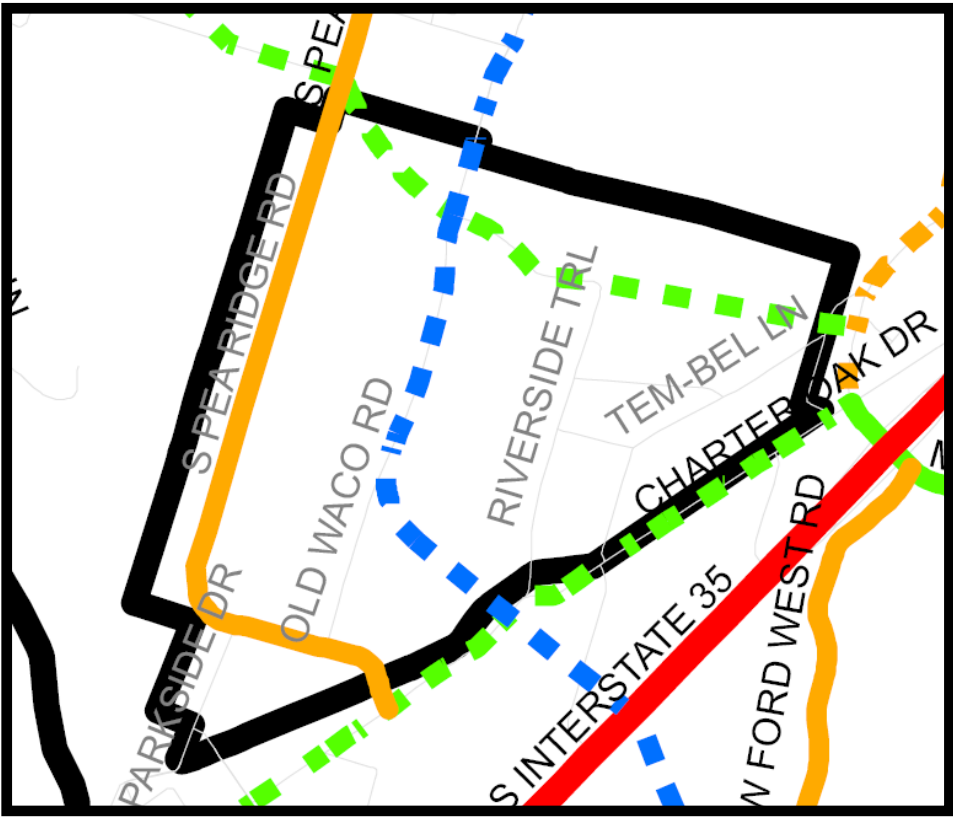
Future Land Use

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

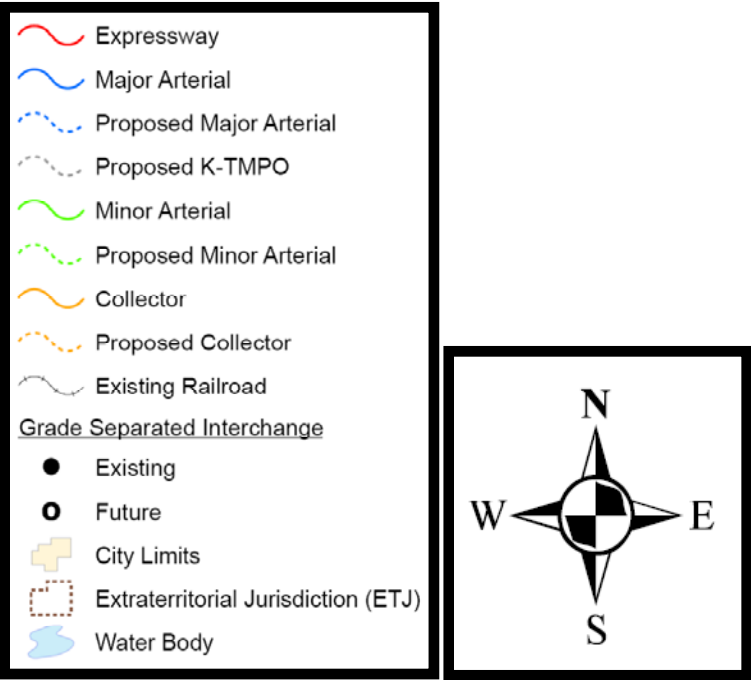
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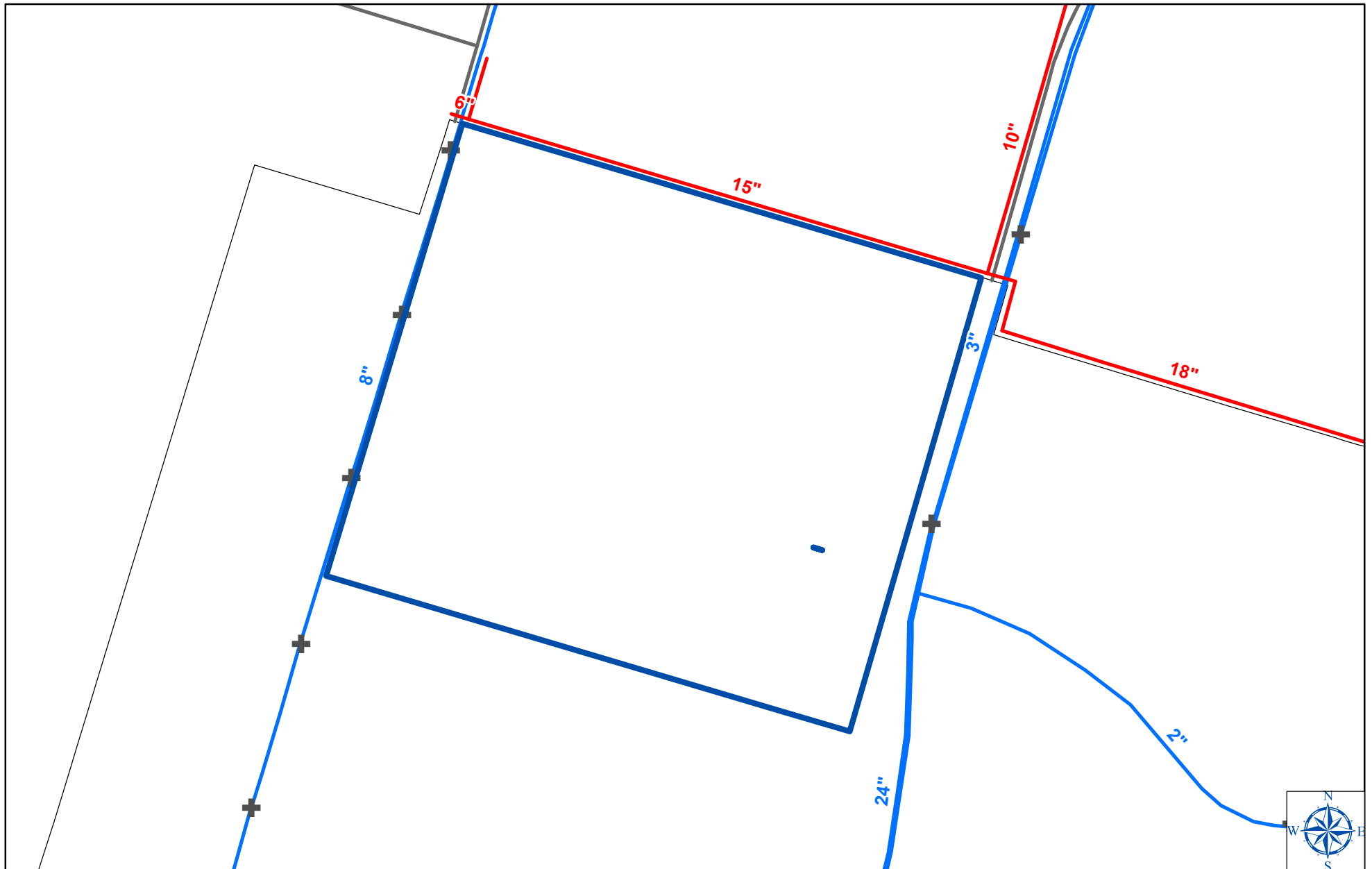
3/31/2014
City of Temple GIS





Localized Area of the Thoroughfare Plan



Map Legend (Map not to scale)



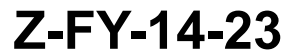


-  Case
-  Water Line
-  Fire Hydrant
-  Sewer Line

0 125 250 500
Feet

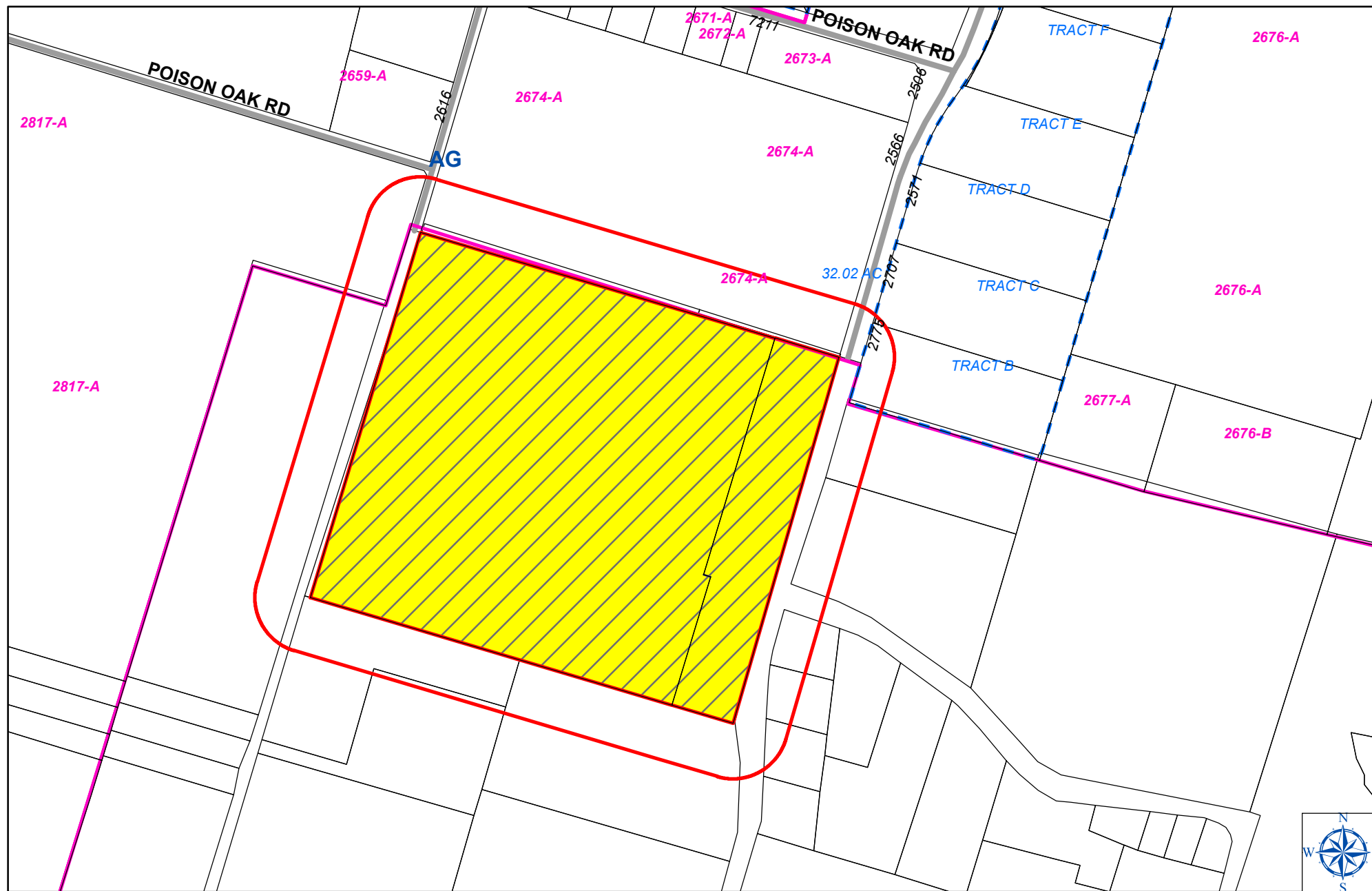
3/31/2014
City of Temple GIS

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Notification Map AG to SF-2 & O-2

S. Pea Ridge &
Old Waco Rd.



Zoning

1234-A

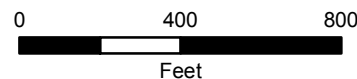
1234

Outblock Number	Address
-----------------	---------

1

Block Number

Lot Number



3/14/2014
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.

ORDINANCE NO. 2014-4657

(PLANNING NO. Z-FY-14-23)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A PERMANENT ZONING UPON ANNEXATION OF A TRACT OF LAND CONSISTING OF APPROXIMATELY 49.979 ACRES, WHERE 42.440 ACRES ARE PROPOSED AS SINGLE-FAMILY TWO (SF-2) DISTRICT AND 7.539 ACRES ARE PROPOSED AS OFFICE-2 (O-2) DISTRICT, AS PART OF THE PROPOSED SUBDIVISION PLAT FOR *THE PLAINS AT RIVERSIDE*, LOCATED ON THE WEST SIDE OF THE INTERSECTION OF OLD WACO ROAD AND RIVERSIDE TRAIL; 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 permanent zoning upon annexation of a tract of land consisting of a total of 49.979 acres, where 42.440 acres are proposed as Single-Family Two (SF-2) District and 7.539 acres are proposed as Office-2 (O-2) District as part of the proposed subdivision plat for *The Plains at Riverside*, located on the west side of the intersection of Old Waco Road and Riverside Trail, 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 1st day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – A-FY-14-04: Hold a public hearing to consider an Ordinance authorizing abandonment and conveyance of all of the alley located in Block 4, Rylander Addition, on the east side of North 12th Street, between East Central Avenue and East Adams Avenue, and reserving a public drainage and utility easement in the entire abandoned right-of-way.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, with the second reading and final adoption set for May 15, 2014.

Staff recommends approval of the applicant's requested alley abandonment as submitted and described in the item description.

ITEM SUMMARY: Lloyd Thomas requests this alley abandonment on behalf of property owner, Ham & McCreight Supply, Inc., to allow redevelopment of this block. Ham & McCreight Supply, Inc. owns the property on both sides of the subject alley.

Staff contacted all utility providers, including the Public Works Department, regarding the proposed alley abandonment. Oncor Electric Delivery and AT&T Texas have existing service lines in the alley. Utility providers do not object to the requested alley abandonment as long as a utility easement is reserved to allow access to existing service lines. Oncor is agreeable to making arrangements with the developer of the property to remove or relocate existing facilities.

Staff requests a public drainage and utility easement in the entire abandoned rights-of-way to protect existing service lines in the subject alley.

The applicant will not be able to construct buildings within the abandoned alley right-of-way unless existing service lines are relocated to another location.

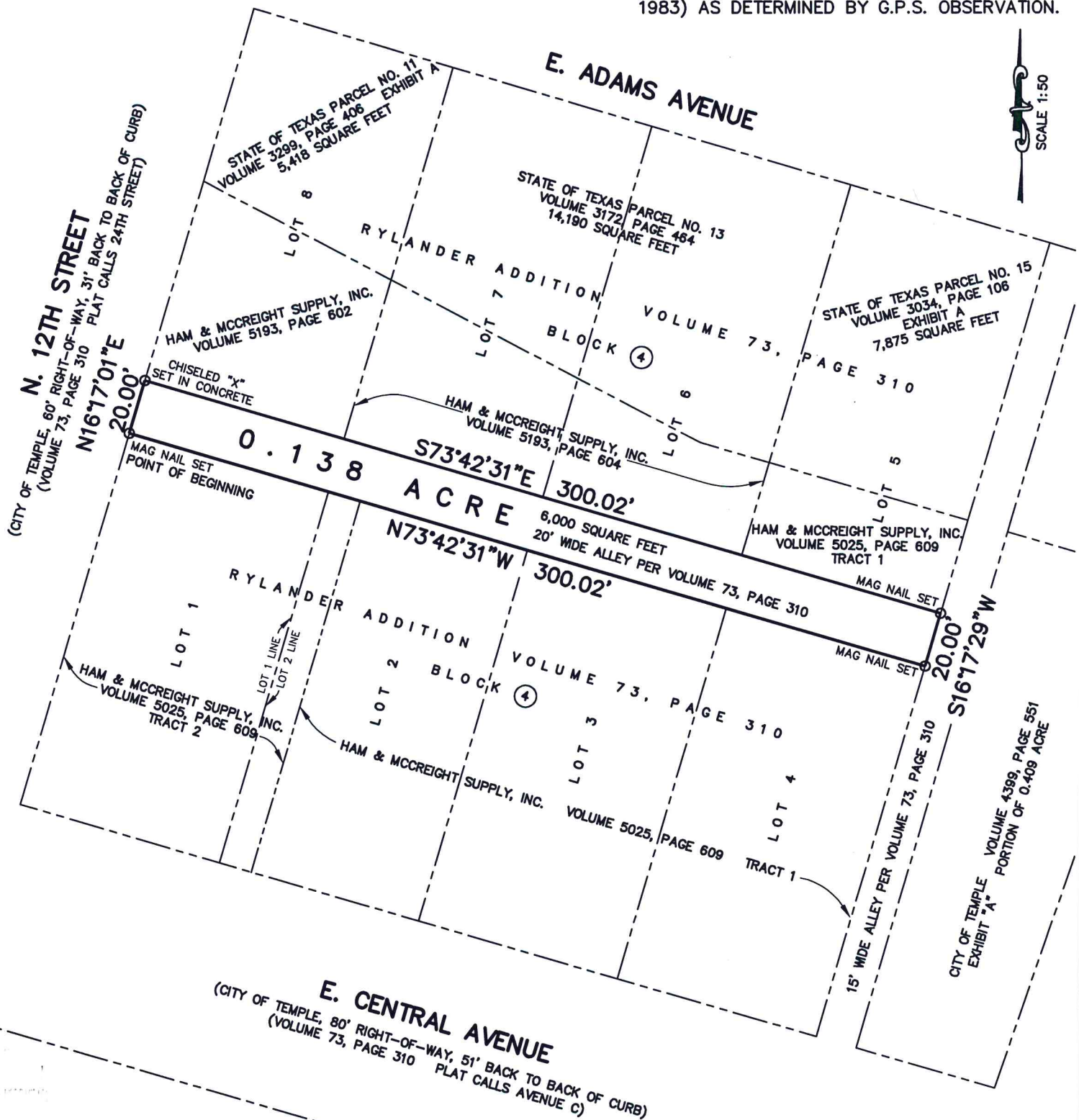
FISCAL IMPACT: If approved, the applicants will be allowed to purchase the abandoned alley rights-of-way at fair market value. Fair market value will be determined by a broker's opinion of value, which will be obtained prior to the sale of the proposed abandoned right-of-way.

ATTACHMENTS:

[Abandonment Exhibit](#)
[Ordinance](#)

BEARING BASE AND SOURCE BENCHMARK:
TEXAS STATE PLAIN COORDINATE SYSTEM (NAD
1983) AS DETERMINED BY G.P.S. OBSERVATION.

SCALE 1:50



BEING a 0.138 acre or 6000 square feet tract of land described as a twenty feet (20') wide alley running east and west through Block 4, Rylander Addition, an addition to the City of Temple, according to the map or plat of record in Volume 73, Page 310, Deed Records of Bell County, Texas.

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

IN WITNESS THEREOF, my hand and seal, this the 28th day of March, 2014.



Michael E. Alvis, R.P.L.S. #5402

JOB NO: 14299



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400

ALLEY ABANDONMENT TRACT
0.138 ACRE
BLOCK 4, RYLANDER ADDITION
CITY OF TEMPLE, BELL COUNTY, TEXAS

DATE: 03/28/14	SCALE: 1:50	DWN. BY: JRG
REFERENCE: 12828-D	F.B. & L.B.: 629/20	FILE NO: 12828-A
SHEET 1 OF 1		

Alley Abandonment Tract

BEING a 0.138 acre or 6000 square feet tract of land described as a twenty feet (20') wide alley running east and west through Block 4, Rylander Addition, an addition to the City of Temple, according to the map or plat of record in Volume 73, Page 310, Deed Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a "MAG" brand nail set being the northwest corner of Lot 1, Block 4, said Rylander Addition and being in the east right-of-way line of North 12th Street as described in said Volume 73, Page 310 (plat calls 24th Street) and being the southwest corner of the said twenty feet (20') wide alley for corner;

THENCE N. 16° 17' 01" E., 20.00 feet departing the said Lot 1, Block 4 and with the west boundary line of the said Block 4 and the said east right-of-way line to a chiseled "X" in concrete set being the northwest corner of the said twenty feet (20') wide alley and being the southwest corner of Lot 8, said Block 4 for corner;

THENCE S. 73° 42' 31" E., 300.02 feet departing the said east right-of-way line and with the north boundary line of the said twenty feet (20') wide alley and with the south boundary lines of Lot 8, Lot 7, Lot 6 and Lot 5, said Block 4 to a "MAG" brand nail set being the southeast corner of Lot 5, said Block 4 and being the northeast corner of the said twenty feet (20') wide alley and being in the east boundary line of the said Block 4 and being in the west boundary line of a fifteen feet (15') wide alley as described in said Volume 73, Page 310 for corner;

THENCE S. 16° 17' 29" W., 20.00 feet departing the said Lot 5, Block 4 and with the east boundary line of the said twenty feet (20') wide alley and with the east boundary line of the said Block 4 and with the west boundary line of the said fifteen feet (15') wide alley to a "MAG" brand nail set being the southeast corner of the said twenty feet (20') wide alley and being the northeast corner of Lot 4, said Block 4 for corner;

THENCE N. 73° 42' 31" W., 300.02 feet departing the said fifteen feet (15') wide alley and with the south boundary line of the said twenty feet (20') wide alley and with the north boundary lines of Lot 4, Lot 3, Lot 2 and Lot 1, said Block 4 to the Point of BEGINNING and containing 0.138 acres or 6000 square feet of land.

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



Michael E. Alvis, R.P.L.S. #5402
March 28, 2014



Bearing Base: Texas State Plain Coordinate System (NAD 1983) as determined by G.P.S. observation.



ENGINEERING • SURVEYING • PLANNING
301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400

ORDINANCE NO. 2014-4658

(A-FY-14-04)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZES THE ABANDONMENT AND CONVEYANCE OF ALL OF THE ALLEY, LOCATED IN BLOCK 4, RYLANDER ADDITION, ON THE EAST SIDE OF NORTH 12TH STREET, BETWEEN EAST CENTRAL AVENUE AND EAST ADAMS AVENUE AND RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENT IN THE ENTIRE ABANDONED RIGHT-OF-WAY; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of Block 4, Rylander Addition, Ham & McCreight Supply, Inc., requests abandonment of the alley through Block 4 to allow redevelopment of this block;

Whereas, the alley is approximately 200.02 feet in length and approximately 20 feet in width and is located on the east side of North 12th Street , between East Central Avenue and East Adams Avenue;

Whereas, staff has contacted all utility providers, including the Public Works Department, regarding the proposed alley abandonment and there are no objections to the requested alley abandonment as long as a utility easement is reserved to allow access to existing service lines;

Whereas, staff requests a public drainage and utility easement in the entire abandoned right-of-way to protect services lines in the subject alley;

Whereas, an appraisal of the alley is being obtained and upon payment to the City of the value set forth in the broker's opinion, the alley will be conveyed to the property owner through a Deed Without Warranty; and

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

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

Part 1: The City Council abandons and conveys all of the alley, located in Block 4, Rylander Addition which is described as follows:

Being a 0.138 acre or 6000 square feet of land described as a twenty feet (20') wide alley running east and west through Block 4, Rylander Addition, an addition to the City of Temple, according to the map or plat of record in Volume 732, Page 310, Deed of Records of Bell County, Texas, and being more particularly described in Exhibit 'A' attached hereto.

Part 2: The City Council reserves a public drainage and utility easement in the entire abandoned alley.

Part 3: Upon payment of the value set forth in the appraisal, City Council authorizes the conveyance of the alley through a Deed Without Warranty.

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

Part 5: 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 **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of _____, 2014, by Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14

Item #7

Regular Agenda

Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-14-22: Consider adopting an ordinance authorizing a rezone from Agricultural District (AG) to Light Industrial District (LI) on 44.20 +/- acres, situated in the Mercer Phelan Survey, Abstract 659 and the J. W. Christian Survey, Abstract 1070, Bell County, Texas, located at the southwest corner of NW Loop 363 and Pegasus Drive and addressed as 4222 Pegasus Drive.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its April 7, 2014 meeting, the Planning & Zoning Commission voted 9 to 0, in accordance with staff's recommendation to recommend approval from AG to LI.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, with the second reading and final adoption set for May 15, 2014.

Based on the following, staff recommends approval for a rezone from AG to LI for the following reasons:

1. The proposed zoning complies with the Future Land Use Plan (FLUP) which identifies this area as Industrial;
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, see Exhibit A, is within the Industrial Districts according to the Comprehensive Plan / Future Land Use Plan. The Industrial District is intended for all the community's manufacturing, warehousing / distribution and light industrial uses. The requested zoning to Light Industrial (LI) is in compliance with the Future Land Use Plan.

The site is within the Northwest Industrial Park. In "Industrial Park" areas, design standards (building materials, higher landscape surface area, screening of storage and loading areas, etc.) would be applied to uses visible from public rights-of-way and nearby character districts. Stand-alone industrial sites would be provided with adequate screening, buffering and performance standards related to noise, vibration, odor, glare, etc would be applied to protect nearby uses and character areas. When platted and developed the site would be subject to the development standards in the industrial park as well as the general provisions of the Unified Development Code (UDC).

While it is anticipated the property will be developed with industrial uses, there are a number of residential and non-residential uses that are permitted by right. Those uses include but are not limited to:

Residential uses

Boarding or Rooming House
Covent or Monastery
Home for the aged

Nonresidential uses

Auto Storage
Boat Sales and Service
Truck Stop
Fuel sales

Prohibited uses include Housing and Urban Development-Code (HUD-Code) manufactured homes and land lease communities, single-family residential use (detached and attached) and apartments. A number of uses are allowed by an approved conditional use permit (temporary asphalt concrete batching plants, sewage treatment plant or wrecking or salvage yard).

SURROUNDING PROPERTY AND USES: The following table provides the direction from the property, Future Land Use Plan designation, existing zoning and current land uses:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Industrial	AG	Undeveloped
North	Industrial	LI	Undeveloped
South	Industrial	LI	Industrial Uses
East	Suburban Commercial	LI & C	Industrial Uses
West	Industrial	LI	Undeveloped

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)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within the Industrial land use district. The requested Light Industrial zoning (LI) designation complies with the Industrial Future Land Use Plan district.

Thoroughfare Plan (CP Map 5.2)

The portion of the property under consideration has frontage along Pegasus Drive and located within the Northwest Industrial Park. Pegasus Drive has been identified as a collector. Collector streets normally require a 6' sidewalk. Per UDC Section 8.2.3D, sidewalks are not required within UDC recognized industrial parks within Temple. Therefore, this property would not require a sidewalk.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 12" and 15" sewer line that crosses the property. Water is available through an 18" waterline on the property's southern boundary and a 12" waterline in Pegasus Drive.

Temple Trails Master Plan Map and Sidewalks Ordinance

No trails have been identified according to the Trails Master Plan Map.

DEVELOPMENT REGULATIONS: Standard non-residential setbacks in the LI district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	30' from centerline (Special Setback per UDC Section 4.4.4.F.1D)
Side	0' (Special setback of 10' adjacent to or abutting residential use or zoning district)
Side (corner)	10'
Rear	0' (Special setback of 10' adjacent to or abutting residential use or zoning district)

Per UDC Section 8.2.3D, since the property is within the Northwest Industrial Park, sidewalks are not required.

PUBLIC NOTICE: Eight 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 Tuesday April 22, 2014 at 12:00 PM, one notice for approval has been received.

The newspaper printed notice of the public hearing on March 26, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site and Surrounding Property Photos](#)
[Zoning and Location Map \(Exhibit A\)](#)
[Future Land Use and Character Map](#)
[Localized area of the Thoroughfare Plan](#)
[Utility Map](#)
[Notification Map](#)
[Returned Property Owner Notices](#)
[Ordinance](#)

Site & Surrounding Property Photos



Site: Undeveloped - Looking South (AG)



East: Scattered Developed Industrial & Commercial Uses (LI &C)



West: Undeveloped (LI)



North: Undeveloped (LI)



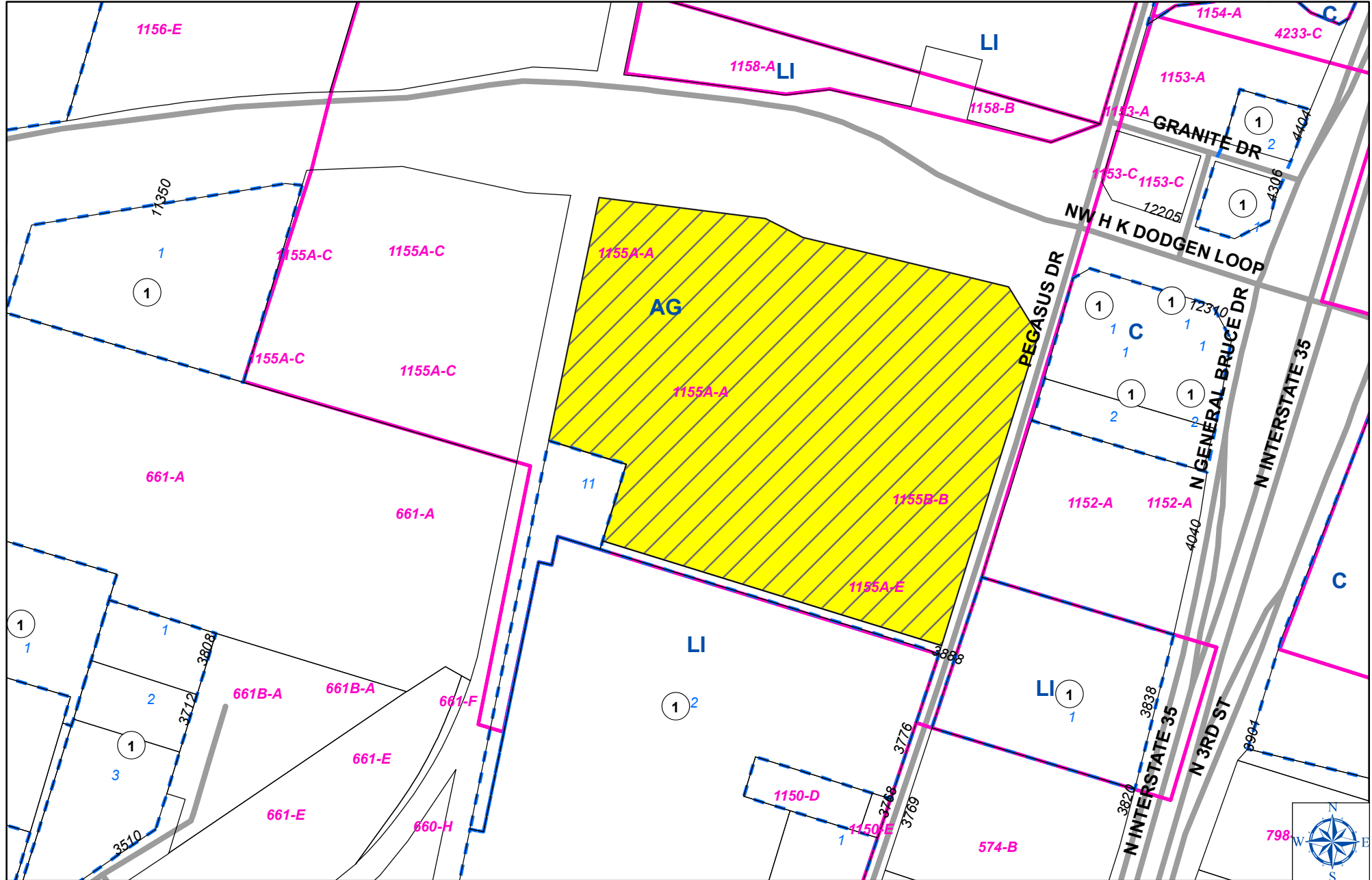
South: Scattered Developed Industrial Uses (LI)



Z-FY-14-22

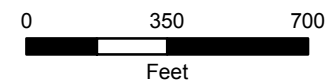
Zoning and Location Map

SW Corner Loop 363
& Pegasus Rd.



Outblock Number
1234-A
Address
1234

Block Number
①
Lot Number
1



2/28/2014
City of Temple GIS
mbaker

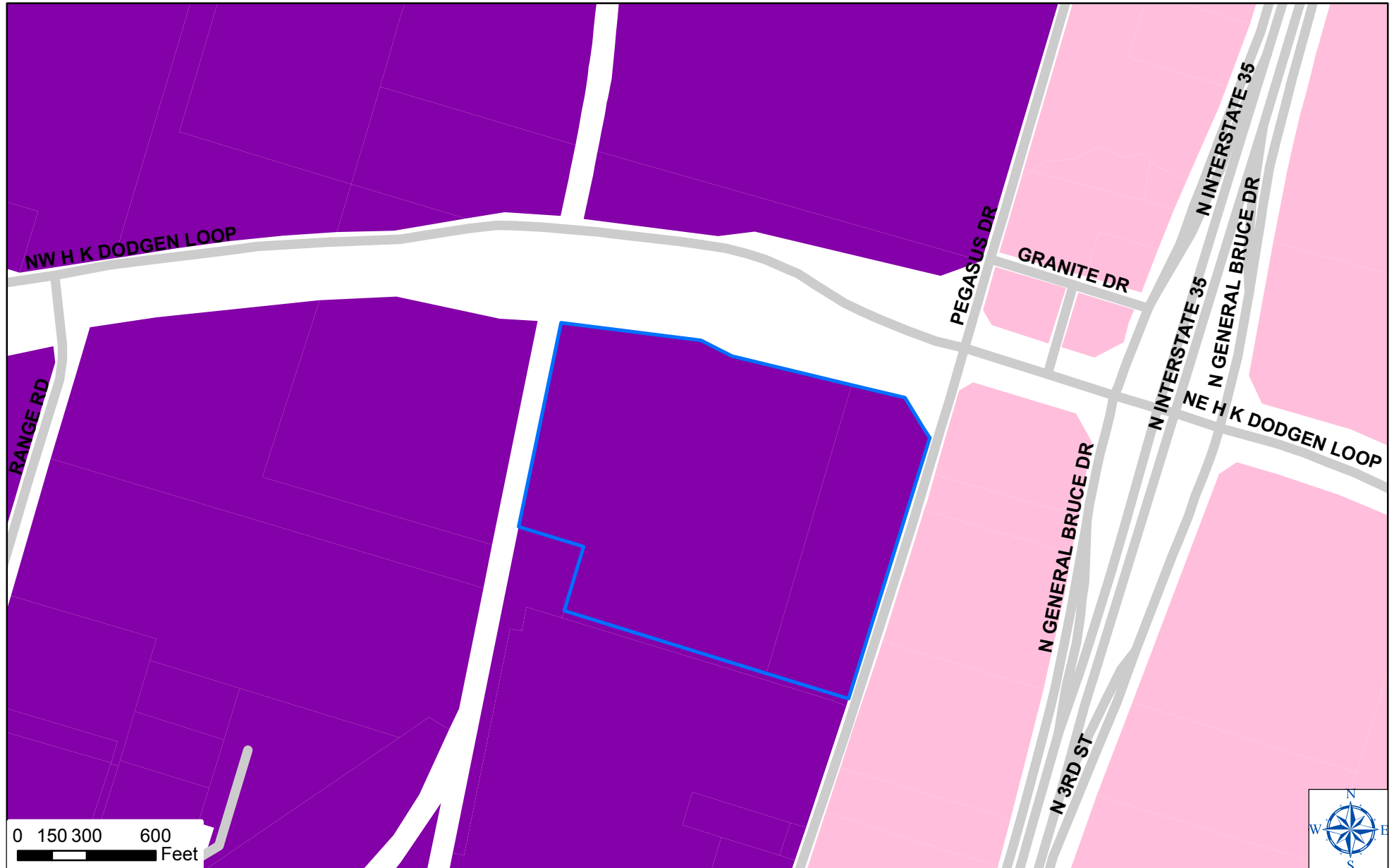
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Z-FY-14-22

Rezone
AG to LI

SW Corner Loop 363
& Pegasus Rd.



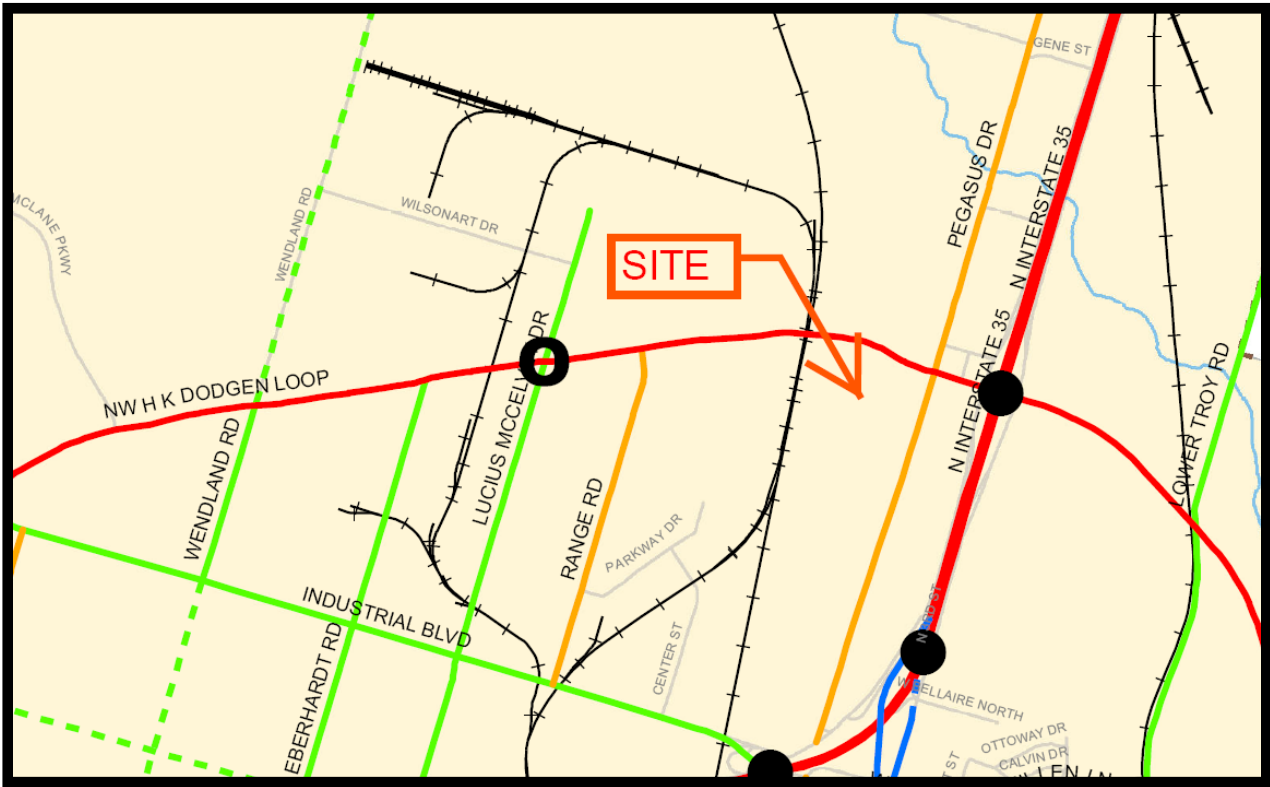
Future Land Use

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

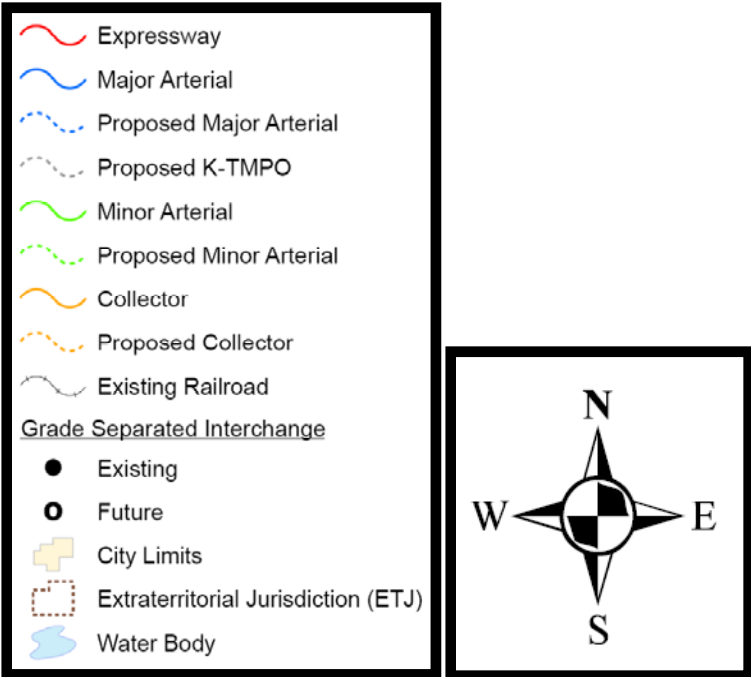
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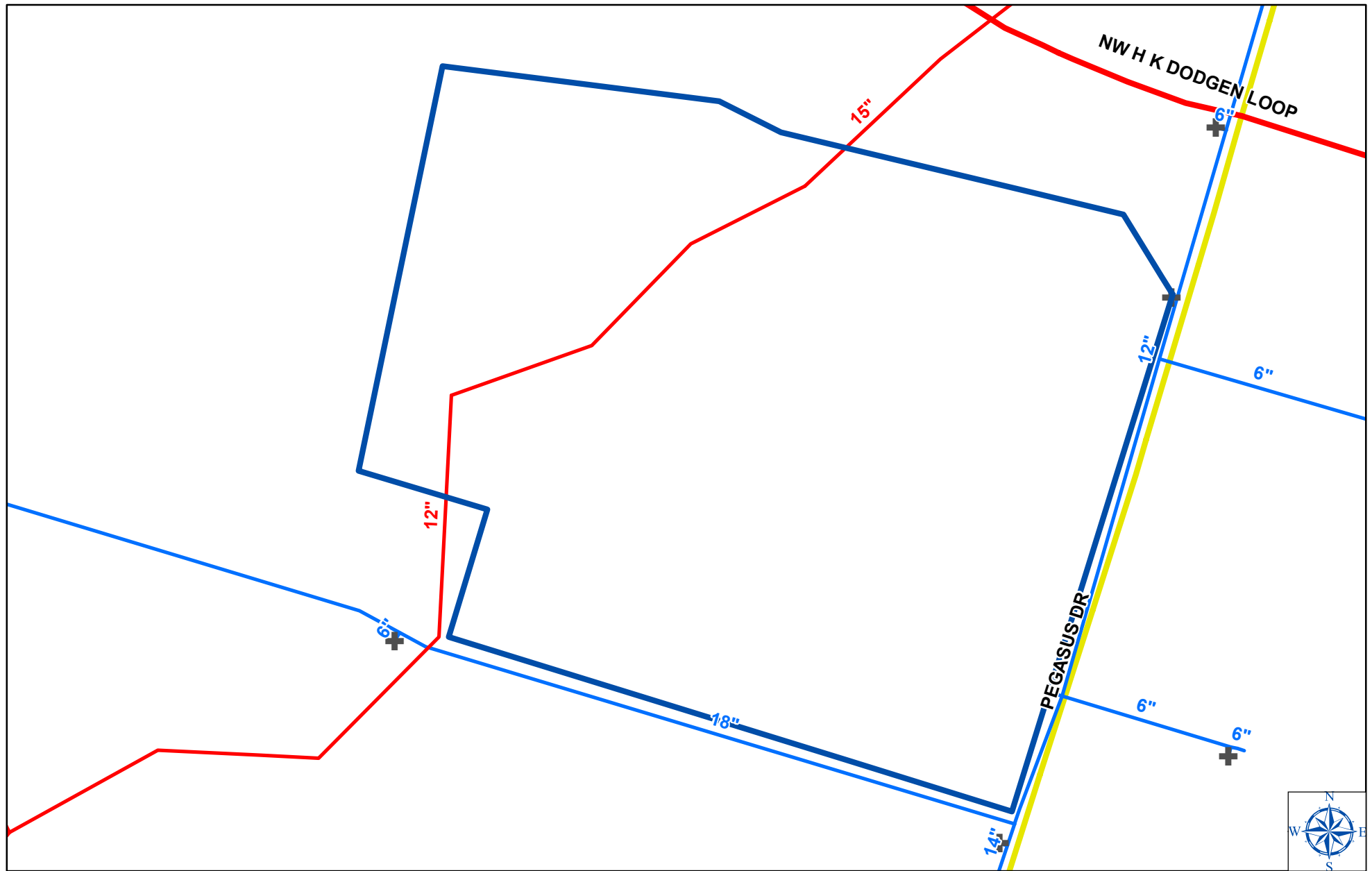
2/25/2014
City of Temple GIS

Localized Area of the Thoroughfare Plan

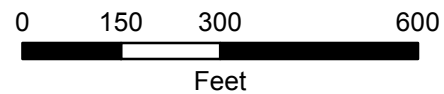


Map Legend (Map not to scale)





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



2/25/2014
City of Temple GIS

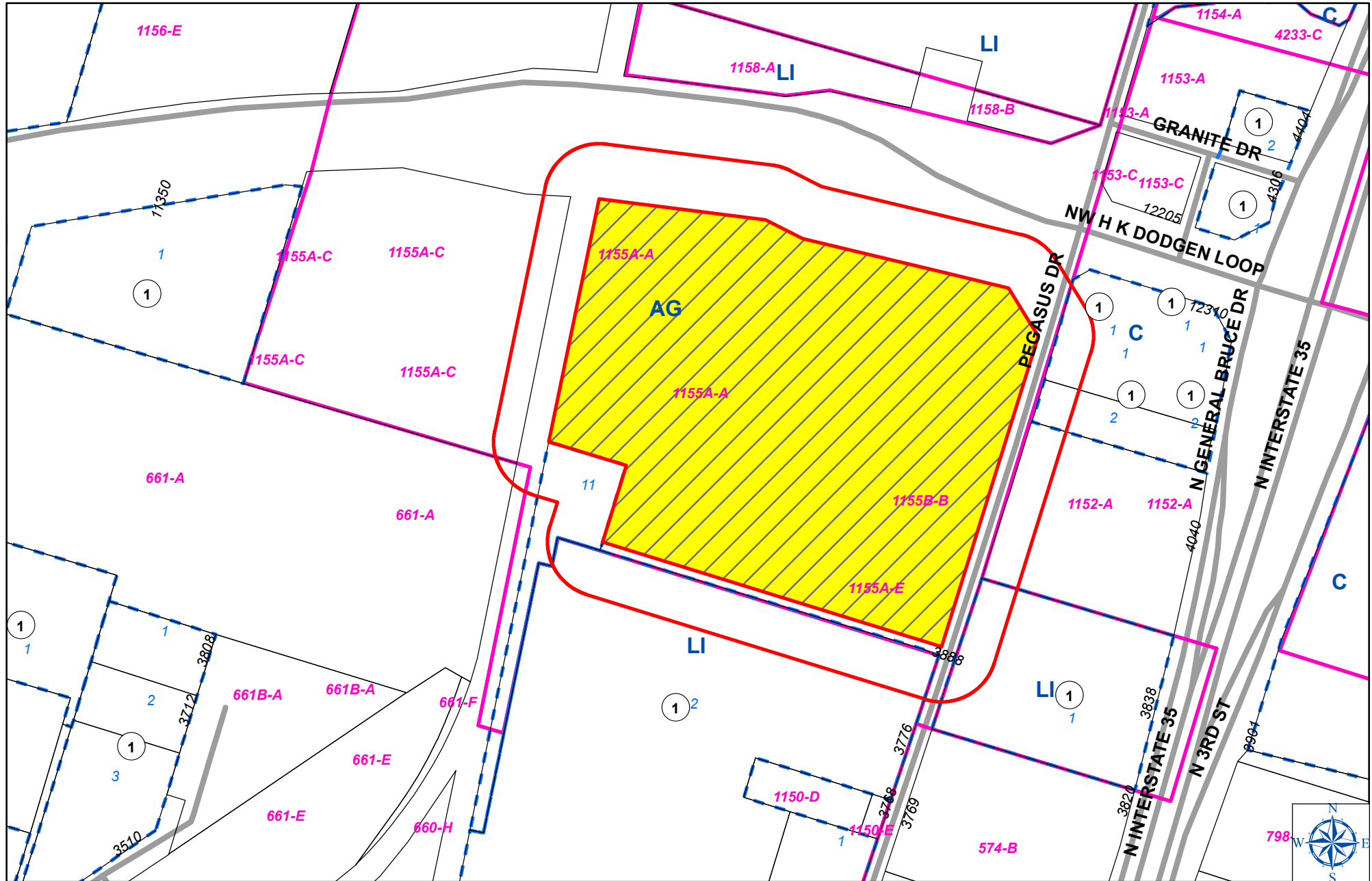
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Z-FY-14-22

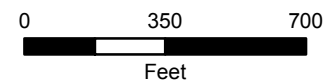
Notification Map AG to LI

SW Corner Loop 363
& Pegasus Rd.



- Case
- Zoning
- 200' Buffer
- Subdivision
- Outblock Number
- Address

- Block Number
- Lot Number



3/5/2014
City of Temple GIS
mbaker

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

Temple Economic Development Corp.
1 South 1st Street
Temple, Texas 76501

Zoning Application Number: Z-FY-14-22

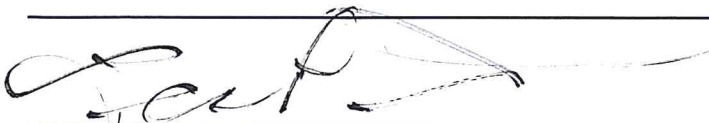
Project Manager: Mark Baker

Location: 4222 Pegasus Drive

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

I recommend ☒ approval () denial of this request.

Comments:


Signature


Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
April 7, 2014**

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

RECEIVED

MAR 31 2014

City of Temple
Planning & Development

Number of Notices Mailed: 8

Date Mailed: March 26, 2014

ORDINANCE NO. 2014-4659

(PLANNING NO. Z-FY-14-22)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 44.20 ACRES, SITUATED IN THE MERCER PHELAN SURVEY, ABSTRACT 659 AND THE J.W. CHRISTIAN SURVEY, ABSTRACT 1070, AND LOCATED AT THE SOUTHWEST CORNER OF NW LOOP 363 AND PEGASUS DRIVE, AND ADDRESSED AS 4222 PEGASUS DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District (AG) to Light Industrial District (LI) on approximately 44.20 acres, situated in the Mercer Phelan Survey, Abstract 659 and the J.W. Christian Survey, Abstract 1070, Bell County, Texas, located at the southwest corner of NW Loop 363 and Pegasus Drive and addressed as 4222 Pegasus Drive, as outlined in the map attached hereto as Exhibit 'A,' 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 **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-14-24: Consider adopting an ordinance for a site plan review, amending Ordinance No. 2001-2748, originally approved March 1, 2001 Planned Development (Neighborhood Service) District, and further amended by Ordinance No. 2012-4519, March 15, 2012, on Lot 2, Block 1, Johnson Lone Star Properties Addition located at 7950 SH 317.

P&Z RECOMMENDATION: At their April 7, 2014 meeting Planning and Zoning Commission recommended unanimous approval (8 to 0) of the Planned Development Site Plan Amendment as submitted.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, with the second reading and final adoption set for May 15, 2014.

Based on the following, staff recommends approval to amend the original Planned Development site plan to accommodate a second phase for the Amy's Attic mini-storage facilities:

1. An 8 foot fence is proposed adjacent to single-family residences.
2. A natural 15 foot landscape buffer with trees will be preserved providing additional screening between the adjacent single-family residences.

ITEM SUMMARY: The property (both Lots 1 and 2) were originally zoned PD-NS in 2001 and 2009, respectively, including a site plan, which is required by Code for Planned Development District projects. The site plan was amended in 2012 by City Council approval. The proposed site plan amendment would allow for Phase 2 of the Amy's Attic development, which backs up to and is adjacent to about 300 feet of single-family residences at the rear part of the southern property line.

Phase 2 would match the masonry for the buildings, the wrought iron fence and the State Highway 317 landscaping approved as part of Phase 1 to the north. Phase 2 will include an 8 foot wood fence and the preservation of a 15 foot natural area buffer for screening purposes adjacent to single-family residences.

PUBLIC NOTICE: 42 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday April 17, 2014 at 12:00 PM, 3 notices had been received recommending "Approval" (including the applicant's response) of the site plan amendment and 4 recommending "Disapproval."

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Proposed Site and Landscape Plan

Aerial Map

Site and Surrounding Property Photos

Zoning and Location Map

Notification Map

Letters from Neighbors

Ord No 2001-2748 (original PD-NS Zoning)

Ord No 2009-4332 (Lot 2 PD-NS Zoning)

Ord No 2012-4519 (Site Plan Amendment)

Ordinance

- ### NOTES FOR PROPOSED SITE ON LOT 2

GENERAL

- ## LANDSCAPING

- ## SCREENING/BUFFERING

- ## SIDEWALKS

- ## LIGHTING

- ## EXTERIOR BUILDING MATERIALS

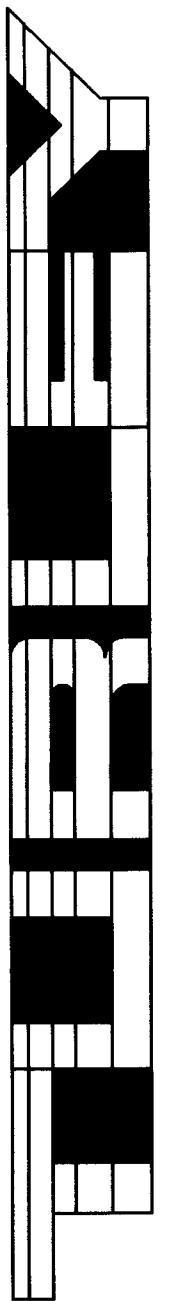
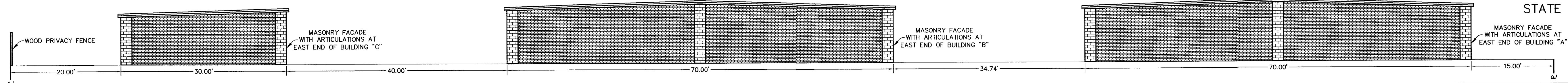
- THE EAST FACADE OF BUILDINGS A, B, AND C WILL BE VISIBLE FROM STATE HIGHWAY 317 AND AS SUCH WILL MEET THE CITY OF TEMPLE BUILDING EXTERIOR MATERIALS STANDARD PER THE COT-UDC

ACCESS

- PROPOSED ENTRANCE/EXIT DRIVE AT SOUTHEAST CORNER WILL BE EQUIPPED WITH A CLICK2ENTER EMERGENCY ACCESS SYSTEM PER COT ORDINANCE - CHAPTER 12 - SECTION 10.5



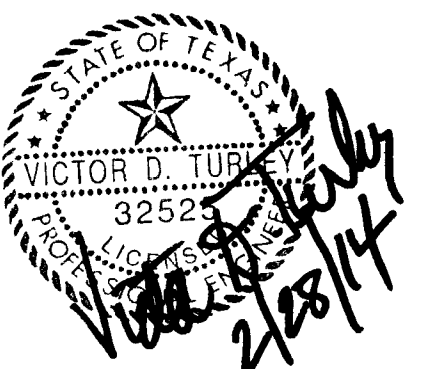
ELEVATION VIEW FROM
STATE HIGHWAY 317
SCALE 1:10



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
FIRM REGISTRATION NO. F-1658

ST. TURLEY ASSOCIATES, INC.
ST. TEMPLE, TEXAS

501 N. 3rd St.
 Elmville, IL 62535
 E-MAIL: VDTURLEY@AOL.COM
 FAX NO. (254) 773-3998



LANDSCAPING PLAN OF: AMY'S ATTIC

AMY'S ATTIC
7832 STATE HIGHWAY 317

CITY OF TEMPLE, BELL COUNTY, TEXAS

AMY'S ATTIC SELF STORAGE

TEMPLE, TEXAS

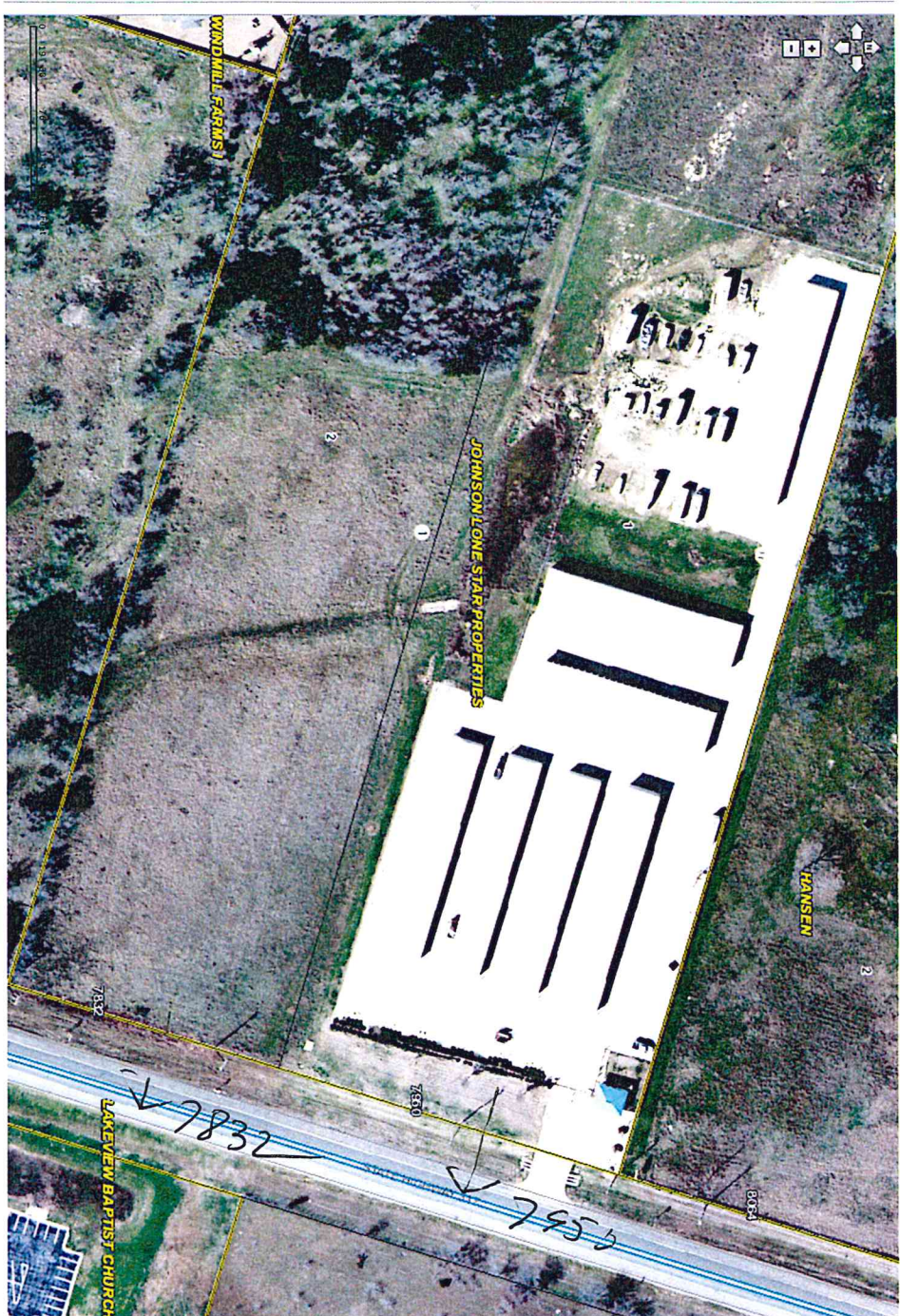
DATE:	01/28/14
DRN. BY:	JRG
REF.:	12745-D

FIELD BOOK		-
JOB NO.:	14044	
SHEET	1	OF 1
COMPUTER DWG. NO.	14044	

12801-D
DRAWING NUMBER

City of Temple - Zoning Map

Address ▾ Parcel ▾ Street ▾ Subdivision Grid Sheet Print



1:1,179 Go

CTCOG Bell CAD FEMA City of Temple



Existing Amy's Attic Facilities



Subject property (Phase 2 of Amy's Attic development)



Property to the North



Property to the East



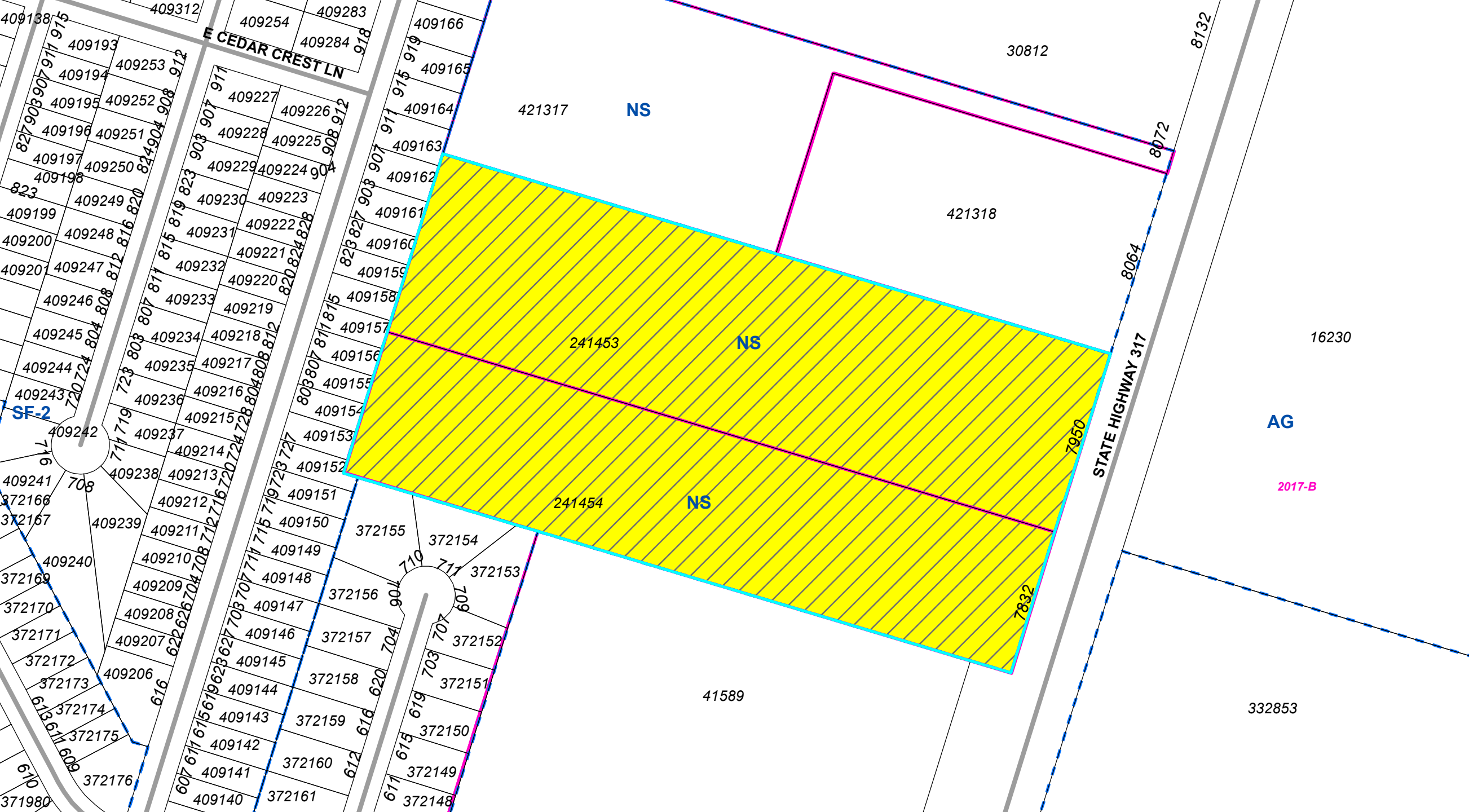
Property to East (immediately south of undeveloped property)



Property to South



Example of Windmill Farms home to the west

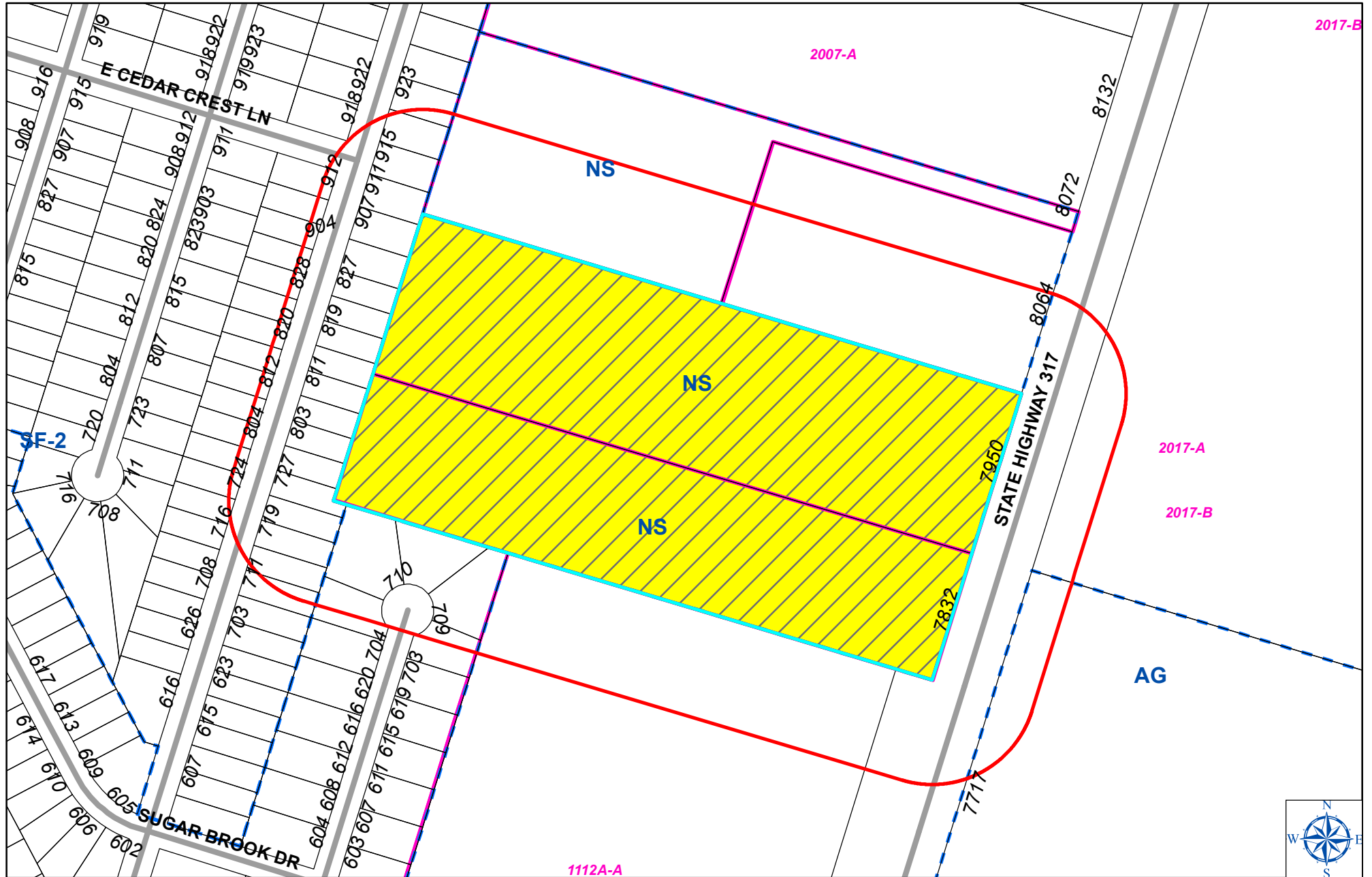




Z-FY-14-24

Amy's Attic Site Plan Review

7832 North State Highway 317



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

0 200 400
Feet

3/21/2014
City of Temple GIS
tmiles

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
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE

Jason Etux Jennifer Ratka
811 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan described on the attached notice, and provide any additional comments you may have.

I recommend () approval ☒ denial of this request.

Comments:

To whom this may concern:
As new home buyers we have chosen to make this decision to deny
the request of this expansion due to we have lived here now for four years
and have enjoyed the beautiful trees and wildlife that have made the
tree line behind our home their home and the peace that it brings to
us and the enjoyment that it brings to our daughter as she
watches the beautiful colorful birds. This will affect our
family and neighbors. We choose this lot for this reason and now call our
home. Please allow us to have and cherish nature's wonders. Thank you.

The Ratka Family


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
April 7, 2014

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

RECEIVED

APR 10 2014

City of Temple
Planning & Development



**RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE**

RAS Investments LLC
11421 Somerville
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan described on the attached notice, and provide any additional comments you may have.

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

Comments:

RWSmith

Signature

Raymond W. Smith

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 7, 2014

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

RECEIVED
MAR 31 2014
City of Temple
Planning & Development

Number of Notices Mailed: 42

Date Mailed: March 26, 2014



**RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE**

James & Catherine Stanco
816 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan described on the attached notice, and provide any additional comments you may have.

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

Comments:

CAN I get a discount? All for it, have fun.


Signature

James M Stanco
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 7, 2014

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

RECEIVED

MAR 31 2014

City of Temple
Planning & Development

Number of Notices Mailed: 42

Date Mailed: March 26, 2014



**RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE**

Joshua Etux Lauren
832 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan 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
April 7, 2014**

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

Number of Notices Mailed: 42

Date Mailed: March 26, 2014



**RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE**

Richard Etux Michelle Tibbitts
718 Pumpkin Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan 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
April 7, 2014**

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



RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE

Jason Etux Jennifer Ratka
811 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan described on the attached notice, and provide any additional comments you may have.

I recommend () approval

(☒) denial of this request.

Comments:

To whom this may concern:
As new home buyers we have chosen to make this decision to deny
the request of this expansion due to we have lived here now for four years
and have enjoyed the beautiful trees and wildlife that have made the
tree line behind our home their home and the peace that it brings to
us and the enjoyment that it brings to our daughter as she
watches the beautiful beautiful colorful birds. This will affect our
family and neighbors. We choose this lot for this reason and now call our
home. Please allow us to have and cherish nature's wonders. Thank you.

The Ratka Family


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
April 7, 2014

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

RECEIVED

APR 10 2014

City of Temple
Planning & Development



**RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE**

Scott & Carrie Williams
815 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

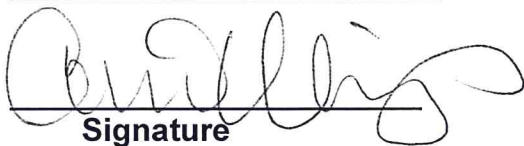
The proposed amendment to allow expansion of Amy's Attic is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible amended site plan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

I recommend () approval

☒ denial of this request.

Comments:

The existing buildings are already extremely tacky, and expanding them would make the problem worse. Additionally, what kind of gluttony & self-indulgence are we promoting by creating places for people to keep the stuff that doesn't fit in their house because of all their other stuff? Let's try to keep our corner of the world a little classier than that.


Signature

Carrie Williams
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
April 7, 2014**

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

RECEIVED

APR 15 2014

City of Temple
Planning & Development

Number of Notices Mailed: 42

Date Mailed: March 26, 2014

ORDINANCE NO. 2001-2748

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT (NEIGHBORHOOD SERVICE) DISTRICT (PD-NS) ON APPROXIMATELY 15 ACRES OF LAND, COMMONLY REFERRED TO AS OUTBLOCK 2005-A, CITY ADDITION, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property described as approximately 15 acres of land, commonly referred to as Outblock 2005-A, City Addition, has requested a zoning change from Agricultural District (A) to Planned Development (Neighborhood Service) District (PD-NS); and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The zoning classification of the property described as in Exhibit "A," attached hereto and made a part hereof for all purposes, is changed from Agricultural District (A) to Planned Development (Neighborhood Service) District (PD-NS).

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Neighborhood Service District (PD-NS), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) The use of the property shall conform to all requirements of the Neighborhood Service District (NS) with mini-storage warehousing and boat storage as additional permitted uses;
- (b) The development of the property shall conform to all requirements of the Neighborhood Service District (NS);
- (c) Development or redevelopment of the property shall require site plan approval by both the Planning Commission and the City Council with the same requirements as for a zone change application;
- (d) New buildings used for business purposes will have a maximum building height of 25 feet. They should be built with a residential appearance, including pitched roofs, windows, and foundation plantings. These will

generally be single story buildings with second stories, where added, built into the pitched roof selection of the structure.

- (1) The office will provide a minimum 3:12 roof pitch; and
- (2) The mini warehouses will have split face block construction above the roofline creating a store front appearance.
- (e) Painted metal fencing on street side elevation is required; cyclone fencing is required on other elevations except for a 6 foot screening abutting residential uses;
- (f) Outdoor storage will be screened with masonry, brick, or cedar fencing;
- (g) Shade trees of shade tree varieties are required for every 60 feet of street frontage. Clustering the trees is encouraged to maintain adequate visibility into the business properties. Street trees will be planted by private property owners at the time of development or redevelopment. Planting height and minimum caliper shall be in accordance with the Landscaping Ordinance (Sections 8-910 through 8-912 of the Zoning Ordinance). Flexible application of this standard is encouraged to take advantage of existing landscaping;
- (h) A 6 foot wide sidewalk is to be provided in the right-of-way, and the cost will be borne by the developer; and
- (i) A minimum of 3 parking spaces will be provided for the mini-storage warehouse office, including one handicap accessible space.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

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

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

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

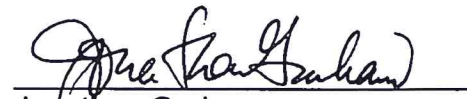
PASSED AND APPROVED on First Reading on the 15th day of February, 2001.

PASSED AND APPROVED on Second and Final Reading on the 1st day of March, 2001.

THE CITY OF TEMPLE, TEXAS


KEIFER MARSHALL, JR., Mayor

APPROVED AS TO FORM:


Jonathan Graham
City Attorney

ATTEST:

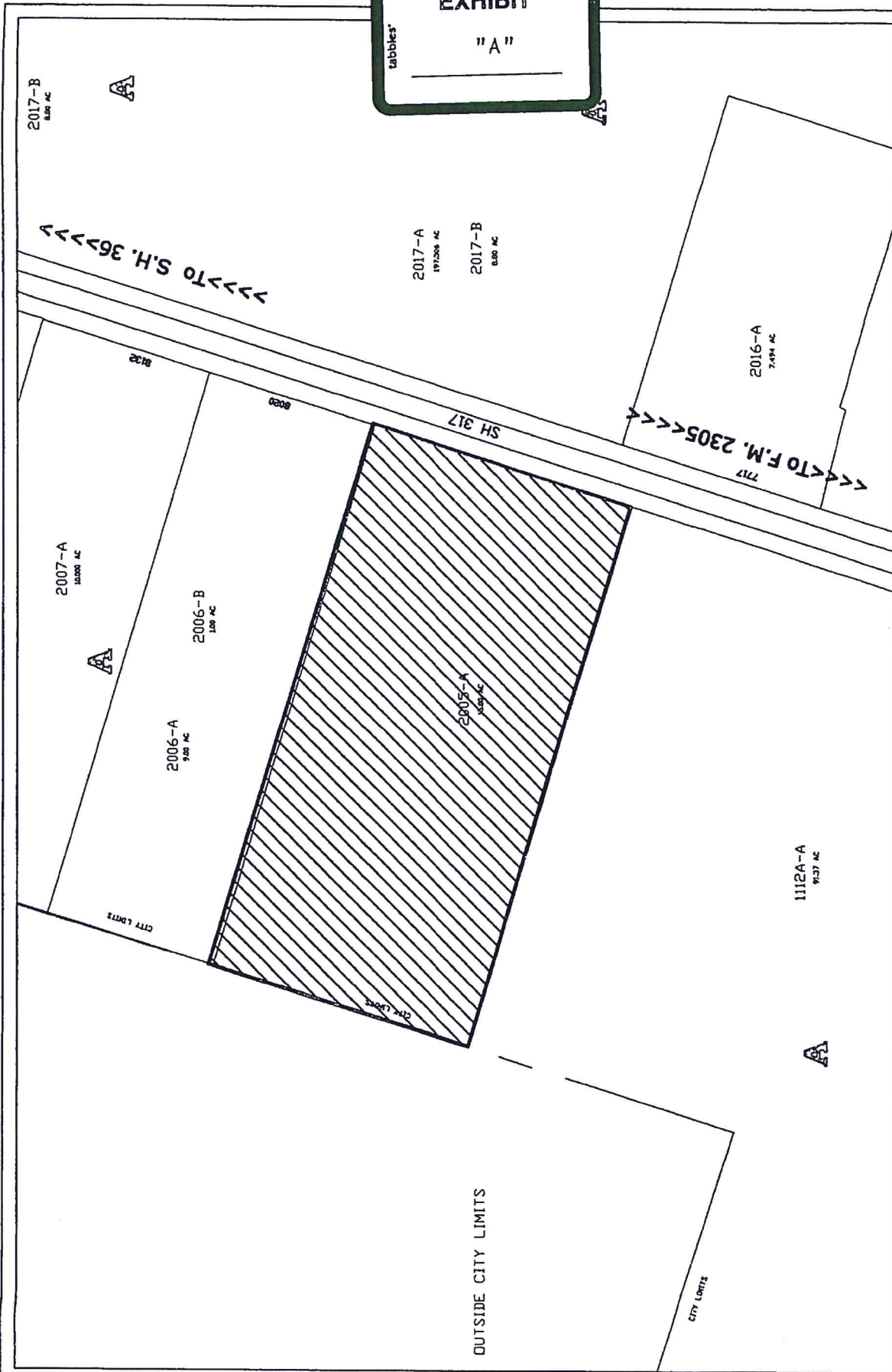



Clydette Entzminger
City Secretary

EXHIBIT

"A"

tabbles



Z200103.DWG
J.STONE 1/16/01
SCALE:1"=300'

CITY OF TEMPLE
PLANNING DEPARTMENT



UPDATES

Z-2001-03 A TO PD(NS) OB-2005-A

ORDINANCE NO. 2009-4332

[PLANNING NO. Z-FY-10-03]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT NEIGHBORHOOD SERVICES (PD-NS) ON APPROXIMATELY 5.6 ACRES, BEING A PORTION OF A 10 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CORRINA MCDANIEL IN VOLUME 4500, PAGE 779 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY IN BELL COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF NORTH STATE HIGHWAY 317, APPROXIMATELY 3,500 FEET NORTH OF THE WEST ADAMS/SH 317 INTERSECTION, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Hansen

Whereas, the owner of the property consisting of approximately 5.6 acres, being a portion of a 10 acre tract of land described in a deed to Corrina McDaniel in Volume 4500, Page 779 of the Official Public Records of Real Property in Bell County, Texas, located on the west side of North State Highway 317, approximately 3,500 feet north of the West Adams/SH 317 intersection, has requested that the property be rezoned from Agricultural District (A) to Planned Development Neighborhood Services (PD-NS); and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Planned Development Neighborhood Services (PD-NS) on approximately 5.6 acres, being a portion of a 10 acre tract of land described in a deed to Corrina McDaniel in Volume 4500, Page 779 of the Official Public Records of Real Property in Bell County, Texas, located on the west side of North State Highway 317, approximately 3,500 feet north of the West Adams/SH 317 intersection, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Neighborhood Services (PD-NS), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) The use and development standards of the property shall conform to the requirements of the Neighborhood Service zoning district;
- (b) Boat and RV storage is allowed.
- (c) In the event of a conflict between the development plan and the text of the Planned Development ordinance, the stricter standard applies.
- (d) All standards of the Zoning Ordinance apply unless the development plan or the text of the Planned Development ordinance specifically modifies such standards.
- (e) Muted, earth-tone masonry is required on the west wall of the westernmost storage unit adjacent to the Windmill Farms subdivision, as indicated on the binding site development plan.
- (f) Muted, earth-tone masonry is required on the east wall of the easternmost storage unit, as indicated on the binding site development plan.
- (g) Sloped roofs are required on all storage units.
- (h) The proposed sign may be a maximum of 8 feet in height and a maximum of 80 square feet in area.
- (i) Lighting must be housed in cut-off and shielded fixtures and must not spill over onto or be directed toward residentially zoned or used property.
- (j) Security lighting fixtures may be attached to the west wall of the westernmost storage unit, but the overall height of such fixtures must not exceed six feet.
- (k) Boats and recreational vehicles may only be stored outside of the storage units on a temporary basis during the construction of additional units and in no case may the boats or recreational vehicles be stored in a location visible from a residential use or zoning district or from State Highway 317.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs 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 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 3rd day of December, 2009.

PASSED AND APPROVED on Second Reading on the 17th day of December, 2009.

THE CITY OF TEMPLE, TEXAS



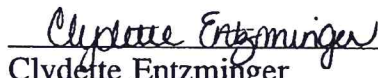
WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:



Jonathan Graham
City Attorney

ATTEST:

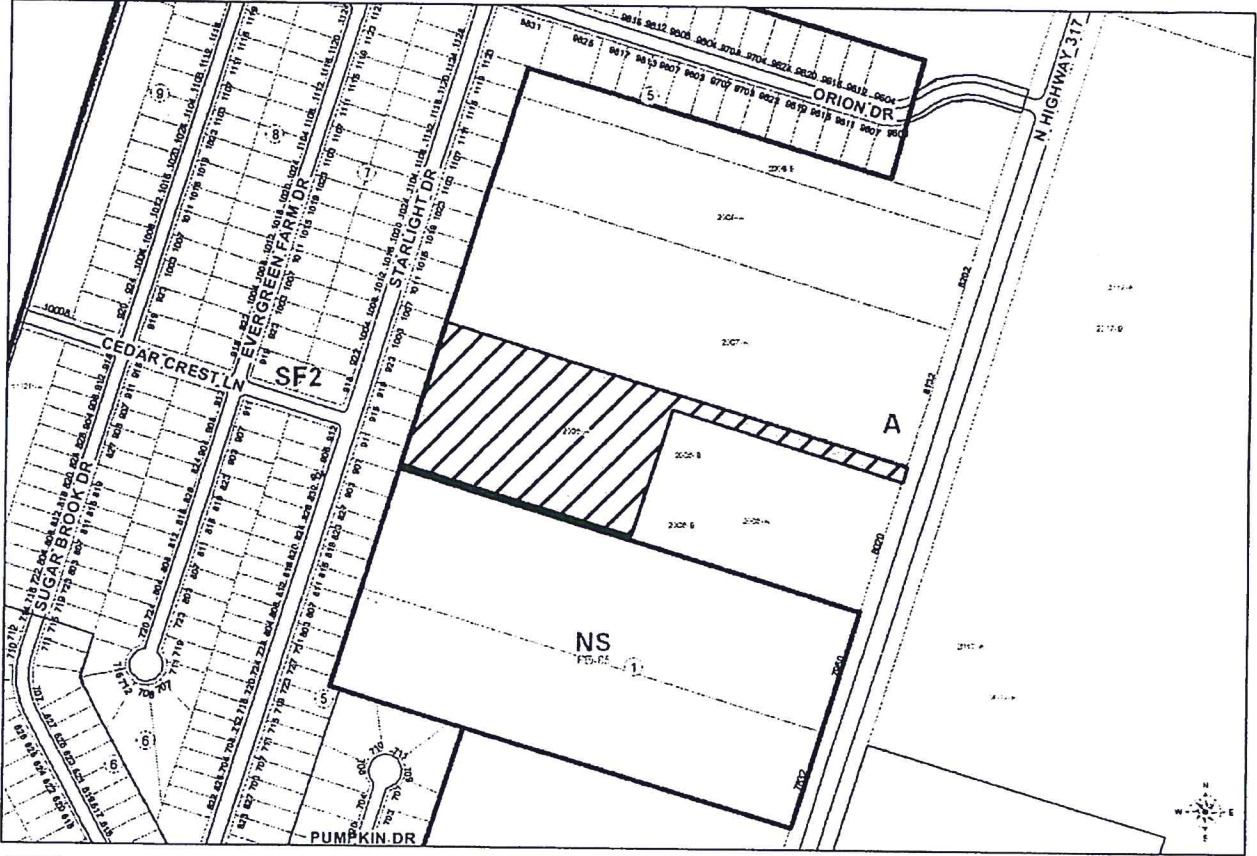

Clydette Entzminger
City Secretary



Z-FY-10-03

Outblock 2006-A & B

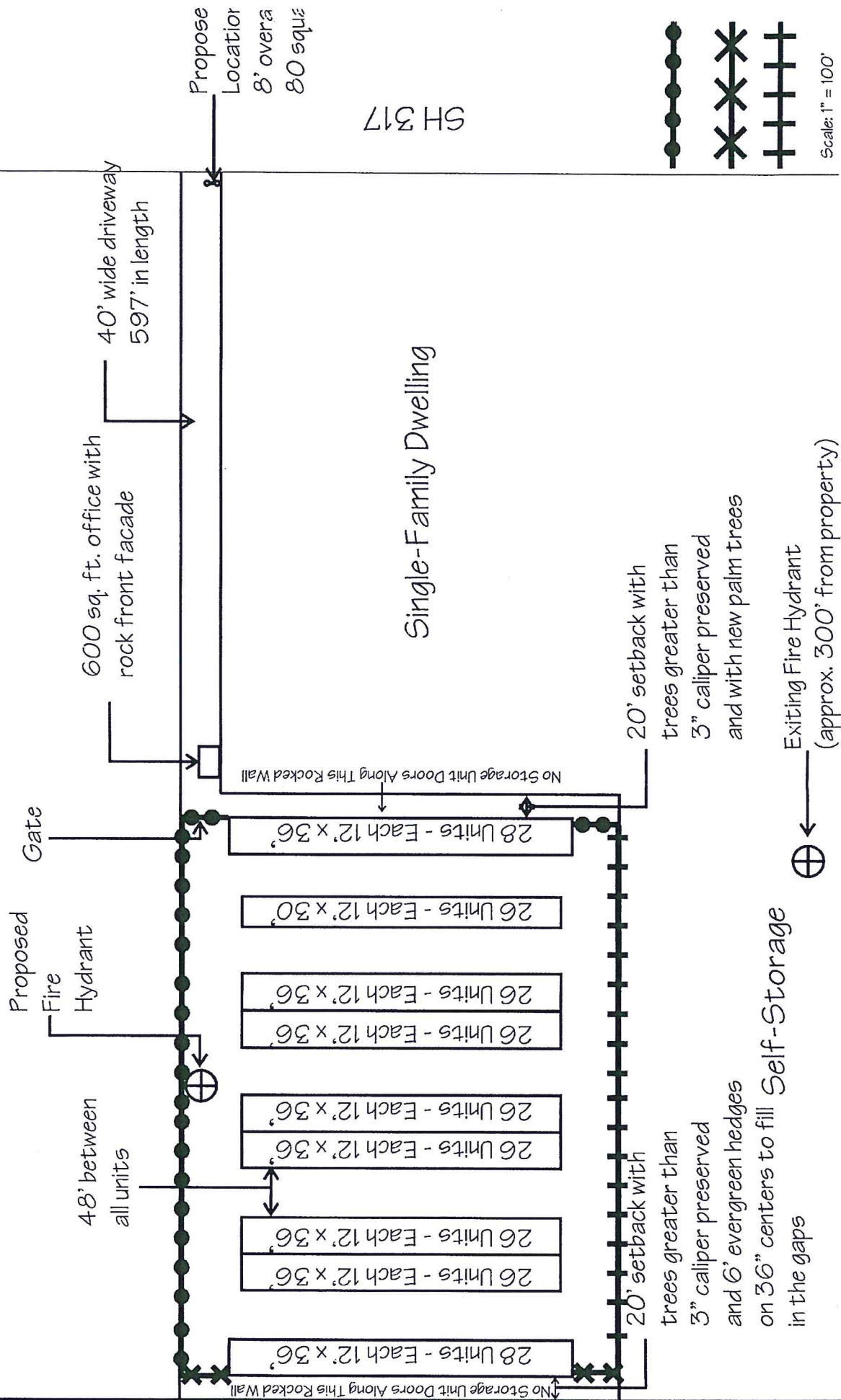
8020 N Highway 317



Z-FY-10-03

Feet 0 70 140 210 280
J Stone 10.19.9

Manufactured Home



ORDINANCE NO. 2012-4519

(ZONING NO. Z-FY-12-23)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PLANNED DEVELOPMENT (NEIGHBORHOOD SERVICE) DISTRICT ORDINANCE NO. 2001-2748 TO ALLOW THREE COVERED RV PARKING GARAGES AND ONE SET OF STORAGE UNITS FOR PERSONAL BELONGINGS, ON LOT 1, BLOCK 1, JOHNSON LONE STAR PROPERTIES ADDITION, LOCATED AT 7950 NORTH STATE HIGHWAY 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 1, 2001, the City Council approved Ordinance No. 2001-2748 authorizing a Planned Development (Neighborhood Service) District (PD-NS) for property located on approximately 15 acres of land, commonly referred to as Outblock 2005-A, City Addition;

Whereas, the property owner has requested an amendment to the ordinance to allow three covered RV parking garages and one set of storage units for personal belongings.

Whereas, at its February 6, 2012 meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the Planned Development amendment;

Whereas, the Staff recommends amending the ordinance to allow three covered RV parking garages and one set of storage units for personal belongings, on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317; and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves an amendment to the Planned Development (Neighborhood Service) District (PD-NS) Ordinance No. 2001-2748 by allowing three covered RV parking garages and one set of storage units for personal belongings on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.

Part 2: The City Council approves an amendment to Planned Development Ordinance No. 2001-2748, to allow three covered RV parking garages and one set of storage units for personal belongings, in accordance with the following conditions:

Part 2: The City Council approves an amendment to Planned Development Ordinance No. 2001-2748, to allow three covered RV parking garages and one set of storage units for personal belongings, in accordance with the following conditions:

- a. Except as varied by the approved Planned Development site plan, attached hereto as Exhibit B, the use and development standards of the property shall conform to the requirements of the Planned Development (Neighborhood Service) District (PD-NS).
- b. In the event of a conflict between the Planned Development site plan and the text of this Planned Development ordinance, the stricter standard applies.
- c. All standards of the Unified Development Code apply unless the Planned Development site plan or the text of the Planned Development ordinance specifically modifies such standards.
- d. Two additional 2"-3" caliper, 65 gallon, oak species trees must be installed along the SH 317 street frontage in order to conform to the previously approved Planned Development ordinance 2001-2748.
- e. A 6-foot wide sidewalk must be installed as required in the previously approved Planned Development ordinance 2001-2748.

These conditions shall be express conditions of any building permit issued for construction on the property, which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

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

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 1st day of **March**, 2012.

PASSED AND APPROVED on Second Reading on the 15th day of March, 2012.

THE CITY OF TEMPLE, TEXAS



WILLIAM A. JONES, III, Mayor

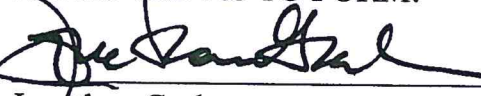
ATTEST:



Lacy Borgeson
City Secretary



APPROVED AS TO FORM:



Jonathan Graham
City Attorney

ORDINANCE NO. 2014-4660

(PLANNING NO. Z-FY-14-24)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SITE PLAN REVIEW AMENDING ORDINANCE NO. 2001-2748 AND FURTHER AMENDING ORDINANCE NO. 2012-4519 ON LOT 2, BLOCK 1, JOHNSON LONE STAR PROPERTIES ADDITION, LOCATED AT 7950 SH 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the property (both lots 1 & 2) were originally zoned PD-NS in 2001 and 2009, respectively – both included a site plan which is required by Code for Planned Development District projects;

Whereas, the site plan which was amended in 2012 by City Council approval allows for Phase 2 of the Amy's Attic development, which backs up to, and is adjacent to, about 300 feet of single-family residences at the rear of the southern property line;

Whereas, Phase 2 would match the masonry for the buildings, the wrought iron fence and the State Highway 317 landscaping approved as part of Phase 1 to the north – Phase 2 would also include an 8-foot wood fence and the preservation of a 15-foot natural buffer area for screening purposes adjacent to single-family residences; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: The City Council approves a site plan amendment to Ordinance No. 2001-2748 and an amendment to Ordinance No. 2012-4519 on lot 2, block 1, Johnson Lone Star Properties Addition, located at 7950 SH 317, as outlined in the map attached hereto as Exhibit 'A,' 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 **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14

Item #9

Regular Agenda

Page 1 of 3

DEPT./DIVISION SUBMISSION AND REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-14-26: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Commercial District (C) on 11.579 +/- acres, being part of Lot 1, Block 1, D.R.S. Addition, located at 111 Hart Road.

P&Z RECOMMENDATION: At their April 7, 2014 meeting Planning and Zoning Commission recommended unanimous approval (8 to 0) of the rezoning request from AG District to C District as submitted.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, with the second reading and final adoption set for May 15, 2014.

Based on the following, staff recommends approval to rezone the property from AG to C:

1. The proposed zoning complies with the Future Land Use Plan (FLUP), which identifies this area as Suburban Commercial;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses and zoning districts; and
4. Utilities are available to serve the subject property.

ITEM SUMMARY: An RV Park, which was approved in 2001 through a Conditional Use Permit (CUP), is currently located on the property. The rezoning would allow for the relocation of an existing IH-35 billboard (or “off-premise sign) as a result of TXDOT’s IH-35 expansion project to the property, as well. Billboards are only allowed in C, Light Industrial (LI) and Heavy Industrial zoning districts. There is no plan at this time to redevelop the property.

Although RV Parks are not allowed in C Districts, CUP #164 permitted the RV Park and it would still apply until the land is redeveloped. A new use in the future would have to comply with the C District permitted uses and with the applicable C development standards.

Those uses include but are not limited to:

Residential uses

Single Family (Attached & Detached)
Industrialized Housing
Home for the aged
Duplex

Nonresidential uses

Mini Storage
Retail & Service Uses
Truck Stop
Fuel sales

Prohibited uses include HUD-Code manufactured homes and land lease communities, triplex and apartments. A number of uses are allowed by an approved conditional use permit (temporary asphalt concrete batching plants, outdoor auto parts sales).

SURROUNDING PROPERTY AND USES: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	RV Park
North	Suburban Commercial	C	Bar or alcohol beverage sales
South	Suburban Commercial	AG & LI	Undeveloped
East	Suburban Commercial & Industrial	AG, C	Commercial Uses & Undeveloped
West	Industrial	AG	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	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes

CP = Comprehensive Plan

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

The subject property was designated as Suburban Commercial in the Comprehensive Plan/FLUP, which is a tool to guide future land use decisions. Suburban Commercial is characterized by "extensive landscaping and/or open space."

Thoroughfare Plan (CP Map 5.2)

The portion of the property under consideration has frontage along IH-35, which is a major arterial and along Hart Road, which is along the current alignment of the proposed "Outer Loop" major arterial.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available by an 8" line, while water is available through 6" and 12" lines along Pegasus Drive.

DEVELOPMENT REGULATIONS: Standard non-residential setbacks in the C district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	30' from centerline (Special Setback per UDC Section 4.4.4.F.1D)
Side	0'
Side (corner)	10'
Rear	0'

PUBLIC NOTICE: 3 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 Thursday April 17, 2014, at 12:00 PM, no notices had been received. The newspaper printed notice of the public hearing on March 26, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site and Surrounding Property Photos](#)
[Zoning and Location Map](#)
[Future Land Use Map](#)
[Utility Aerial Map](#)
[Notification Map](#)
[Ordinance](#)



Subject Site (current RV Park)



Property to East (across IH-35)



Additional Property to East (across IH-35)



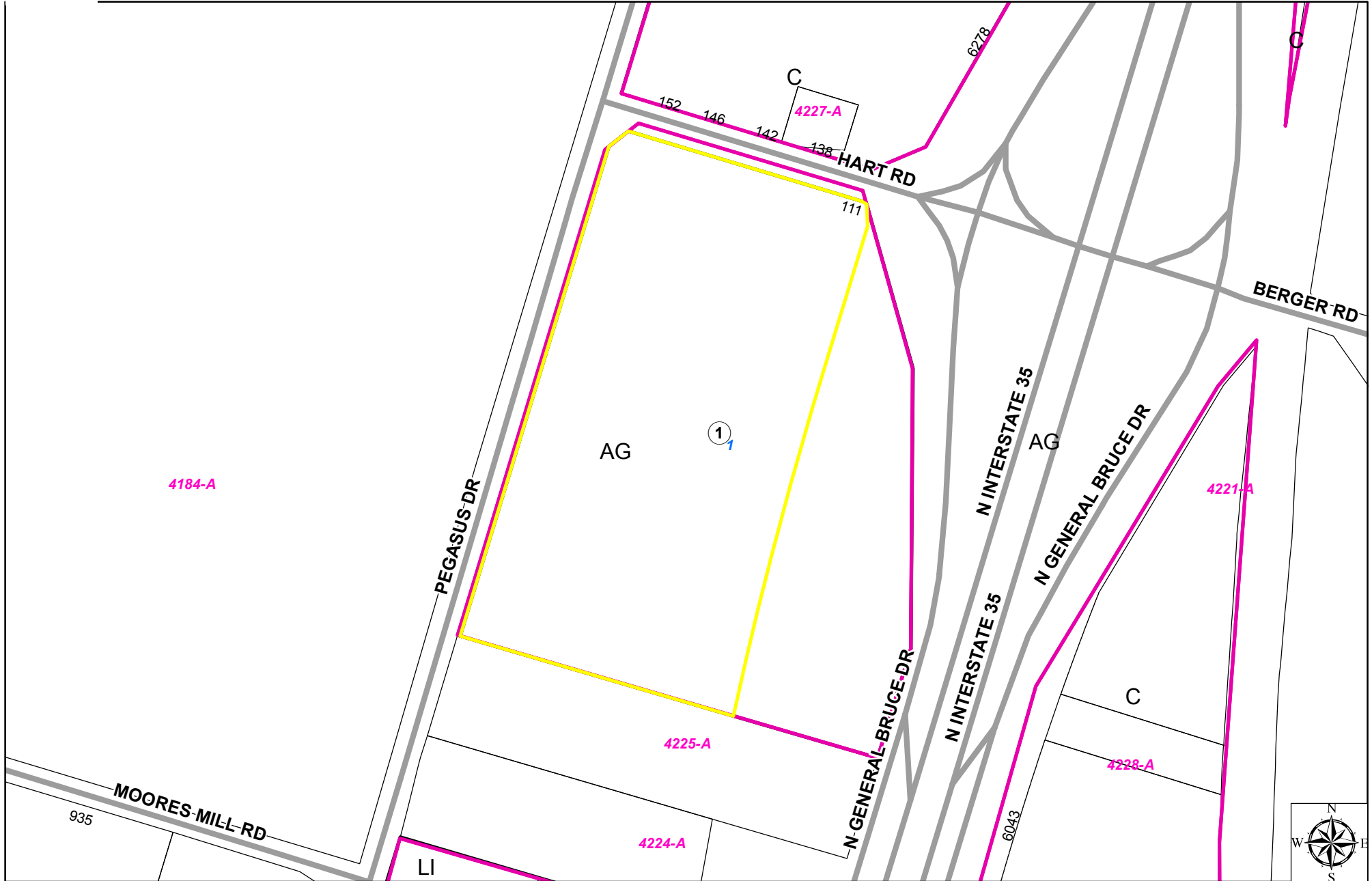
Property to North



Property to West



Property to South

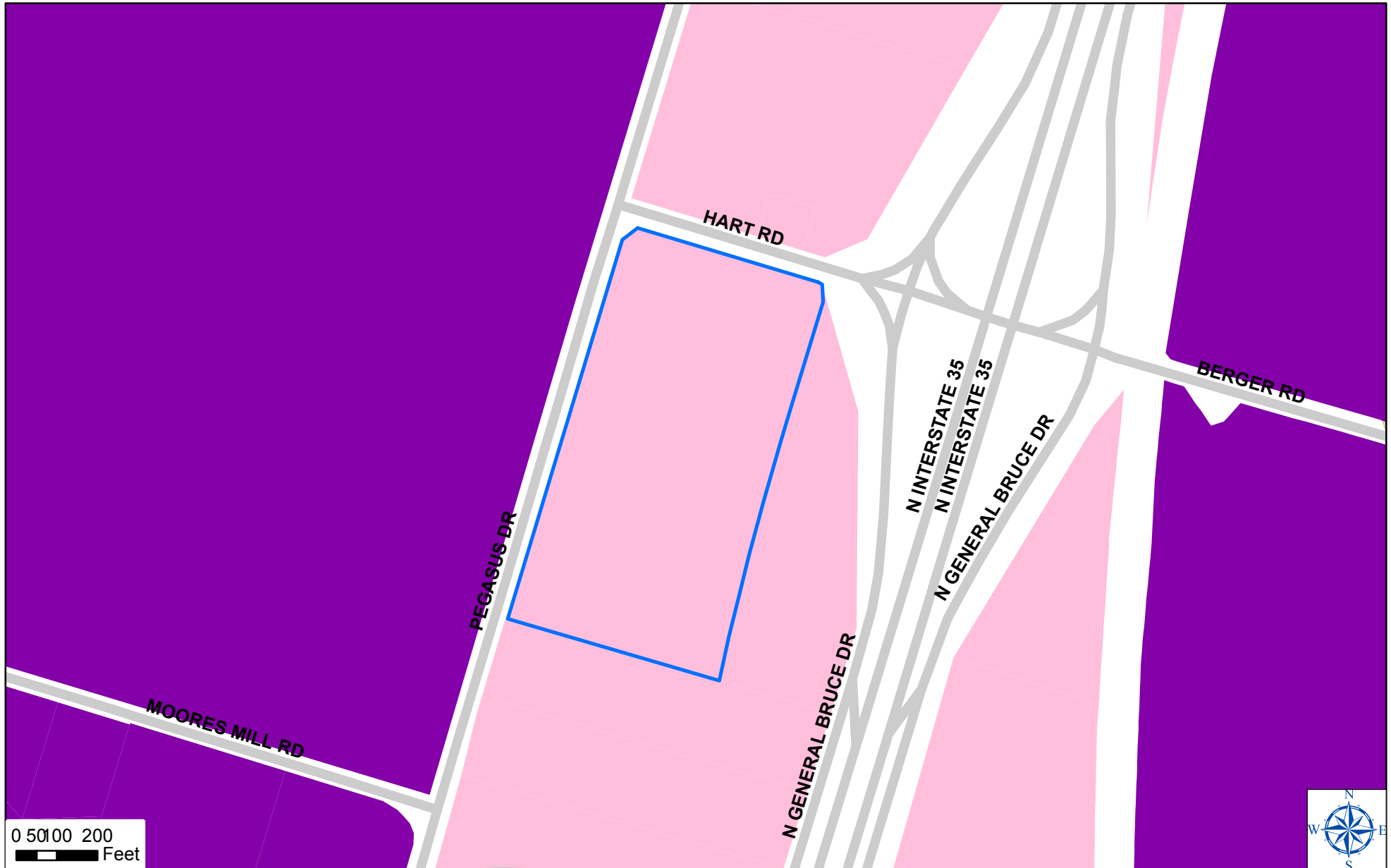


- | | | | | | | | |
|--|--------|--|--------------|------|------------------|--|--------|
| | Case | | Subdivisions | | 1234-A Outblocks | | Blocks |
| | Zoning | | Parcel | 1234 | Addresses | | Lots |

0 50 100 200
Feet

3/18/2014
City of Temple GIS
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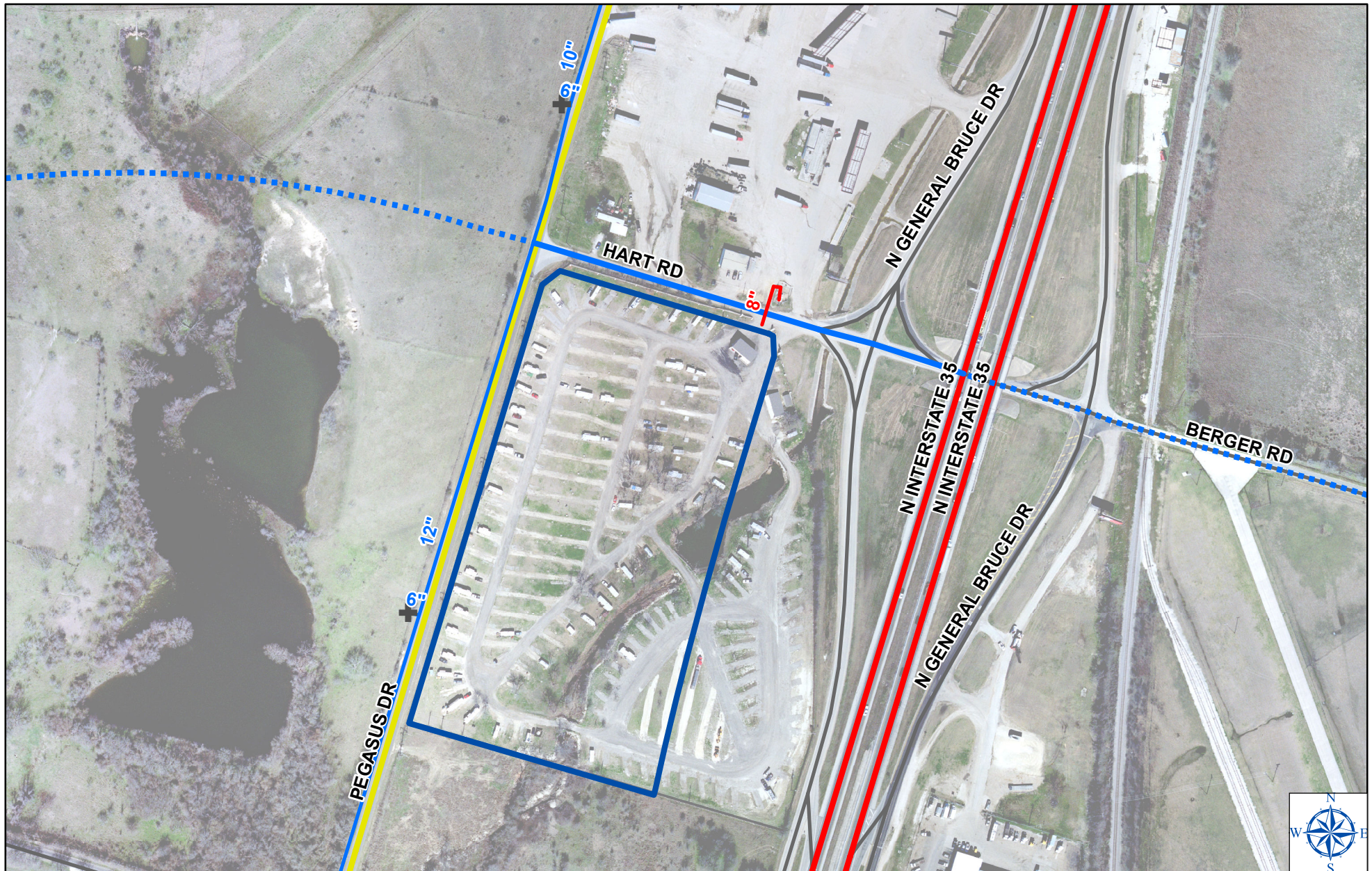
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Future Land Use

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

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



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

0 50 100 200
Feet

3/18/2014
City of Temple GIS

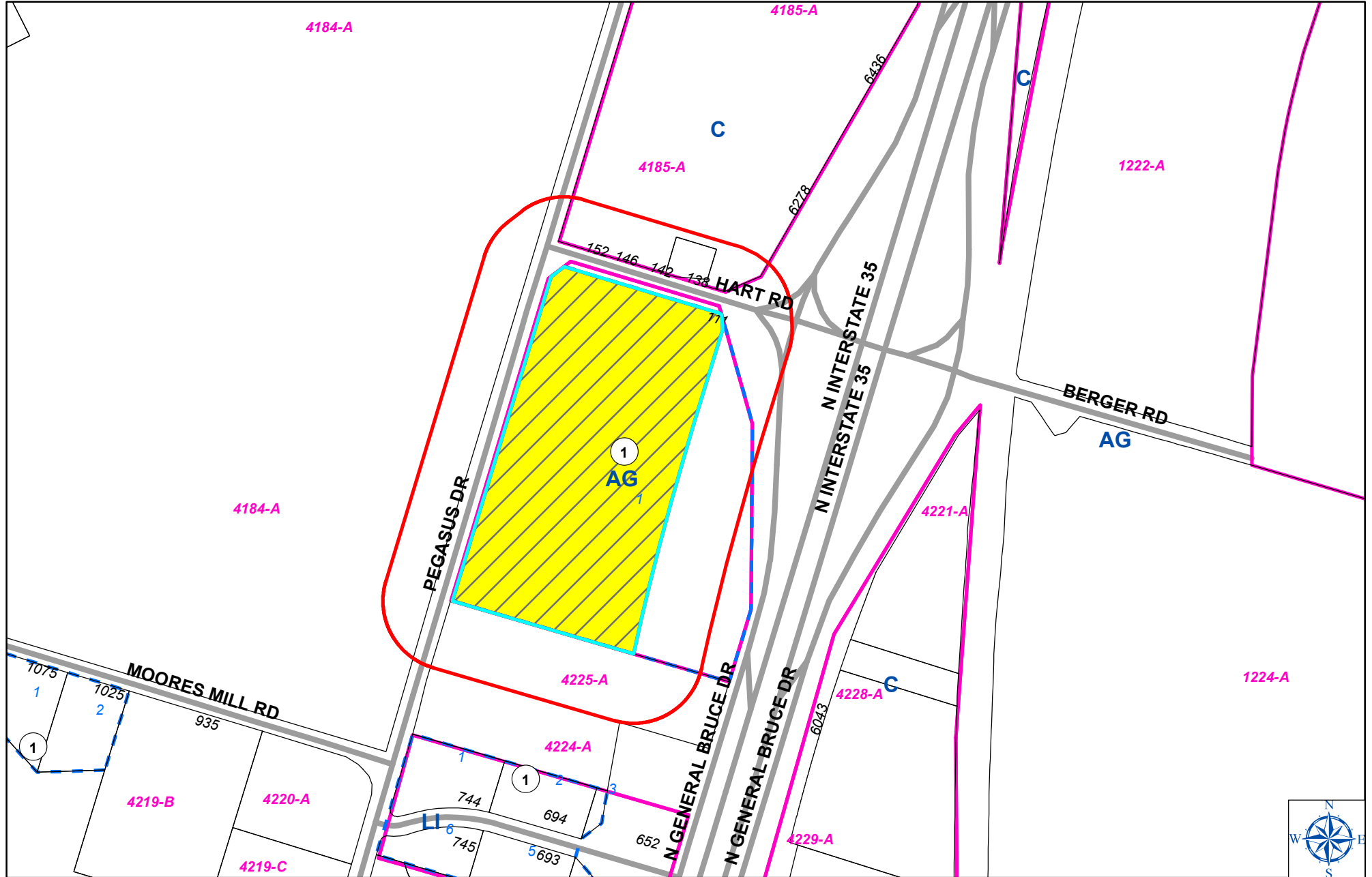
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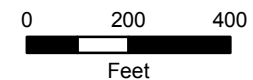
Z-FY-14-26

AG to C

Lot 1, Block 1, D.R.S Addition
111 Hart Road



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



3/18/2014
City of Temple GIS
tmiles

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.

ORDINANCE NO. 2014-4661

(PLANNING NO. Z-FY-14-26)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO COMMERCIAL DISTRICT (C) ON APPROXIMATELY 11.579 ACRES, LOCATED AT 111 HART ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District (AG) to Commercial District (C) on approximately 11.579 acres being part of lot 1, block 1, D.R.S. Addition, and located at 111 Hart Road, as outlined in the map attached hereto as Exhibit 'A,' 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 1st day of May, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #10
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION AND REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-14-25: Consider adopting an ordinance on a Conditional Use Permit (CUP) to allow an off-premise sign (billboard) on a portion of Lot 1, Block 1, D.R.S. Addition, located at 111 Hart Road, Temple, Texas.

P&Z RECOMMENDATION: At their April 7, 2014 meeting Planning and Zoning Commission recommended unanimous approval (8 to 0) of the Conditional Use Permit to allow for a billboard relocation at less than the minimum 1500 spacing from the nearest billboards already existing along N. General Bruce Drive.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, with the second reading and final adoption set for May 15, 2014.

Based on the following, staff recommends approval to relocate the existing Lamar Advertising off-premise sign:

1. The billboard would meet all of our standards, with the exception of distance from the nearest off-premise sign (which is the reason for the CUP request).
2. The location is located along a major thoroughfare (IH-35) and away from any residential uses.

ITEM SUMMARY: According to Sec. 7.6.11 of the UDC that regulates off-premise signs:

- An off-premise sign along Interstate 35 may not be erected within 1,500 feet of another off-premise sign without a CUP
- L.5, "If the proposed off premise sign does not meet all city standards including minimum spacing, area, height and setback, an applicant must receive approval of a Conditional Use permit for the new location."

The proposed location at Lucky's RV Park would be approximately 750 feet south of the nearest off-premise sign, therefore requiring a Conditional Use Permit by Code. The proposed site is for the relocation of a billboard that was previously located along a different section of IH-35.

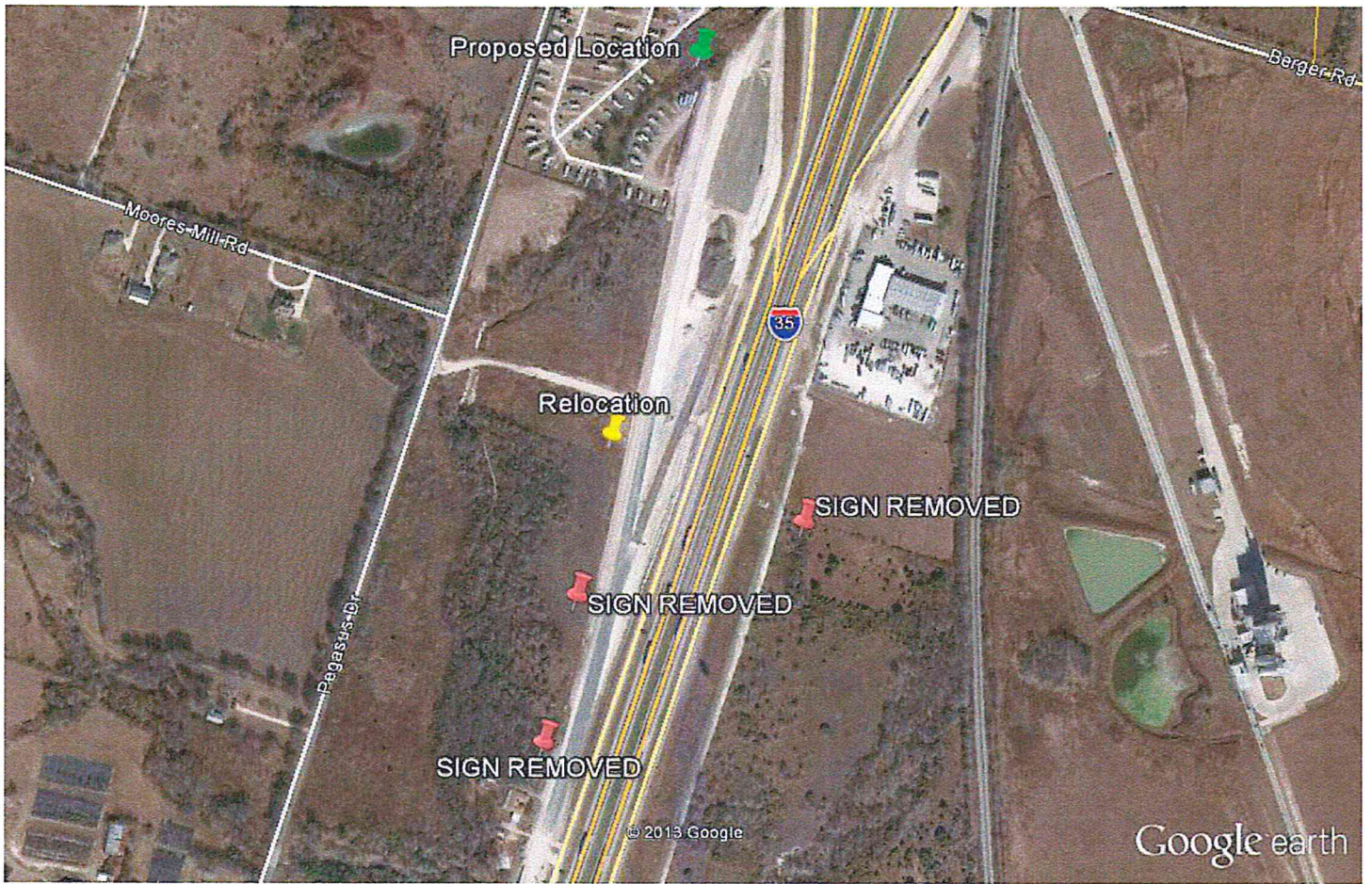
PUBLIC NOTICE: 3 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Thursday April 17, 2014, at 12:00 PM, one notice had been received from a neighbor in opposition to the request due to “needing more detail before we would be in favor of this conditional use change.” The newspaper printed notice of the public hearing on March 26, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

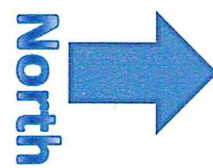
[Applicant maps](#)
[Neighbor Response](#)
[Ordinance](#)

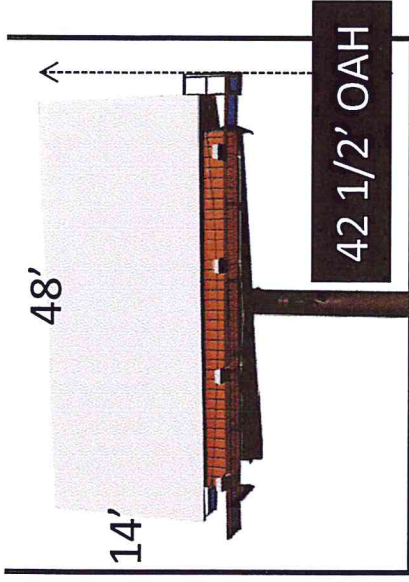
4/12/2013



Google earth







TX DOT RELOCATION:
20' setback from ROW
Back to Back Mono Pole Illuminated
Zoning: (AG) proposed COMMERCIAL
>500+ ft from other Lamar sign south



111 Hart Rd

Proposed





**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Temple Real Estate Investments
3301 Charter Oak Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-28

Project Manager: Brian Chandler

Location: 111 Hart Road

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow a retail nursery /landscape facility. 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 proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

I own Temple Real Estate Investments
and need more detail before we would
be in favor of this conditional use change

W. Sam Rosier
(Signature)

W. GRAY Rosier
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than April 21, 2014.

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

RECEIVED

APR 15 2014

City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: April 10, 2014

ORDINANCE NO. 2014-4662

[Z-FY-14-25]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN OFF-PREMISE SIGN CLOSER THAN 1,500 FEET FROM ANOTHER OFF-PREMISE LOCATED AT 111 HART ROAD, TEMPLE, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Unified Development Code 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 conditions, operation and location of 111 Hart Road, recommends that the City Council approve the application for this Conditional Use Permit to allow an off-premise sign closer than 1,500 feet from another off-premise sign; 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 by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said 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 an off-premise sign closer than 1,500 feet from another off-premise sign located at 111 Hart Road, Temple, Texas, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

- (A) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (B) The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
- (C) The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (D) The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 4: 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 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs 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 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 1st day of May, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #11
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Walter Hetzel, Animal Services Manager

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Code of Ordinances, Chapter 6, “Animals and Fowl”, Sec 6-13, Additional Regulations, to allow the keeping of miniature swine within the City of Temple in accordance with certain provisions.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, with the second reading and final adoption set for May 15, 2014.

At its April 14, 2014, meeting, the Animal Services Advisory Board voted 4/2 to recommend disapproval of the proposed changes.

ITEM SUMMARY: In response to recent public comments requesting consideration of amending the City ordinance to relating to the keeping of swine, staff was directed to submit for consideration an amendment to the current City ordinance that would allow the keeping of miniature swine (pot-bellied pigs) within the City of Temple in accordance with certain provisions.

The current wording of the City ordinance prohibits the keeping of any swine except if kept on a tract of land of least ten (10) acres which is zoned "agricultural" and, further, provided the pen or enclosure is located a distance not less than five hundred (500) feet from the nearest property line of tract upon which the swine are kept and maintained.

At its April 14, 2014 meeting, the Animal Services Advisory Board considered a recommendation to the City Council amending Chapter 6, Section 6.13. The Board discussed draft ordinance changes presented by staff. The Board voted 4/2 to recommend to Council disapproval of any changes to the Chapter 6 of the code.

If Council desires to amend the ordinance and allow the keeping of miniature swine, staff recommends the following provisions be incorporated into the ordinance:

1. The animal is no more than eighteen (18) inches high at the shoulder and no more than three (3) feet long;

2. The animal weighs no more than seventy five (75) pounds;
3. There will be a maximum of two (2) swine per household or business. The swine may be of any age;
4. All miniature swine must be either spayed or neutered. Under no circumstances may the person engage in the propagation or breeding of miniature swine within the city limits;
5. The owner or keeper of all miniature swine must provide to the Animal Services Manager a health certificate from a licensed veterinarian documenting that the swine has been spayed or neutered;
6. All locations where miniature swine are kept must be maintained in a clean and sanitary condition and shall be cleaned of swine excrement on a daily basis. The accumulation of waste from miniature swine that will create obnoxious odors and/or health hazards is prohibited;
7. It shall be unlawful for any person to keep or maintain miniature swine unless the swine have received annual vaccinations against erysipelas. The first inoculation must be received before the animal is four (4) months of age.

FISCAL IMPACT: None

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. 2014-4664

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 6, "ANIMALS AND FOWL," SECTION 6-13, ADDITIONAL REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, TO ALLOW THE KEEPING OF MINIATURE SWINE WITHIN THE CITY OF TEMPLE, IN ACCORDANCE WITH CERTAIN PROVISIONS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in response to recent public comments requesting consideration of amending the ordinance relating to the keeping of swine, staff was directed to submit for consideration, an amendment to the current City Code that would allow the keeping of miniature swine (pot-bellied pigs) within the City in accordance with certain provisions;

Whereas, the current wording of the City ordinance prohibits the keeping of any swine except if kept on a tract of land of at least ten (10) acres, which is zoned 'agricultural' and, provided the pen or enclosure is located at a distance of not less than five-hundred feet from the nearest property line of the tract upon which the swine are kept and maintained;

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

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

Part 1: Chapter 6, "Animals and Fowl," Section 6-13, Additional Regulations, of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

CHAPTER 6

ANIMALS AND FOWL

Sec. 6-13. Additional Regulations

(a) Restrictions on keeping of rabbits. No person shall keep or maintain rabbits or hares within twenty-five (25) feet of the residence of any person other than the owner or keeper thereof; provided, that, when kept in a clean, dry, sanitary and odor free cage, and the feed is stored in rodent proof containers, not more than two (2) rabbits may be kept and maintained, as pets, in a pen or cage which is not closer than twenty-five (25) feet to the nearest property line of the lot, tract or parcel on which said pen or cage is located.

(b) Keeping of Swine. It shall be unlawful for any person to keep any swine within the limits of the City of Temple, Texas, except that:

1. swine may be kept in a pen or enclosure situated upon a tract of land containing at least ten (10) acres which is zoned "agricultural" and, further, provided the pen or enclosure is located a distance not less than five hundred (500) feet from the nearest property line of tract upon which the swine are kept and maintained; and
2. miniature swine may be kept as set forth below in Section 6-13(c).

(c) Keeping of miniature swine (pot-bellied pigs). Except as provided above, no person shall keep a miniature swine in the City except in accordance with the provisions set forth herein:

1. The animal is no more than eighteen (18) inches high at the shoulder and no more than three (3) feet long.
2. The animal weighs no more than seventy five (75) pounds.
3. There will be a maximum of two (2) swine per household or business. The swine may be of any age.
4. All miniature swine must be either spayed or neutered. Under no circumstances may a person engage in the propagation or breeding of miniature swine within the city limits.
5. The owner or keeper of all miniature swine must provide to the Animal Services Manager a health certificate from a licensed veterinarian documenting that the swine has been spayed or neutered.
6. All locations where miniature swine are kept must be maintained in a clean and sanitary condition and shall be cleaned of swine excrement on a daily basis. The accumulation of waste from miniature swine that will create obnoxious odors and/or health hazards is prohibited.
7. It shall be unlawful for any person to keep or maintain miniature swine unless the swine have received annual vaccinations against erysipelas. The first inoculation must be received before the animal is four (4) months of age.

(d) Keeping of Animals or Fowl Near Creeks and Streams. It shall be unlawful for any person to keep or maintain any animal or fowl in a pen, cage or enclosure in, near, or on a creek or stream within the City and cause or contribute to the pollution of said creek or stream by permitting drainage from said pens, cages or enclosures, fecal matter or urine to enter said creek or stream. No pigs or hogs shall be permitted or allowed to have access to, to enter, or to water a creek or stream within the City.

(e) Regulation on Keeping Animals, Fowl and Bees. It shall be unlawful for any person to keep or maintain any guinea fowl, horses, mules, donkeys, cattle, goats, sheep, chickens, turkeys, geese, ducks or pigeons in any pen, yard, enclosure, barn, building or other place within the city limits of the City, within one hundred fifty (150) feet of the residence of any person other than the owner or keeper and it shall be unlawful for any person to keep bees and beehives within three hundred (300) feet of the residence of any person other than the owner or keeper.

EXCEPTIONS: Sections 6-13(a) through 6-13(d) of this chapter shall not apply to:

1. Veterinarians keeping animals or fowl at the veterinarian's regular place of business during periods of time said animals or fowl are being treated for disease, or injury, or observed in the course of such treatment;

2. Animals or fowl kept, maintained and used in the course of medical, educational or scientific research at an established business location or under conditions approved by the division of Animal Services;

3. Circuses, traveling shows, zoos and auction barns operating under permit or sanction of the City;

4. Animals or fowl which, because of injury or age, require temporary care, provided that such animal or fowl shall not be kept for a period of time exceeding thirty (30) days, and shall not be kept or raised for sale, barter or consumption; provided, further, that this exemption shall not apply to wild animals;

5. Animals and fowl, such as baby chickens, rabbits, pigeons and ducks, kept at an established place of business dealing in farm and ranch supply and which animal or fowl are domesticated and marketable for human consumption; provided, that said animals or fowl are kept and maintained in an enclosure which is dry, sanitary, cleaned regularly and free of accumulations of odor-causing debris and fecal matter.

(f) Injury and destruction of wild birds. Any person eleven (11) years of age, or more, who shall willfully kill or injure any wild bird, remove the eggs or young from the nest of a wild bird, or in any manner destroy the eggs or young of a wild bird, save and except the pigeon, english sparrow, grackles and blackbirds, shall be guilty of a misdemeanor.

(g) Tampering with Traps. It shall be unlawful for any person to tamper with, destroy, damage, spring, or cause to malfunction any trap set by the division of Animal Services, or to release any dog or cat from any such trap.

(h) Keeping in Unoccupied Residence. It shall be unlawful to keep, shelter or enclose any dog or cat within any residential building which is not occupied as a residence by a person.

(i) Limitation of Number.

1. It shall be unlawful for any person to keep, maintain, or shelter more than three (3) dogs, plus one litter to age of three (3) months, within the City, without a written permit. Any person desiring to keep, maintain, or shelter more than three (3) dogs plus one litter to age three (3) months shall make a written request to the Supervisor for a permit to keep a specified number of dogs, not to exceed five (5) adult dogs at a specified location. Only one permit may be exercised on a lot or parcel of real property. Said lot or parcel or real property shall be at least one (1) acre in size. The Supervisor may issue such permit if he determines that such person has a proper and adequate enclosure in which to keep the dogs, and a proper and sanitary shelter for the dogs.

2. A permit may be revoked by the Supervisor in the event either of the above criteria is not maintained, if the permittee is convicted of any violation of this chapter, if any one of the dogs is on two (2) separate occasions found at large by an Animal Services officer, or if the Supervisor determines that the animals have become a nuisance.

3. The provisions of this section shall apply equally to the keeping of cats. A person may keep three (3) dogs and three (3) cats, plus a litter of each to age three (3) months, without a permit and, with a permit, may keep a larger specified number of dogs or cats.

4. The fee for the permit shall be established by resolution of the City Council.

5. The limitations of this section shall not apply to dogs or cats kept upon the business premises of any veterinarian, kennel, animal shelter, pet shop, non-profit animal welfare organization group, or scientific research institution located in a zoning district zoned for such use.

(j) Vehicle Striking Animal. The driver of any vehicle which collides with or strikes any domesticated animal shall stop such vehicle immediately at the scene of such accident, or as close as possible without interfering with traffic, render reasonable assistance to said animal and then and there either locate and notify the owner of said animal or report said accident and the injury to the division of Animal Services or the Police Department. An injured animal may be delivered to its owner, a veterinarian, an Animal Services employee or an Animal Service facility. The provisions of this section shall not apply to any emergency vehicle or to a driver taking an ill or injured person to medical care, nor shall it require assistance to an animal if providing such assistance would place any person in danger from the animal or traffic.

(k) Destruction of Certain Animals.

1. An animal that has been severely injured may be destroyed in a humane manner if the animal is suffering and is not expected to survive.

2. An animal that exhibits symptoms of mange, distemper, parvo or other communicable diseases may be destroyed in a humane manner. Animals suspected of having a communicable disease shall not be confined with healthy animals in an animal shelter.

3. If an injured or diseased animal in the custody of an animal shelter or Animal Services officer is wearing a current vaccination tag or other identification, the custodian shall make every reasonable effort to notify the owner of the animal's location and condition before destroying the animal. Once notified, if the owner proceeds immediately to the location of the injured animal, it shall be released to the owner without charge. Animals that are not wearing any type of identification may be destroyed immediately.

4. The City shall not be responsible for obtaining veterinary services for unclaimed diseased or injured animals. In the event a person obtains veterinary services for a diseased or injured animal, a person subsequently claiming ownership of the animal shall be liable for all expenses of treatment. A person or entity that obtains veterinary services for an animal may bring suit against the animal's owner to collect expenses of treatment.

5. The City, its officers, agents and employees, shall not be liable in damages for the destruction of any animal accomplished in accordance with the chapter.

(1) **Mayoral Proclamation.** The Mayor shall have the authority by proclamation to make any additional rules or regulations that he might deem necessary to protect the public against animals. Any such rules or regulations shall remain in full force and effect until the first regular meeting of the city council subsequent to the rule or regulation being established. The rules and regulations shall expire unless approved by the vote of at least three of the councilmembers in attendance and voting at said meeting.

Part 2: 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 3: This ordinance shall take effect on May 15, 2014.

Part 4: The Code of Ordinances of the City, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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 **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/01/14
Item #12
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional tax increment revenue, expenditures for downtown improvements, public improvements and debt service for fiscal years 2014 through 2033.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, with the second reading and final adoption set for May 15, 2014.

ITEM SUMMARY: At their April 23, 2014 regular meeting, the Reinvestment Zone No. 1 Board approved the recommendation of this amendment. Below is a summary of the proposed Financing and Project Plans amendments.

(A). Appropriating additional tax increment revenue in FY 2014:

Line 4 – Tax Revenues: FY 2014 tax increment revenue received is \$754,141 more than the net amount reflected in the current Financing and Project Plans. This amendment will adjust the tax revenues to the actual amount collected for FY 2014.

(B). Appropriating additional funds needed for the Downtown Rail Safety Zones:

Line 401 – Downtown Improvements: The current project opinion of probable cost for the Downtown Rail Safety Zones is \$857,029. There is \$363,285 available for the project. An additional \$493,744 is needed to fund the project. We are commending adding \$500,000 from the additional tax increment to Line 401.

(C). Appropriating additional funds needed for the 2013 Bond Issue debt service payments in FY 2014 by \$109,155 and adjusting future debt service payments in FY 2015-2033 to actual - net adjustment is \$1,518,492:

Line 31 – Debt Service 2013/ Line 610 – Public Improvements: Increase the amount of debt service payments in FY 2014-2033 to actual. The funding for FY 2014 is from the additional tax increment recognized. The funding for FY 2016-2033 is from public improvements.

FISCAL IMPACT: The net increase to fund balance ('dry powder') in the Financing/Project Plans for FY 2014 is \$144,986. The net change to fund balance ('dry powder') for FY 2015 – FY 2033 is \$0. Public improvements have been decreased by \$1,518,492 in FY 2016-2033. The detail for FY 2014 is shown below.

• Tax Increment revenue increase	\$754,141
• Downtown Rail Safety Zones	(500,000)
• Debt Service	<u>(109,155)</u>
Net Increase to Fund Balance in FY 2014	<u>\$144,986</u>

ATTACHMENTS:

[Financing Plan](#)
[Summary Financing Plan with Detailed Project Plan](#)
[Ordinance](#)

DESCRIPTION		Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	"Taxable Increment"	\$ 153,016,117	\$ 157,254,113	\$ 322,383,715	\$ 340,364,509	\$ 424,792,743	\$ 429,040,670	\$ 433,331,077	\$ 437,664,388	\$ 468,734,522
1	FUND BALANCE, Begin	\$ 30,501,761	\$ 2,350,801	\$ 1,632,000	\$ 2,323,355	\$ 2,341,891	\$ 2,295,758	\$ 2,263,570	\$ 2,263,955	\$ 2,277,242
2	Adjustments to Debt Service Reserve	1,765,643	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 32,267,404	\$ 2,350,801	\$ 1,632,000	\$ 2,323,355	\$ 2,341,891	\$ 2,295,758	\$ 2,263,570	\$ 2,263,955	\$ 2,277,242
SOURCES OF FUNDS:										
4	Tax Revenues	5,602,698	4,908,567	13,233,921	13,777,927	16,158,502	16,307,892	16,458,775	16,611,168	17,096,375
6	Allowance for Uncollected Taxes	(72,728)	(73,629)	(198,509)	(206,669)	(242,378)	(244,618)	(246,882)	(249,168)	(256,446)
8	Interest Income-Other	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	563,000	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 6,178,970	\$ 4,920,938	\$ 13,121,412	\$ 13,657,258	\$ 16,002,124	\$ 16,139,274	\$ 16,287,893	\$ 16,428,000	\$ 16,885,929
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 38,446,374	\$ 7,271,739	\$ 14,753,413	\$ 15,980,613	\$ 18,344,015	\$ 18,435,031	\$ 18,551,464	\$ 18,691,956	\$ 19,163,171
USE OF FUNDS:										
DEBT SERVICE										
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue {\$16.010 mil}	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
29	Debt Service - 2011A Issue {Refunding}	914,900	914,450	913,550	912,200	908,350	915,950	2,497,800	2,497,550	2,494,950
30	Debt Service - 2012 Issue {Refunding}	17,700	17,700	82,700	76,400	79,600	77,650	80,050	77,250	78,750
31	Debt Service - 2013 Issue	906,910	924,894	924,894	2,034,894	2,047,694	2,048,344	2,047,944	2,046,494	2,031,494
32	Issuance Costs	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-
32	Bond Discount									
35	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	Subtotal-Debt Service	4,561,174	4,597,246	4,671,973	5,774,940	5,767,551	5,769,317	5,864,738	5,864,164	5,848,816
OPERATING EXPENDITURES										
50	Prof Svcs/Proj Mgmt	212,638	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,100
52	Legal/Audit	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	211,799	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	233,077	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Reimbursement [per contract]	25,000	26,250	26,250	26,250	27,563	27,563	27,563	28,941	28,941
65	Subtotal-Operating Expenditures	1,058,364	797,065	819,027	831,205	845,201	858,518	872,501	888,561	904,077
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 5,619,538	\$ 5,394,311	\$ 5,491,000	\$ 6,606,145	\$ 6,612,752	\$ 6,627,835	\$ 6,737,239	\$ 6,752,725	\$ 6,752,893
80	Funds Available for Projects	\$ 32,826,836	\$ 1,877,428	\$ 9,262,413	\$ 9,374,468	\$ 11,731,264	\$ 11,807,196	\$ 11,814,225	\$ 11,939,231	\$ 12,410,279
PROJECTS										
150	Temple Industrial Park	9,900,000	-	-	-	-	-	-	-	-
200	Corporate Campus Park	2,954,680	-	-	-	-	-	-	-	-
250	Bioscience Park	2,503,658	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-
400	Synergy Park	1,132,475	-	-	-	-	-	-	-	-
450	Downtown	1,541,978	245,428	661,696	688,896	807,925	815,395	822,939	830,558	854,819
500	TMED	11,097,857	-	-	-	-	-	-	-	-
510	Airport Park	1,345,387	-	-	-	-	-	-	-	-
610	Public Improvements	-	-	6,277,362	6,343,681	8,627,581	8,728,231	8,727,331	8,831,431	9,247,881
	Subtotal-Projects	30,476,035	245,428	6,939,058	7,032,577	9,435,506	9,543,626	9,550,270	9,661,989	10,102,700
	TOTAL USE OF FUNDS	\$ 36,095,573	\$ 5,639,739	\$ 12,430,058	\$ 13,638,722	\$ 16,048,258	\$ 16,171,461	\$ 16,287,509	\$ 16,414,714	\$ 16,855,593
700	FUND BALANCE, End	\$ 2,350,801	\$ 1,632,000	\$ 2,323,355	\$ 2,341,891	\$ 2,295,758	\$ 2,263,570	\$ 2,263,955	\$ 2,277,242	\$ 2,307,579

DESCRIPTION		2023 41	2024 42	2025 43	2026 44	2027 45	2028 46	2029 47	2030 48	2031 49	2032 50
1	"Taxable Increment"	\$ 495,321,867	\$ 522,175,086	\$ 549,296,836	\$ 708,089,805	\$ 721,740,703	\$ 755,238,110	\$ 762,790,491	\$ 770,418,396	\$ 778,122,580	\$ 785,903,806
1	FUND BALANCE, Begin	\$ 2,307,579	\$ 2,346,384	\$ 2,269,155	\$ 2,286,905	\$ 2,323,850	\$ 2,296,168	\$ 2,334,295	\$ 2,339,036	\$ 2,311,511	\$ 2,350,260
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,307,579	\$ 2,346,384	\$ 2,269,155	\$ 2,286,905	\$ 2,323,850	\$ 2,296,168	\$ 2,334,295	\$ 2,339,036	\$ 2,311,511	\$ 2,350,260
SOURCES OF FUNDS:											
4	Tax Revenues	17,526,945	17,961,821	18,401,045	20,475,466	20,749,563	21,271,025	21,471,540	21,674,059	21,878,606	22,085,196
6	Allowance for Uncollected Taxes	(262,904)	(269,427)	(276,016)	(307,132)	(311,243)	(319,065)	(322,073)	(325,111)	(328,179)	(331,278)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 17,310,041	\$ 17,738,394	\$ 18,171,029	\$ 20,214,334	\$ 20,484,320	\$ 20,997,960	\$ 21,195,467	\$ 21,394,948	\$ 21,596,427	\$ 21,799,918
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 19,617,619	\$ 20,084,778	\$ 20,440,184	\$ 22,501,239	\$ 22,808,169	\$ 23,294,128	\$ 23,529,762	\$ 23,733,984	\$ 23,907,938	\$ 24,150,178
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue {\$16.010 mil}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	2,030,094	2,026,694	2,038,413	2,051,613	2,059,113	2,061,713	2,061,713	2,069,113	2,073,513	2,084,913
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-
32	Bond Discount	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	2,030,094	2,026,694	2,038,413	2,051,613	2,059,113	2,061,713	2,061,713	2,069,113	2,073,513	2,084,913
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	339,922	356,919	374,764	393,503	413,178	433,837	455,529	478,305	502,220	527,331
62	TISD-Reimbursement [per contract]	28,941	30,388	30,388	30,388	31,907	31,907	31,907	33,502	33,502	33,502
65	Subtotal-Operating Expenditures	920,263	938,707	956,552	975,291	996,485	1,017,144	1,038,836	1,063,207	1,087,122	1,112,233
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 2,950,357	\$ 2,965,401	\$ 2,994,965	\$ 3,026,904	\$ 3,055,598	\$ 3,078,857	\$ 3,100,549	\$ 3,132,320	\$ 3,160,635	\$ 3,197,146
80	Funds Available for Projects	\$ 16,667,262	\$ 17,119,377	\$ 17,445,219	\$ 19,474,335	\$ 19,752,571	\$ 20,215,271	\$ 20,429,213	\$ 20,601,664	\$ 20,747,303	\$ 20,953,032
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	876,347	898,091	920,052	1,023,773	1,037,478	1,063,551	1,073,577	1,083,703	1,093,930	1,104,260
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	13,444,531	13,952,131	14,238,262	16,126,712	16,418,925	16,817,425	17,016,600	17,206,450	17,303,112	17,590,337
	Subtotal-Projects	14,320,878	14,850,222	15,158,314	17,150,485	17,456,403	17,880,976	18,090,177	18,290,153	18,397,042	18,694,597
TOTAL USE OF FUNDS		\$ 17,271,235	\$ 17,815,623	\$ 18,153,280	\$ 20,177,389	\$ 20,512,001	\$ 20,959,833	\$ 21,190,726	\$ 21,422,473	\$ 21,557,677	\$ 21,891,743
700	FUND BALANCE, End	\$ 2,346,384	\$ 2,269,155	\$ 2,286,905	\$ 2,323,850	\$ 2,296,168	\$ 2,334,295	\$ 2,339,036	\$ 2,311,511	\$ 2,350,260	\$ 2,258,435

DESCRIPTION		2033 51	2034 52	2035 53	2036 54	2037 55	2038 56	2039 57	2040 58	2041 59	2042 60
1	"Taxable Increment"	\$ 793,762,844	\$ 801,700,472	\$ 809,717,477	\$ 817,814,652	\$ 825,992,798	\$ 834,252,726	\$ 842,595,253	\$ 851,021,206	\$ 859,531,418	\$ 868,126,732
1	FUND BALANCE, Begin	\$ 2,258,435	\$ 2,332,473	\$ 2,352,311	\$ 2,342,093	\$ 2,300,600	\$ 2,330,074	\$ 2,330,942	\$ 2,301,726	\$ 2,344,575	\$ 2,259,727
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,258,435	\$ 2,332,473	\$ 2,352,311	\$ 2,342,093	\$ 2,300,600	\$ 2,330,074	\$ 2,330,942	\$ 2,301,726	\$ 2,344,575	\$ 2,259,727
SOURCES OF FUNDS:											
4	Tax Revenues	22,293,851	22,504,596	22,717,445	22,932,425	23,149,554	23,368,854	23,590,347	23,814,054	24,039,999	24,268,202
6	Allowance for Uncollected Taxes	(334,408)	(337,569)	(340,762)	(343,986)	(347,243)	(350,533)	(353,855)	(357,211)	(360,600)	(364,023)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 22,005,443	\$ 22,213,027	\$ 22,422,683	\$ 22,634,439	\$ 22,848,311	\$ 23,064,321	\$ 23,282,492	\$ 23,502,843	\$ 23,725,399	\$ 23,950,179
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 24,263,879	\$ 24,545,500	\$ 24,774,994	\$ 24,976,532	\$ 25,148,911	\$ 25,394,395	\$ 25,613,434	\$ 25,804,569	\$ 26,069,974	\$ 26,209,906
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue {\$16.010 mil}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	2,092,913	-	-	-	-	-	-	-	-	-
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-
32	Bond Discount	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	2,092,913	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	553,698	581,383	610,452	640,974	673,023	706,674	742,008	779,108	818,064	858,967
62	TISD-Reimbursement [per contract]	35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783	38,783	40,722
65	Subtotal-Operating Expenditures	1,140,275	1,167,960	1,197,029	1,229,310	1,261,359	1,295,010	1,332,191	1,369,291	1,408,247	1,451,089
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 3,233,188	\$ 1,167,960	\$ 1,197,029	\$ 1,229,310	\$ 1,261,359	\$ 1,295,010	\$ 1,332,191	\$ 1,369,291	\$ 1,408,247	\$ 1,451,089
80	Funds Available for Projects	\$ 21,030,691	\$ 23,377,541	\$ 23,577,965	\$ 23,747,221	\$ 23,887,552	\$ 24,099,385	\$ 24,281,243	\$ 24,435,278	\$ 24,661,727	\$ 24,758,817
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	1,114,693	1,125,230	1,135,872	1,146,621	1,157,478	1,168,443	1,179,517	1,190,703	1,202,000	1,213,410
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	17,583,525	19,900,000	20,100,000	20,300,000	20,400,000	20,600,000	20,800,000	20,900,000	21,200,000	21,200,000
	Subtotal-Projects	18,698,218	21,025,230	21,235,872	21,446,621	21,557,478	21,768,443	21,979,517	22,090,703	22,402,000	22,413,410
TOTAL USE OF FUNDS		\$ 21,931,405	\$ 22,193,189	\$ 22,432,901	\$ 22,675,931	\$ 22,818,837	\$ 23,063,453	\$ 23,311,708	\$ 23,459,994	\$ 23,810,247	\$ 23,864,499
700	FUND BALANCE, End	\$ 2,332,473	\$ 2,352,311	\$ 2,342,093	\$ 2,300,600	\$ 2,330,074	\$ 2,330,942	\$ 2,301,726	\$ 2,344,575	\$ 2,259,727	\$ 2,345,407

DESCRIPTION		2043 61	2044 62	2045 63	2046 64	2047 65	2048 66	2049 67	2050 68	2051 69	2052 70
1	"Taxable Increment"	\$ 876,808,000	\$ 885,576,080	\$ 894,431,840	\$ 903,376,159	\$ 912,409,920	\$ 921,534,019	\$ 930,749,360	\$ 940,056,853	\$ 949,457,422	\$ 958,951,996
1	FUND BALANCE, Begin	\$ 2,345,407	\$ 2,328,191	\$ 2,346,784	\$ 2,298,704	\$ 2,285,448	\$ 2,306,376	\$ 2,258,602	\$ 2,343,408	\$ 2,259,814	\$ 2,304,475
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,345,407	\$ 2,328,191	\$ 2,346,784	\$ 2,298,704	\$ 2,285,448	\$ 2,306,376	\$ 2,258,602	\$ 2,343,408	\$ 2,259,814	\$ 2,304,475
SOURCES OF FUNDS:											
4	Tax Revenues	20,567,723	20,761,204	20,956,621	21,153,991	21,353,336	21,554,674	21,758,026	21,963,409	22,170,847	22,380,363
6	Allowance for Uncollected Taxes	(308,516)	(311,418)	(314,349)	(317,310)	(320,300)	(323,320)	(326,370)	(329,451)	(332,563)	(335,705)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 20,305,207	\$ 20,495,786	\$ 20,688,272	\$ 20,882,681	\$ 21,079,036	\$ 21,277,354	\$ 21,477,656	\$ 21,679,958	\$ 21,884,284	\$ 22,090,658
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 22,650,614	\$ 22,823,977	\$ 23,035,055	\$ 23,181,386	\$ 23,364,484	\$ 23,583,730	\$ 23,736,258	\$ 24,023,366	\$ 24,144,098	\$ 24,395,133
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue {\$16.010 mil}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	-	-	-	-	-	-	-	-	-	-
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-
32	Bond Discount	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	901,915	947,011	994,362	1,044,080	1,096,284	1,151,098	1,208,653	1,269,085	1,332,540	1,399,167
62	TISD-Reimbursement [per contract]	40,722	40,722	42,758	42,758	42,758	44,896	44,896	44,896	47,141	47,141
65	Subtotal-Operating Expenditures	1,494,037	1,539,133	1,588,520	1,638,238	1,690,442	1,747,394	1,804,949	1,865,381	1,931,080	1,997,708
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 1,494,037	\$ 1,539,133	\$ 1,588,520	\$ 1,638,238	\$ 1,690,442	\$ 1,747,394	\$ 1,804,949	\$ 1,865,381	\$ 1,931,080	\$ 1,997,708
80	Funds Available for Projects	\$ 21,156,577	\$ 21,284,844	\$ 21,446,536	\$ 21,543,148	\$ 21,674,043	\$ 21,836,336	\$ 21,931,309	\$ 22,157,984	\$ 22,213,018	\$ 22,397,425
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	1,028,386	1,038,060	1,047,831	1,057,700	1,067,667	1,077,734	1,087,901	1,098,170	1,108,542	1,119,018
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	17,800,000	17,900,000	18,100,000	18,200,000	18,300,000	18,500,000	18,500,000	18,800,000	18,800,000	19,000,000
	Subtotal-Projects	18,828,386	18,938,060	19,147,831	19,257,700	19,367,667	19,577,734	19,587,901	19,898,170	19,908,542	20,119,018
TOTAL USE OF FUNDS		\$ 20,322,423	\$ 20,477,193	\$ 20,736,351	\$ 20,895,937	\$ 21,058,108	\$ 21,325,127	\$ 21,392,850	\$ 21,763,552	\$ 21,839,623	\$ 22,116,726
700	FUND BALANCE, End	\$ 2,328,191	\$ 2,346,784	\$ 2,298,704	\$ 2,285,448	\$ 2,306,376	\$ 2,258,602	\$ 2,343,408	\$ 2,259,814	\$ 2,304,475	\$ 2,278,407

DESCRIPTION		2053	2054	2055	2056	2057	2058	2059	2060	2061	2062
		71	72	73	74	75	76	77	78	79	80
1	"Taxable Increment"	\$ 968,541,516	\$ 978,226,931	\$ 988,009,200	\$ 997,889,292	\$ 1,007,868,185	\$ 1,017,946,867	\$ 1,028,126,336	\$ 1,038,407,599	\$ 1,048,791,675	\$ 1,059,279,592
1	FUND BALANCE, Begin	\$ 2,278,407	\$ 2,280,232	\$ 2,306,077	\$ 2,356,622	\$ 2,330,032	\$ 2,321,818	\$ 2,332,263	\$ 2,258,983	\$ 2,296,792	\$ 2,345,487
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,278,407	\$ 2,280,232	\$ 2,306,077	\$ 2,356,622	\$ 2,330,032	\$ 2,321,818	\$ 2,332,263	\$ 2,258,983	\$ 2,296,792	\$ 2,345,487
SOURCES OF FUNDS:											
4	Tax Revenues	22,591,969	22,805,694	23,021,555	23,239,576	23,459,775	23,682,177	23,906,803	24,133,676	24,362,817	24,594,251
6	Allowance for Uncollected Taxes	(338,880)	(342,085)	(345,323)	(348,594)	(351,897)	(355,233)	(358,602)	(362,005)	(365,442)	(368,914)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 22,299,089	\$ 22,509,609	\$ 22,722,232	\$ 22,936,982	\$ 23,153,878	\$ 23,372,944	\$ 23,594,201	\$ 23,817,671	\$ 24,043,375	\$ 24,271,337
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 24,577,496	\$ 24,789,841	\$ 25,028,308	\$ 25,293,605	\$ 25,483,910	\$ 25,694,762	\$ 25,926,464	\$ 26,076,654	\$ 26,340,167	\$ 26,616,825
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue {\$16.010 mil}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	-	-	-	-	-	-	-	-	-	-
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-
32	Bond Discount	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	1,469,125	1,542,581	1,619,710	1,700,696	1,785,731	1,875,017	1,968,768	2,067,206	2,170,567	2,279,095
62	TISD-Reimbursement [per contract]	47,141	49,498	49,498	49,498	51,973	51,973	51,973	54,572	54,572	54,572
65	Subtotal-Operating Expenditures	2,067,666	2,143,479	2,220,608	2,301,594	2,389,104	2,478,390	2,572,141	2,673,178	2,776,539	2,885,067
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 2,067,666	\$ 2,143,479	\$ 2,220,608	\$ 2,301,594	\$ 2,389,104	\$ 2,478,390	\$ 2,572,141	\$ 2,673,178	\$ 2,776,539	\$ 2,885,067
80	Funds Available for Projects	\$ 22,509,830	\$ 22,646,361	\$ 22,807,700	\$ 22,992,011	\$ 23,094,807	\$ 23,216,372	\$ 23,354,323	\$ 23,403,476	\$ 23,563,628	\$ 23,731,757
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	1,129,598	1,140,285	1,151,078	1,161,979	1,172,989	1,184,109	1,195,340	1,206,684	1,218,141	1,229,713
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	19,100,000	19,200,000	19,300,000	19,500,000	19,600,000	19,700,000	19,900,000	19,900,000	20,000,000	20,200,000
	Subtotal-Projects	20,229,598	20,340,285	20,451,078	20,661,979	20,772,989	20,884,109	21,095,340	21,106,684	21,218,141	21,429,713
TOTAL USE OF FUNDS		\$ 22,297,264	\$ 22,483,764	\$ 22,671,686	\$ 22,963,573	\$ 23,162,092	\$ 23,362,499	\$ 23,667,481	\$ 23,779,862	\$ 23,994,680	\$ 24,314,780
700	FUND BALANCE, End	\$ 2,280,232	\$ 2,306,077	\$ 2,356,622	\$ 2,330,032	\$ 2,321,818	\$ 2,332,263	\$ 2,258,983	\$ 2,296,792	\$ 2,345,487	\$ 2,302,045

Project Plan - 04/23/14 - to Zone Board

SUMMARY FINANCING PLAN											
		2014	2015	2016	2017	2018	2019	2020	2021	2022	
1	Beginning Available Fund Balance, Oct 1	\$ 30,501,761	\$ 2,350,801	\$ 1,632,000	\$ 2,323,355	\$ 2,341,891	\$ 2,295,758	\$ 2,263,570	\$ 2,263,955	\$ 2,277,242	
20	Total Sources of Funds	6,178,970	4,920,938	13,121,412	13,657,258	16,002,124	16,139,274	16,287,893	16,428,000	16,885,929	
2	Adjustments to Debt Service Reserve	1,765,643	-	-	-	-	-	-	-	-	
25	Net Available for Appropriation	38,446,374	7,271,739	14,753,413	15,980,613	18,344,015	18,435,031	18,551,464	18,691,956	19,163,171	
50/52	General Administrative Expenditures	213,838	176,200	176,200	176,300	176,300	176,300	176,300	176,300	176,400	
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	
56	Rail Maintenance	211,799	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	
58	Road/Signage Maintenance	233,077	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	
60	Contractual Payments (TEDC - Marketing)	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736	
62	TISD-Reimbursement [per contract]	25,000	26,250	26,250	26,250	27,563	27,563	27,563	28,941	28,941	
26	Debt Service - 2003 Issue {\$11.740 mil}	-	-	-	-	-	-	-	-	-	
27	Debt Service - 2009 Issue {Refunding}	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-	
28	Debt Service - 2008 Taxable Issue {\$10.365 mil}	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422	
29	Debt Service - 2011A Issue (Refunding)	914,900	914,450	913,550	912,200	908,350	915,950	2,497,800	2,497,550	2,494,950	
30	Debt Service - 2012 Issue {Refunding}	17,700	17,700	82,700	76,400	79,600	77,650	80,050	77,250	78,750	
31	Debt Service - 2013 Issue	906,910	924,894	924,894	2,034,894	2,047,694	2,048,344	2,047,944	2,046,494	2,031,494	
32	Issuance Costs	-	-	-	-	-	-	-	-	-	
32	Bond Discount	-	-	-	-	-	-	-	-	-	
33	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	
70	Total Debt & Operating Expenditures	5,619,538	5,394,311	5,491,000	6,606,145	6,612,752	6,627,835	6,737,239	6,752,725	6,752,893	
80	Funds Available for Projects	\$ 32,826,836	\$ 1,877,428	\$ 9,262,413	\$ 9,374,468	\$ 11,731,264	\$ 11,807,196	\$ 11,814,225	\$ 11,939,231	\$ 12,410,279	

PROJECT PLAN													
		2014	2015	2016	2017	2018	2019	2020	2021	2022			
TEMPLE INDUSTRIAL PARK:													
100	Northern "Y" Phase I	200,000	-	-	-	-	-	-	-	-			
101	Trans-Load Grading (full site) (East)	185,000	-	-	-	-	-	-	-	-			
102	Ladder Track Phase II	-	-	-	-	-	-	-	-	-			
103	Pepper Creek Main Stem Regional Detention Pond	850,000	-	-	-	-	-	-	-	-			
104	Research Pkwy (IH 35 to Wendland Ultimate)	2,705,000	-	-	-	-	-	-	-	-			
105	Research Pkwy (Wendland to McLane Pkwy)	5,960,000	-	-	-	-	-	-	-	-			
106	Northeast Utilities @ IH 35/Loop 363	-	-	-	-	-	-	-	-	-			
150	Total North Zone/Rail Park (including Enterprise Park)	9,900,000	-	-	-	-	-	-	-	-			
CORPORATE CAMPUS PARK:													
155	Bioscience Trail Connection to Airport	750,000	-	-	-	-	-	-	-	-			
156	McLane Pkwy/Research Pkwy Connection	704,680	-	-	-	-	-	-	-	-			
157	Research Pkwy (McLane Pkwy to Central Point Pkwy)	1,500,000	-	-	-	-	-	-	-	-			
200	Total Corporate Campus Park	2,954,680	-	-	-	-	-	-	-	-			
BIOSCIENCE PARK:													
204	Pepper Creek Trail Connection to S&W	29,258	-	-	-	-	-	-	-	-			
205	Bioscience Park Service Road & Utility Extensions	724,400	-	-	-	-	-	-	-	-			
207	Trail Landscaping, Irrigation and Lights	1,750,000	-	-	-	-	-	-	-	-			
250	Total Bio-Science Park	2,503,658	-	-	-	-	-	-	-	-			
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-			
SYNERGY PARK:													
351	Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	22,475	-	-	-	-	-	-	-	-			
352	Entry Enhancement	500,000	-	-	-	-	-	-	-	-			
353	Lorraine Drive/Panda Drive Asphalt	610,000	-	-	-	-	-	-	-	-			
354	Improvements/Contingency for Synergy Park	-	-	-	-	-	-	-	-	-			
400	Total Synergy Park	1,132,475	-	-	-	-	-	-	-	-			
DOWNTOWN:													
401	Downtown Improvements [1999 Ordinance]	1,116,978	245,428	661,696	688,896	807,925	815,395	822,939	830,558	854,819			
402	Rail Safety Zone Study	-	-	-	-	-	-	-	-	-			
403	Lot Identification & Signage	-	-	-	-	-	-	-	-	-			
404	Santa Fe Plaza	300,000	-	-	-	-	-	-	-	-			
405	Downtown Master Plan	125,000	-	-	-	-	-	-	-	-			
406	MLK Park	-	-	-	-	-	-	-	-	-			
450	Total Downtown	1,541,978	245,428	661,696	688,896	807,925	815,395	822,939	830,558	854,819			
TMED:													
451	TMED - 1st Street @ Temple College - STEP Grant Match	59,046	-	-	-	-	-	-	-	-			
452	Master Plan Integration 2010	1,550	-	-	-	-	-	-	-	-			
453	TMED - 1st Street @ Loop 363 Design/Construction - Design only	71,420	-	-	-	-	-	-	-	-			
454	TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]	195,881	-	-	-	-	-	-	-	-			
455	Avenue R - S&W Blvd, Ave R - 19th Intersections	1,962,640	-	-	-	-	-	-	-	-			
456	Ave U from S&W Blvd to 1st St & 13th to 17th connector from Ave R to Loop 363	19,122	-	-	-	-	-	-	-	-			
457	South 1st Street Improvements from the Temple College Apartments to Ave O	-	-	-	-	-	-	-	-	-			
458	Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)	6,326,548	-	-	-	-	-	-	-	-			
459	Monumentation	520,000	-	-	-	-	-	-	-	-			
460	Ave U TMED Ave. to 1st Street	1,275,000	-	-	-	-	-	-	-	-			
461	TMED Master Plan (Health Care Campus)	125,000	-	-	-	-	-	-	-	-			
462	TMED Master Plan & Thoroughfare Plan	55,000	-	-	-	-	-	-	-	-			
463	Friars Creek Trail to Ave. R Trail	486,650	-	-	-	-	-	-	-	-			
464	Veteran's Memorial Blvd. Phase II	-	-	-	-	-	-	-	-	-			
500	Total TMED	11,097,857	-	-	-	-	-	-	-	-			
AIRPORT PARK:													
501	Gateway Entrance Projects	-	-	-	-	-	-	-	-	-			
502	Airport Corporate Hangar Development/Improvements	25,387	-	-	-	-	-	-	-	-			
503	Fuel Farm Loop Roadway	110,000	-	-	-	-	-	-	-	-			
504	Airport Terminal Access Enhancement	115,000	-	-	-	-	-	-	-	-			
505	Airport Entry Landscaping & Signage	230,000	-	-	-	-	-	-	-	-			
506	Northwest Airport Parking & Entrance	865,000	-	-	-	-	-	-	-	-			
507	East Airport Commercial Facility Improvements	-	-	-	-	-	-	-	-	-			
508	Corporate Hangar Phase II	-	-	-	-	-	-	-	-	-			
550	Total Airport Park	1,345,387	-	-	-	-	-	-	-	-			
610	Public Improvements	-	-	6,277,362	6,343,681	8,627,581	8,728,231	8,727,331	8,831,431	9,247,881			
Total Planned Project Expenditures		30,476,035	245,428	6,939,058	7,032,577	9,435,506	9,543,626	9,550,270	9,661,989	10,102,700			
700	Available Fund Balance at Year End	\$ 2,350,801	\$ 1,632,000	\$ 2,323,355	\$ 2,341,891	\$ 2,295,758	\$ 2,263,570	\$ 2,263,955	\$ 2,277,242	\$ 2,307,579			

ORDINANCE NO. 2014-4665

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO APPROPRIATE ADDITIONAL TAX INCREMENT REVENUE, EXPENDITURES FOR DOWNTOWN IMPROVEMENTS, PUBLIC IMPROVEMENTS AND DEBT SERVICES FOR FISCAL YEARS 2014 THROUGH 2033; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4371 on the 19th day of August, 2010; Ordinance No.

2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on March 17, 2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; Ordinance No. 2012-4540 on June 21, 2012; and Ordinance No. 2012-4546 on July 19, 2012; Ordinance No. 2012-4554 on September 20, 2012; Ordinance No. 2012-4566 on November 15, 2012; Ordinance No. 2013-4595 on June 20, 2013; Ordinance No. 2014-4665 on May 15, 2014;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

Whereas, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing and Project Plans are necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; and

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple.

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

Part 1: Findings. The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

Part 2: Reinvestment Zone Financing and Project Plans. The amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number 1, City of Temple, Texas, attached hereto as Exhibits A and B.

Part 3: Plans Effective. The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing and Project Plans to each taxing unit that taxes real property located in the Zone.

Part 5: Economic Development Program. The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

Part 6: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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

Part 8: Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney