



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, JUNE 5, 2014

2:30 P.M.

WORKSHOP AGENDA

1. Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Manager. No final action will be taken.
2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 5, 2014.
3. Receive second quarter financial results for Fiscal Year 2014.
4. Receive Strategic Investment Zone (SIZ) overview and update.
5. Discuss proposed right of way acquisitions on multiple Transportation Capital Improvement Projects.

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 HEARING:

3. PUBLIC HEARING – Presentation of the proposed [Community Development Block Grant](#) 2014-2015 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

III. PUBLIC COMMENTS:

4. Receive comments from James Dean Zeptner regarding the [city's landfill and recycling](#) program.

IV. 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.

V. CONSENT AGENDA

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

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

Minutes

- (A) [May 15, 2014 Special Called and Regular Meeting](#)
- (B) [May 27, 2014 Special Called Meeting](#)

Contracts, Leases, & Bids

- (C) [2014-7330-R](#): Consider adopting a resolution authorizing a contract with Empire Roofing Companies, Inc. of Pflugerville to repair/coat the roofs of five (5) T-hangar rows at the Draughon-Miller Central Texas Regional Airport in the amount of \$134,804.
- (D) [2014-7331-R](#): Consider adopting a resolution authorizing the purchase of audio visual technology equipment for the City Council Chambers from Ford Audio-Video Systems, LLC (Ford AV), utilizing the TXMAS-8-581030 contract, in an amount not to exceed \$85,496.
- (E) [2014-7332-R](#): Consider adopting a resolution authorizing the purchase of a Video Surveillance System with Covergint Technologies of Austin, utilizing DIR Contracts in the amount of \$107,659.
- (F) [2014-7333-R](#): Consider adopting a resolution authorizing a three (3) year extension to the lease agreement with Craig Caddell, Central Texas Flight Training, Inc., for the rental of a hangar for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport.
- (G) [2014-7334-R](#): Consider adopting a resolution authorizing a one (1) year extension to the lease agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), for the rental of a 6,000 square foot hangar for the purpose of operating an aircraft maintenance and avionics shop at the Draughon-Miller Central Texas Regional Airport.
- (H) [2014-7335-R](#): Consider adopting a resolution authorizing a cost sharing agreement with West Tanglefoot Development, Inc., to provide for the oversizing of a water line extension in the North Gate Subdivision in an amount not to exceed \$29,970.
- (I) [2014-7336-R](#): Consider adopting a resolution ratifying an application for Tobacco Enforcement funding from the Texas School Safety Center (TxSSC) for the purposes of enforcing Subchapter H, Chapter 161 of the Texas Health and Safety Code for fiscal year 2015 in the amount of \$6,975.
- (J) [2014-7337-R](#): Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) program Award in the amount of \$20,223.

- (K) [2014-7338-R](#): Consider adopting a resolution authorizing acceptance of grant funding in the estimated amount of \$200,000 from the Texas Department of Transportation, Aviation Division, Capital Improvement Program, for update to the Airport Master Plan at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$20,000.
- (L) [2014-7339-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.

Ordinances – Second & Final Reading

- (M) [2014-4669](#): **SECOND** READING - Z-FY-14-28: Consider adopting an ordinance on a Conditional Use Permit for retail nursery/landscape facility on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

Misc.

- (N) [2014-7340-R](#): Consider adopting a resolution approving second quarter financial results for Fiscal Year 2014.
- (O) [2014-7341-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

VI. REGULAR AGENDA

ORDINANCES – FIRST READING/ PUBLIC HEARING

- 6. [2014-4671](#): **FIRST READING – PUBLIC HEARING** - Consider adopting an ordinance amending Chapter 22 “Miscellaneous Provisions and Offenses,” Section 22-92, “Tree Board,” of the City Code to provide that the duties of the Tree Board will be assumed by the Parks and Leisure Services Advisory Board.

ORDINANCES – SECOND READING/PUBLIC HEARING

- 7. [2014-4666](#): **SECOND READING – PUBLIC HEARING** - A-FY-14-6: Consider adopting an Ordinance authorizing (a) abandonment and conveyance of a 0.041 +/- acre portion of Carriage House Drive and (b) release of a portion of an adjoining 10-foot utility easement, in order to reconfigure and Replat Lots 12 and 13, Block 9, Carriage House Village Phase I.
- 8. (A) [2014-4667](#): **SECOND READING – PUBLIC HEARING** – Consider adopting an ordinance authorizing the annexation of 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.

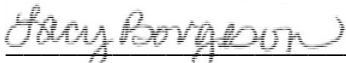
(B) [2014-4668](#): SECOND READING – PUBLIC HEARING - Z-FY-14-29 & Z-FY-14-31: Consider an ordinance adopting permanent zoning upon annexation to Single- Family Two District (SF-2) on 136.576 +/- acres; **and** granting a rezoning from Urban Estate District (UE), Agricultural District (AG), and Single-Family One District (SF-1) to Single- Family Two District (SF-2) on a total 57.298 +/- acres, all being located east of The Campus at Lakewood Ranch, Phase VIII and extending to the west side of Windmill Farms, Phases I and II, and north of The Highlands.

RESOLUTIONS

9. [2014-7342-R](#): O-FY-14-09 – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for a wall sign for a new Hampton Inn Hotel located at 3816 South General Bruce Drive.
10. [2014-7343-R](#): O-FY-14-10 – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7. of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping, signage, screening and utilities for the redevelopment of the McDonald's located at 1601 West Adams Avenue.
11. [2014-7344-R](#): Consider adopting a resolution appointing representatives to the Board of Directors for Temple Economic Development Corporation.
12. [2014-7345-R](#): Consider adopting a resolution approving certain amendments to the Bylaws of the Temple Economic Development Corporation.
13. [2014-7346-R](#): Consider adopting a resolution authorizing a Chapter 380 Agreement with Criterion Management Group, LLC, and Temple Historic Arcadia Theater, Inc., regarding the redevelopment of the Hawn Hotel and Arcadia Theater properties.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 9:30 AM, on Friday, May 30, 2014.



Lacy Borgeson, TRMC
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

06/05/14
Item #3
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Director of Administrative Services
Ashley Williams, Sustainability and Grant Manager

ITEM DESCRIPTION: PUBLIC HEARING – Presentation of the proposed Community Development Block Grant 2014-2015 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

STAFF RECOMMENDATION: Receive presentation as indicated in item description and conduct public hearing. No action is required.

ITEM SUMMARY:

2014-2015 Annual Action Plan and Budget

The Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the Community Development Block Grant (CDBG) program. The City of Temple anticipates we will receive \$390,268 for our 2014/15 CDBG allocation. These funds enhance the City's community development programs, supporting safe, well-planned residential and business districts. Over 70% of the funding allocated to CDBG activities must benefit low to moderate income persons.

The City of Temple also plans to reallocate \$19,559 from the 2013 Action Plan in order to assist us with meeting the goals identified in the 2010-2014 Consolidated Plan.

2014-15 CDBG Funding	Program Income Received	Prior Funding Reallocation	Total
\$390,268	\$0	\$19,559	\$409,827

The proposed allocation of funds is as follows:

Public Services	\$54,600
Infrastructure Improvements	\$192,227
Demolition	\$85,000
Administration	\$78,000
Total	\$409,827

Public Services - \$54,600

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 5 requests received totaling \$103,669 while debating the merits of each agency and the needs of the community. Public Service Agencies recommended for funding in 2014/15 are:

1. Bell County Human Services (Temple HELP Center) \$18,600
2. Families in Crisis, Inc. \$12,000
3. Hill County Community Action Association (Meals on Wheels) \$14,000
4. Family Promise of East Bell County, Inc. \$10,000

Infrastructure Improvements - \$192,227

Multiple infrastructure projects are proposed for 2013-2014

The first project, Wilson Park Playground will continue work started with 2013 CDBG funding and will complete the project. This project will provide much needed updates to the playground equipment, parking lot, shade structure and may also include ADA improvements to the existing parking area and a new picnic pavilion.

Other small improvements to park land and facilities will be considered that will fulfill the objectives identified by the City in the five-year Consolidated Plan. The projects will be small in nature and developed after the finalization of the Wilson Park project; using the remaining CDBG funding.

Demolition - \$85,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is a continuation of a project focus from previous years. It is recommended that \$85,000 be allocated from 2014/15 CDBG funds for this program.

Administration - \$78,000

It is recommended that \$78,000 be allocated for the City's administration of the CDBG Program.

This presentation and public hearing for the proposed 2014/15 Annual Action Plan and Budget will be followed by a 30-day public comment period. A final public hearing and action on the 2014/15 Annual Action Plan will occur at the July 17, 2014 Council Meeting.

FISCAL IMPACT: The allocation amount of \$390,268 in FY 2014/15 CDBG funds along with the reprogramming of \$19,559 in additional funds available for a total of \$409,827 are to be allocated as recommended.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM MEMORANDUM

06/05/14
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Daniel A. Dunn, Mayor

ITEM DESCRIPTION: Receive comments from James Dean Zeptner regarding the city's landfill and recycling program.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Ms. Zeptner submitted a Request for Placement on the City Council Agenda, please see attached the forms.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

RECEIVED

MAY 29 2014

REQUEST FOR PLACEMENT ON AGENDA

CITY OF TEMPLE, TX
CITY SECRETARY

NAME OF PRESENTER: James Dean Zepner ☐ Priority

ADDRESS: 4102 S 26th St Temple 76501

TELEPHONE NO. 254-541-7889

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) June 5-14

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

- ① Intro: Infor Self
- ② Our Trash & R-Can
- ③ Trash Day Pic
- ④ Recycling Day Pix
- ⑤ Brush Junk Pic
- ⑥ Lanfill Future

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

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

James Dean Zepner
SIGNATURE OF PRESENTER

5-29-14
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

06/05/14
Item #5(A-B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) May 15, 2014 Special Called and Regular Meeting
- (B) May 27, 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:

May 15, 2014 Special Called and Regular Meeting
May 27, 2014 Special Called Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

MAY 27, 2014

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Tuesday, May 27, 2014 at 9:00 A.M. in the Council Chambers, Municipal Building, 2nd Floor , 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Timothy Davis
Mayor Daniel A. Dunn

Absent:

Councilmember Russell T. Schneider

I. CALL TO ORDER

1. Invocation

Councilmember Tim Davis voiced the Invocation.

2. Pledge of Allegiance

Charley Ayers, Vice President of TEDC led the Pledge of Allegiance.

II. REGULAR AGENDA

- 3. 2014-4670: SECOND READING - PUBLIC HEARING: Consider adopting an ordinance establishing the City's participation in the Texas Enterprise Zone Program pursuant to Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, and nominating Artco-Bell Corporation to the office of the Governor Economic Development & Tourism through the Economic Development Bank as a qualified enterprise project.**

Mr. Graham, City Attorney gave a brief overview of this item.

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

Motion by Councilmember Perry Cloud adopt ordinance on second and final reading. seconded by Councilmember Timothy Davis.

Motion passed unanimously.

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

06/05/14
Item #5(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Empire Roofing Companies, Inc. of Pflugerville to repair/coat the roofs of five (5) T-hangar rows at the Draughon-Miller Central Texas Regional Airport in the amount of \$ \$134,804.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City received insurance funds for hail damage to aircraft hangars in the amount of \$352,127.83 in April 2013. The City contracted with Austech Roof Consultants, Inc., from Austin to provide professional consulting services for the roof project at the Airport. On August 15, 2013, a contract was awarded to McAllen Valley Roofing Company of McAllen, Texas in the amount of \$190,767.04 to repair and coat six (6) large hangars including two large AMCOM hangars.

Due to cost savings during the first phase of the roofing project, the City received three (3) bids May 20, 2014 for additional roof repair and coating of the T-hangars. The bid was broken down into a base bid plus six add alternates to insure adequate funds were available to award the contract. The base bid included three smaller T-hangar rows; add alternates #1 through #6 included the remaining T-hangar rows at the Draughon-Miller Central Texas Regional Airport. The bid results are shown on the attached bid tabulation sheet.

Austech Roof Consultants, Inc., of Austin reviewed the three (3) bids submitted on May 20, 2014 and recommends award of the base bid plus add alternates #1 and #2 to the low bidder, Empire Roofing Companies, Inc., of Pflugerville, Texas in the amount of \$134,804.

Staff concurs with Austech Roof Consultants' recommendation of awarding the bid to Empire Roofing Companies, Inc.

FISCAL IMPACT: Funding in the amount of \$134,804 is appropriated in account #110-3634-560-6310, project #100998 for the construction contract with Empire Roofing Companies, Inc.

ATTACHMENTS:

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

Bidder	Bid Bond	Base Bid	Contingency	Alt #1 Bldg 20	Alt # 2 Bldg. 21	Alt. # 3 Bldg. 22	Alt. # 4. Bldg. 23	Alt. # 5. Bldg. 24	Alt. # 6. Bldg. 25
Empire Roofing	Y	\$56,670.00	\$8000.00	\$23,630.00	\$46,504.00	\$46,504.00	\$42,504.00	\$42,504.00	\$42,504.00
Johnson Roofing	Y	\$72,726.00	\$8000.00	\$27, 370.00	\$56,304.00	\$56,304.00	\$56,304.00	\$56,304.00	\$56,304.00
Benco Roofing	(Y)	\$70,200.00	\$8000.00	\$27,690.00	\$54,990.00	\$61,230.00	\$54,990.00	\$61,230.00	\$61,230.00

() indicates Bid Bond was not submitted on City of Temple bond form.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH EMPIRE ROOFING COMPANIES, INC., OF PFLUGERVILLE, TEXAS, TO REPAIR/COAT THE ROOFS OF FIVE T-HANGAR ROWS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, IN THE AMOUNT OF \$134,804; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has received insurance proceeds for hail damage which occurred in April 2013, to aircraft hangars at the Draughon-Miller Central Texas Regional Airport;

Whereas, the City contracted with Austech Roof Consultants, Inc., of Austin, Texas to provide professional consulting services and on August 15, 2013, a contract was awarded to McAllen Valley Roofing Company of McAllen, Texas to repair and coat six (6) large hangars, including two large AMCOM hangars;

Whereas, on May 20, 2013, three bids were received for additional roof repair and coating of the T-hangars - the bids were broken down into a base bid plus six add alternates to insure adequate funds were available for the contract;

Whereas, staff and Austech Roof Consultants reviewed the three bids and recommends award of the base bid plus add alternates number one and two to the low bidder, Empire Roofing Companies, Inc., of Pflugerville, Texas in the amount of \$134,804;

Whereas, funds for this project are budgeted in Account No. 110-3634-560-6310, Project No. 100998; 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 Empire Roofing Companies, Inc., of Pflugerville, Texas, after approval as to form by the City Attorney, to repair/coat the roofs of five T-hangar rows at the Draughon-Miller Central Texas Regional Airport, including the base bid and alternates number one and two, in the amount of \$134,804.

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

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

06/05/14
Item #5(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of audio visual technology equipment for the City Council Chambers from Ford Audio-Video Systems, LLC (Ford AV), utilizing the TXMAS-8-581030 contract, in an amount not to exceed \$85,496.

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

ITEM SUMMARY:

The City currently uses the City Council chambers for City Council, Planning & Zoning, and other public meetings for televising these meetings in an effort to promote awareness of what is happening in City Government. Part of this effort includes a new Audio Visual system to enhance video quality and improve the overall system audio visual reliability.

The new audio/visual system would provide more than essential reliability. Advances in technology over the past few years will provide stakeholders better interaction with their local government, including:

- Enhanced for optimum viewing for citizen and council seating. Far too many people are having to view the material at an extreme off-axis angle and two of the screens are too small for the maximum viewing distance so these screens will be replaced with 80" LED TV's allowing for easier viewing.
- Vastly improved sound system in the Council Chambers for both spectators and those watching on television and the Internet.
- Better reliability for Council members to view presentation and video on their respective monitors.
- An updated software and hardware system that will seamlessly integrate with new Crestron Integration system in the broadcast room. The new system will allow the Broadcast Operator to control video and any microphones in the room and allow for more automated programming.

FISCAL IMPACT: Funding for this purchase in the amount of \$85,496 is available in Account 110-1940-519-62-28, Capital Equipment/PEG Expenditures, Project #101132.

The State of Texas has a State Issued Certificate of Franchise Authority (SICFA) as specified by PURA Chapter 66 (Senate Bill 5 as amended). Since Time Warner provides cable services under this Authority, Time Warner is required to submit five percent of gross revenues to the City in franchise fees and an additional one percent in Public Education Government (PEG) fees related to the City's operations of its Public, Educational, and Government Access TV Channels. In accordance with State and Federal law the PEG fees can only be used for related operations of the City's PEG TV Channel.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AUDIO VISUAL TECHNOLOGY EQUIPMENT FOR CITY COUNCIL CHAMBERS, FROM FORD AUDIO-VIDEO SYSTEMS, LLC, UTILIZING THE TXMAS-8-58I030 COOPERATIVE PURCHASING CONTRACT, IN AN AMOUNT NOT TO EXCEED \$85,496; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses the City Council chambers for meetings by City Council, Planning & Zoning, and other public meetings and televises these meetings in an effort to promote awareness of what is happening in City government;

Whereas, a new audio/visual system will enhance video quality and improve the overall system – a new system will provide necessary and essential reliability;

Whereas, staff recommends the purchase of audio/visual technology equipment from Ford Audio-Video Systems, LLC, utilizing the TXMAS-8-58I030 contract, in an amount not to exceed \$85,496;

Whereas, funding for this purchase is available in Account No. 110-1940-519-6228, Project No. 101132; and

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

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

Part 1: The City Council authorizes the purchase of audio visual technology equipment for the City Council Chambers from Ford Audio-Video Systems, LLC, utilizing the TXMAS-8-58I030 contract, in an amount not to exceed \$85,496.

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

PASSED AND APPROVED this the 5th day of June, 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

06/05/14
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a Video Surveillance System with Covergint Technologies of Austin, utilizing DIR Contracts in the amount of \$107,659.

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

ITEM SUMMARY: The City of Temple Water Treatment Plant currently uses a video surveillance system that is over eleven (11) years old and is in desperate need of replacement as these systems have become obsolete and some of the cameras no longer work. Government regulations from the EPA and the Department of Homeland Security drive ever changing requirements to protect the City's water supply.

These type of Video Surveillance systems require the following:

- Wide area video surveillance
- Integrated video analytics
- Process monitoring through use of vandal-proof cameras, thermal cameras, and special enclosures
- Environmentally sealed for harsh environments
- Perimeter Intrusion Detection System
- Daytime and Nighttime surveillance

The new system will provide the above capabilities with new cameras and OnSSI software that the City already uses as a standard for video surveillance at the Police Department, Fire Department, Municipal Court, Water Business Office and Water Pump Stations across the City.

As part of this new system the City will employ services by the T. Morales Company to provide new conduit runs to all of the camera locations and electrical in the amount of \$21,850. The City will also purchase a Server and network equipment to enhance connectivity throughout the plant.

In addition to discouraging vandalism and improving safety, the new system leverages the superior optical zoom and megapixel capabilities of these network cameras not only for capturing forensic evidence, but also for operational purposes such as reading metering equipment, checking water levels and monitoring hazardous chemical deliveries. The network cameras are part of an integrated alarm system, in which certain events can trigger alarms to improve operational efficiencies and alert operators of security incidents.

This purchase will be made using DIR Contracts, DIR-SDD-1363, DIR-SDD-1723, DIR-SDD-1724, DIR-SDD-2210 and DIR-SDD-2216.

FISCAL IMPACT: Currently, funding in the amount of \$162,950 is available in account 520-5121-535-6211, project 101075, to fund the purchase of a video surveillance system with Convergent Technologies in the amount of \$107,659.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A VIDEO SURVEILLANCE SYSTEM FROM COVERGINT TECHNOLOGIES OF AUSTIN, TEXAS, UTILIZING DIR CONTRACTS DIR-SDD-1363, DIR-SDD-1723, DIR-SDD-2210 AND DIR-SDD-2216, IN THE AMOUNT OF \$107,659; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple's Water Treatment Plant currently uses a video surveillance system that is over eleven years old and is in desperate need of replacement;

Whereas, government regulations from the Environmental Protection Agency and the Department of Homeland Security drive ever changing requirements to protect the City's water supply;

Whereas, the new system will provide several new capabilities and the new cameras will have OnSSI software that is already being used across the City for video surveillance at the Police Department, Fire Department, Municipal Court, Water Business Office and the Water Pump Station;

Whereas, utilizing the City's Industrial Electric Services annual contract, the City will employ the services of T. Morales Company to provide new conduit runs to all camera locations and electrical in the amount of \$21,850 – the City will also purchase server and network equipment to enhance connectivity throughout the water treatment plant;

Whereas, in addition to discouraging vandalism and improving safety, the new surveillance system leverages the superior optical zoom and megapixel capabilities of these network cameras not only for capturing forensic evidence, but also for operational purpose such as reading metering equipment, checking water levels, and monitoring hazardous chemical deliveries – the network cameras are part of an integrated alarm system, in which certain events can trigger alarms to improve operational efficiencies and alert operators of security incidents;

Whereas, staff recommends the purchase of a video surveillance system for the City's Water Treatment Plant, through Covergint Technologies of Austin, Texas, utilizing DIR-SDD-1363, DIR-SDD-1723, DIR-SDD-2210 AND DIR-SDD-2216, in the amount of \$107,659;

Whereas, funds are available for this purchase in Account No. 520-5121-535-6211, Project No. 101075; and

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

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

Part 1: The City Council authorizes the purchase of a video surveillance system for the city's Water Treatment Plant, from Covergint Technologies of Austin, Texas, utilizing DIR-SDD-1363, DIR-SDD-1723, DIR-SDD-2210 AND DIR-SDD-2216, in the amount of \$107,659.

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

PASSED AND APPROVED this the 5th day of **June**, 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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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a three (3) year extension to the lease agreement with Craig Caddell, Central Texas Flight Training, Inc., for the rental of a hangar for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 15, 2011, the City approved a one year lease agreement with five one year renewal options with Craig Caddell, Central Texas Flight Training, for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport. Craig Caddell would like to continue to provide flight training and aircraft rental service on the Airport through January 2015. .

Craig Caddell, Central Texas Flight Training has demonstrated he is capable of operating a professional aircraft flight training and rental business on the Airport; therefore, staff recommends a lease extension be approved to run through January 2015.

The rental rate will remain at a reduced \$500 per month on the 3,640 square foot aircraft hangar as long as the minimum requirements for the flight school set forth in the lease are met.

Staff recommends approval of the lease with Craig Caddell, Central Texas Flight Training, Inc., to run through January 2015.

FISCAL IMPACT: The Airport will receive \$6,000 in hangar rent plus additional revenue from increased flight activity and fuel sales.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A THREE YEAR EXTENSION TO THE LEASE AGREEMENT WITH CRAIG CADDELL, CENTRAL TEXAS FLIGHT TRAINING, INC., FOR THE RENTAL OF A HANGAR FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING AND AIRCRAFT RENTAL SERVICE BUSINESS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 15, 2011, the City approved a one year lease agreement with five one-year renewal options with Craig Caddell, Central Texas Flight Training for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport;

Whereas, Craig Caddell would like to continue to provide flight training and aircraft rental service at the Airport through January 2015 – Mr. Caddell has demonstrated he is capable of operating a professional aircraft flight training and rental business and therefore staff recommends a lease extension be approved to run through January 2015;

Whereas, staff recommends a three-year extension to the lease agreement with Craig Caddell, Central Texas Flight Training, Inc., for the rental of a hangar for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport, in the monthly lease rate of \$500 per month as long as the minimum requirements for the flight school set forth in the lease are met; 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 three year extension to the lease agreement, through January, 2015, between the City of Temple, Texas, and Craig Caddell of Central Texas Flight Training, Inc., after approval as to form by the City Attorney, for the rental of a hangar for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport, in the monthly lease rate of \$500 per month.

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

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

06/05/14
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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one (1) year extension to the lease agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), for the rental of a 6,000 square foot hangar for the purpose of operating an aircraft maintenance and avionics shop at the Draughton-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Kachemak Bay Flying Service lease will expire on June 30, 2014.

On June 6, 2013, the City approved a one year lease agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), for the purpose of operating an aircraft maintenance and avionics shop and other general aviation services at the Draughton-Miller Central Texas Regional Airport. Kachemak Bay Flying Service would like to continue to provide aircraft maintenance and avionics services on the Airport through June 30, 2015.

Kachemak Bay Flying Service has demonstrated in the first year of the lease they are capable of operating a professional aircraft maintenance and avionics shop on the Airport; therefore, staff recommends that a one year extension to the Kachemak Bay Flying Service lease be approved to run through June 30, 2015.

The rental rate will remain at \$600 per month and the lease term expires June 30, 2015.

FISCAL IMPACT: The Airport will receive \$7,200 per year in hangar rent.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE LEASE AGREEMENT WITH KACHEMAK BAY FLYING SERVICE, A WHOLLY OWNED SUBSIDIARY OF SYSTEM STUDIES AND SIMULATION, INC., FOR THE RENTAL OF A 6,000 SQUARE FOOT HANGAR AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, FOR THE PURPOSE OF OPERATING AN AIRCRAFT MAINTENANCE AND AVIONICS SHOP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 6, 2013, the City approved a one-year lease agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3) for the purpose of operating an aircraft maintenance, avionics shop and other general aviation services at the Draughon-Miller Central Texas Regional Airport;

Whereas, Kachemak Bay Flying Service has demonstrated in the first year of their lease, that they are capable of operating a professional aircraft maintenance and avionics shop at the Airport and they wish extend their lease through June 30, 2015;

Whereas, staff recommends extending the lease agreement with Kachemak Bay Flying Service through June 20, 2015 with a rental rate of \$600 per month; 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 one-year extension to the lease with Kachemak Bay Flying Service, Inc., a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), after approval as to form by the City Attorney, for the purpose of operating an aircraft maintenance, avionics shop and other general aviation services at the Draughon-Miller Central Texas Regional Airport, in the monthly rental amount of \$600.

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

PASSED AND APPROVED this the 5th day of **June**, 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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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a cost sharing agreement with West Tanglefoot Development, Inc., to provide for the oversizing of a water line extension in the North Gate Subdivision in an amount not to exceed \$29,970.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: West Tanglefoot Development, Inc., has proposed to enter into a cost sharing agreement with the City to oversize 1,027 feet of water line within the North Gate Subdivision (from 8" to 12").

The proposed cost sharing agreement for the North Gate Subdivision is in the form of a developer participation agreement. The City commits to participating in the cost of design and construction for the project in a "not to exceed" amount based on a percentage of the project established by the cost sharing ordinance (Ordinance No. 2004-3935).

The percentage of eligible project costs paid by the City under our cost sharing formula for this project is 100% of the difference between the cost of an 8" pipe and the cost of a 12" pipe. If the project comes in at an amount less than the "not to exceed" amount, the City pays its percentage of the actual project costs (design and construction). If the project comes in over the "not to exceed" amount, the developer pays 100% of that additional cost. Staff is asking Council to authorize an agreement with a "not to exceed" amount of \$29,970.

FISCAL IMPACT: In the FY 2014 operating budget, \$100,000 was designated for cost sharing agreements. A budget adjustment is being presented for Council's approval appropriating funds in the amount of \$29,970 from FY14 Approach Mains, account 520-5000-535-6369, project 101063, to North Gate Subdivision Cost Sharing, account 520-5900-535-6366, project 101184, to fund the cost sharing agreement with West Tanglefoot Development, Inc. in the amount of \$29,970.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COST SHARING AGREEMENT WITH WEST TANGLEFOOT DEVELOPMENT, INC., TO PROVIDE FOR THE OVERSIZING OF A WATER LINE EXTENSION IN THE NORTH GATE SUBDIVISION, IN AN AMOUNT NOT TO EXCEED \$29,970; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, West Tanglefoot Development, Inc., has proposed to enter into a cost sharing agreement with the City to oversize approximately 1,027 feet of water line within the North Gate Subdivision (from 8 inches to 12 inches);

Whereas, the proposed cost sharing agreement is in the form of a developer participation agreement where the City commits to participate in the cost of design and construction for the project in a ‘not to exceed’ amount based on a percentage of the project established by the cost sharing ordinance (Ordinance No. 2004-3935);

Whereas, the percentage of eligible project costs paid by the City under the cost sharing formula for this project is 100% of the difference between the cost of an 8-inch pipe and the cost of a 12-inch pipe;

Whereas, if the project is less than the ‘not to exceed’ amount, the City will pay its percentage of the actual costs (design and construction) – if the project is over the ‘not to exceed’ amount, the developer will pay 100% of the additional cost; and

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

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

Part 1: The City Council authorizes a Cost Sharing Agreement with West Tanglefoot Development, Inc., to provide for the oversizing of a water line extension in the North Gate Subdivision, in an amount not to exceed \$29,970.

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

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

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

06/05/14
Item #5(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution ratifying an application for Tobacco Enforcement funding from the Texas School Safety Center (TxSSC) for the purposes of enforcing Subchapter H, Chapter 161 of the Texas Health and Safety Code for fiscal year 2015 in the amount of \$6,975.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Texas law prohibits the sale or distribution of tobacco products to any person under the age of 18. The police department proposes to use funding from the TxSSC to conduct covert investigations into the possible illegal sales of tobacco products to minors that violate the Health and Safety Code, §161.082. All activity under the grant must be reported on a monthly basis to the TxSSC. The TxSSC is acting on behalf of the Department of State Health Services.

FISCAL IMPACT: TxSSC will reimburse contracted law enforcement agencies \$75.00 for each completed investigation. Funding is allowed for the purpose of conducting investigations for a minimum of 25% or a maximum of 200% of the tobacco permitted retail outlets in the jurisdiction. There are approximately 93 tobacco permitted retail outlets in Temple. The police department plans to conduct investigations at rate of 100% of the permitted outlets, meaning that 93 investigations are planned during FY15.

If this plan is met, the City will receive \$6,975 in grant funds. It is estimated that it will cost the City \$3,639 in overtime hours as well as operational and fuel costs of \$611 for police vehicles. The total estimated expense is \$4,250. The remaining revenue would pay officer's overtime for conducting compliance inspections on retail locations and provide education services to the public in the area of state laws pertaining to tobacco sales to minors.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING A RESOLUTION RATIFYING AN APPLICATION FOR TOBACCO ENFORCEMENT FUNDING FROM THE TEXAS SCHOOL SAFETY CENTER FOR THE PURPOSES OF ENFORCING THE TEXAS HEALTH AND SAFETY CODE FOR FISCAL YEAR 2015, IN THE AMOUNT OF \$6,975; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Texas law prohibits the sale or distribution of tobacco products to any person under the age of 18 and the City of Temple Police Department proposes to use funding from the Texas School Safety Center (TxSSC) to conduct covert investigations into the possible illegal sales of tobacco products to minors that violate the Health and Safety Code, §161.082;

Whereas, this enforcement is expected to continue to reduce the extent to which cigarettes and tobacco products are sold or distributed to persons who are younger than 18 years of age and to ensure compliance with all applicable State laws;

Whereas, funding is allowed for the purpose of conducting investigations for a minimum of 25% or a maximum of 200% of the tobacco permitted retail outlets in the jurisdiction;

Whereas, the police department plans to conduct investigations at 100% of the permitted outlets, meaning that 93 investigations are planned during fiscal year 2015 - if this plan is met, the City will receive \$6,975 in grant funds; 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 ratification of an application for Tobacco Enforcement funding from the Texas School Safety Center (TxSSC) for the purposes of enforcing the Texas Health and Safety Code for fiscal year 2015, in the amount of \$6,975.

Part 2: The City Manager, or his designee, is authorized to execute any documents which may be necessary for this purpose, 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 5th 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

06/05/14
Item #5(J)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) program Award in the amount of \$20,223.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Department of Justice has made a grant award of \$89,879. The City of Killeen will administer the grant and will accept an administration fee of 10% of the grant award with the remaining \$80,891 to be allocated to Bell County, Killeen, and Temple as follows:

Bell County will receive \$24,267 or 30%, the City of Killeen will receive \$36,401 or 45% and the City of Temple will receive \$20,223 or 25%.

These funds are to be used to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any or more of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs. The Temple Police Department plans to use the funds to purchase L-3 Video Systems.

Pursuant to the terms of the grant, the parties agree to expend the \$89,879 from the 2014 Edward Byrne Memorial Justice Assistance Grant Program by a date not later than forty eight (48) months after the project start date of October 1, 2013.

FISCAL IMPACT: The Temple Police Department will receive \$20,223. There are no City matching funds.

ATTACHMENTS:

[Interlocal Agreement
Resolution](#)

THE STATE OF TEXAS

COUNTY OF BELL

INTERLOCAL AGREEMENT

**BETWEEN COUNTY OF BELL, CITY OF KILLEEN, AND CITY OF TEMPLE
2014 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this ___ day of _____, **2014**, by and between **The County of Bell**, State of Texas, acting by and through its governing body, hereinafter referred to as **COUNTY**, and the **City of Killeen**, Texas, a municipal corporation, acting by and through its governing body, hereinafter referred to as **KILLEEN**, and the **City of Temple**, Texas, as municipal corporation, acting by and through its governing body, hereinafter referred to as **TEMPLE**.

WHEREAS, this Agreement is made under the authority of Chapter 791 of the Texas Government Code; and

WHEREAS, COUNTY, KILLEEN, and TEMPLE previously received grant funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) to provide parties with the flexibility to prioritize and place justice funds where they are needed most; and

WHEREAS, the Department of Justice no longer grants funds to individual entities, but rather requires jurisdictions certified as disparate to submit a joint application and agree in what proportions funds will be shared; and

WHEREAS, the Department of Justice has made a grant award of \$89,879 to be allocated by COUNTY, KILLEEN and TEMPLE; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

WHEREAS, COUNTY, KILLEEN, and TEMPLE believe it to be in their best interests to reallocate the JAG funds;

NOW THEREFORE, COUNTY, KILLEEN, and TEMPLE agree as follows:

Section 1.

The purpose of this agreement is to establish the rights and duties of each party participating in this agreement, and to establish the administration and division of any JAG award received.

Section 2.

Unless otherwise terminated, the term of this agreement shall begin on the date JAG funds are issued, and shall continue in effect until all funds are expended, but in no event shall this agreement continue beyond forty eight (48) months after the project start date of October 1, 2013.

Section 3.

KILLEEN shall submit the application for JAG funds on behalf of COUNTY, KILLEEN and TEMPLE, and further agree that KILLEEN will administer any grant award received. Copies of any and all documentation submitted to the Department of Justice or compiled in the administration of the grant by KILLEEN shall be provided to or made available for COUNTY and TEMPLE. KILLEEN will accept the administration fee of 10% from each disburse for this grant.

Section 4.

JAG has allocated \$89,879 to COUNTY, KILLEEN and TEMPLE. JAG has distributed the funds as follows:

- a. COUNTY will receive \$0
- b. KILLEEN will receive \$73,354
- c. TEMPLE will receive \$16,525

In order to provide COUNTY with a portion of the funding, KILLEEN agrees to reduce their original allocation. The adjusted anticipated \$80,891 award (reduced by administration fee of \$8,988 to Killeen) will be allocated per agreement to COUNTY, KILLEEN and TEMPLE as follows:

- a. COUNTY will receive \$24,267 or 30%
- b. KILLEEN will receive \$36,401 or 45% and
- c. TEMPLE will receive \$20,223 or 25%.

All amounts have been rounded in accordance with accounting principles. Should the amount of the award change in any way, the parties agree that division of the award will be by the percentages listed above and not the dollar amounts listed.

Section 5.

Pursuant to the terms of the grant, the parties agree to expend \$89,879 from the 2014 Byrne Justice Assistance Grant Program by a date not than later forty eight (48) months after the project start date of October 1, 2013.

Section 6.

The grant award will be used by each to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following purpose areas; law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs. Each party is responsible for expending the money granted to it in accordance with the rules of the award, and no other party to this agreement shall have any role in deciding how another party to this agreement expends funds allocated.

Section 7.

All notices from one party to another must be in writing and are effective when mailed, hand-delivered or transmitted by email as follows:

To COUNTY at: **Bell County Sheriff's Office**
 P.O. Box 749
 Belton, TX 76513
 Email: jon.burrows@co.bell.tx.us

To KILLEEN at: **City of Killeen**
 101 N. College
 Killeen, TX 76541
 Email: gmorrison@killeentexas.gov

To TEMPLE at: **City of Temple**
 2 North Main Street
 Temple, TX 76501
 Email: dblackburn@ci.temple.tx.us

Section 8.

This document constitutes the entire agreement of the parties concerning the JAG award. There are no oral representations, warranties, agreements or promises pertaining to the JAG award not incorporated into this writing. This agreement may be amended only by an instrument in writing signed by all parties.

Section 9.

As required by Chapter 791 of the Texas Government Code, each party, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party.

Section 10.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY, KILLEEN, or TEMPLE, other than claims for which liability may be imposed by the Texas Tort Claims Act found in Texas Civil Practice and Remedies Code, Chapter 101.

Section 11.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 12.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 13.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

This agreement may be executed in any number of counterparts, each of which shall be considered an original for all purposes; provided, however, that all such counterparts shall together constitute one and the same instrument.

City of Killeen, Texas

City of Temple, Texas

County of Bell, Texas

City Manager
Glenn Morrison

City Manager
David Blackburn

Jon Burrows, County Judge

ATTEST:

ATTEST:

City Secretary

City Secretary

City Attorney

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF TEMPLE, THE CITY OF KILLEEN AND BELL COUNTY TO ESTABLISH THE RIGHTS, DUTIES, ADMINISTRATION AND DIVISION OF FUNDS RECEIVED UNDER THE 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD, IN THE AMOUNT OF \$20,223; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Department of Justice has made a grant award of \$89,879 and these funds are to be used to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any or more of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs;

Whereas, the City of Killeen will administer the grant and will accept an administration fee of 10% of the grant award with the remaining amount to be allocated to Bell County, Killeen and Temple as follows: Bell County - \$24,267 (or 30%), the City of Killeen - \$36,401 (or 45%), and the City of Temple - \$20,223 (or 25%);

Whereas, the Temple Police Department plans to use their allocated funds to purchase L-3 Video Systems; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Memorandum of Understanding with the City of Temple, City of Killeen and Bell County, after approval as to form by the City Attorney, to establish the rights, duties, administration and division of funds received under the 2014 Edward Byrne Memorial Justice Assistance Grant Program Award, in the amount of \$20,223.

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

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

06/05/14
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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing acceptance of grant funding in the estimated amount of \$200,000 from the Texas Department of Transportation, Aviation Division, Capital Improvement Program, for update to the Airport Master Plan at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$20,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Airport Master Plan was adopted in June 2001. Since that time, the Airport has experienced much growth and change to the original Airport Layout Plan including a runway extension and development of a new corporate hangar area.

The Airport Master Plan is a critical working document and plays a key role in future development and acquisition of grant funds.

Before TxDOT Aviation will apply for the grant funds from the Texas Transportation Commission in August 2014, a Resolution from the City must be forwarded to TxDOT no later than June 23, 2014 to secure funds for the Master Plan project beginning October 2014 in the estimated amount of \$200,000, with the City match of 10% or estimated \$20,000.

FISCAL IMPACT: The City's share of the estimated grant project is 10% or an estimated \$20,000 due in October 2014. A budget adjustment is presented for Council's approval designating the funds from the General Fund's Designated for Capital Projects-Unallocated for the Airport Master Plan in the estimated amount of \$20,000 which represents the City's 10% match requirement for the \$200,000 grant.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

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
110-0000-352-13-45		Desg. Cap Proj-Airport Master Plan	\$ 20,000		
110-0000-352-13-45		Desg. Capital Proj-Unallocated			\$ 20,000
		<i>Do not post</i>			
TOTAL.....			\$ 20,000		\$ 20,000

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

To designate funds for the City's 10% grant match for the Airport Master Plan. The cost is estimated to be \$200,000 with the City's estimated 10% share being \$20,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING 6/5/2014

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

☐ Approved
☐ Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF GRANT FUNDING FROM THE TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, CAPITAL IMPROVEMENT PROGRAM, IN THE ESTIMATED AMOUNT OF \$200,000 FOR UPDATE TO THE AIRPORT MASTER PLAN AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, WITH THE CITY'S ESTIMATED MATCH IN THE AMOUNT OF \$20,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Airport Master Plan was adopted in June 2001 and since that time, the Airport has experience much growth and change to the original Airport Layout Plan including a runway extension and development of a new corporate hangar area;

Whereas, the Airport Master Plan is a critical working document and plays a key role in future development and acquisition of grant funds;

Whereas, before the Texas Department of Transportation (TxDOT), Aviation Division will apply for the grant funds from the Texas Transportation Commission in August 2014, a resolution from the City must be forwarded to TxDOT no later than June 23, 2014 to secure funds for the Master Plan project beginning October 2014;

Whereas, grant funding received from TxDOT Aviation is estimated at \$200,000 and the City of Temple will be responsible for 10% or an estimated \$20,000;

Whereas, funds are available for the City's 10% or an estimated \$20,000, but an amendment to the fiscal year 2013-2014 budget needs to be approved to transfer these funds into the appropriate account; and

Whereas, the City of Temple names the Texas Department of Transportation, Aviation Division as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

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

Part 1: The City Council accepts the grant funds in the estimated amount of \$200,000 from the Texas Department of Transportation, Aviation Division, for update to the Airport Master Plan at the Draughon-Miller Central Texas Regional Airport, and approves the City's 10% or an estimated \$20,000 of the funds.

Part 2: The City Council hereby directs the City Manager to execute on behalf of the City of Temple and with the appropriate authorizations of the City of Temple, all contracts and agreements with the Texas Department of Transportation, Aviation Division and such other parties as shall be necessary and appropriate for the update to the Airport Master Plan at the Draughon-Miller Central Texas Regional Airport.

Part 3: 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 4: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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

06/05/14
Item #5(L)
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 Ave U extending from S. 1st St. 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 13TH TO 17TH ST.
(TMED AVE.) CONNECTOR



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	\$ 153,300.00

Sincerely,



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. _____

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 **5th** day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



CITY COUNCIL AGENDA ITEM MEMORANDUM

06/05/14
Item #5(M)
Consent Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director

ITEM DESCRIPTION: SECOND READING - Z-FY-14-28: Consider adopting an ordinance on a Conditional Use Permit for retail nursery/landscape facility on Lot 2, Block 1, Trnum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

P&Z RECOMMENDATION: At their April 21, 2014 meeting, P&Z recommended approval of Z-FY-14-28, a Conditional Use Permit to allow a Greenhouse/Nursery (Retail) use within the I-35 Corridor Overlay, with the following conditions:

1. Landscaping is planted to screen parking and a minimum of 40 percent of the existing I-35 facing chain-link fence
2. No portable buildings or other items considered to be non-landscaping related or accessories that are stored outdoors are sold
3. with the exception that the chain link
4. Planning Director is authorized to work with the applicant on what is deemed adequate parking

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

Staff recommends approval of Z-FY-14-28, a Conditional Use Permit to allow a Greenhouse/Nursery (Retail) use within the I-35 Corridor Overlay with the following conditions:

1. Landscaping is planted to screen parking and the existing chain-link fence
2. No portable buildings or other items considered to be non-landscaping related or accessories that are stored outdoors are sold

ITEM SUMMARY: 5806 South General Bruce Drive currently has a base zoning of C (Commercial District), which allows a Greenhouse/Nursery (Retail) use by right. In fact, the use is allowed in GR (General Retail) and NS (Neighborhood Services) Districts by right, as well. However, the I-35 Corridor Overlay requires approval of a CUP (Conditional Use Permit) for a Greenhouse/Nursery (Retail) use.

According to Mr. Mogavero's (business owner) letter, the proposed landscaping company site:

- Does not propose any modifications at this time
- Would include trees, shrubs, mulch pavers and ornamental landscaping accessories
- The facility was previously used by a roofing company
- No portable buildings are proposed to be sold at the site

Considering that the applicant does not propose any additional improvements to the site, the I-35 Corridor Overlay standards would not be triggered at this time. The standards could be triggered by any improvements proposed in the future. However, the applicant is working on providing a site plan, which will be forwarded to P&Z members as soon as it is ready, which would show the proposed locations of their retail inventory. Considering that the office is approximately 800 sf, all of their inventory is proposed to be located outside behind an existing chain link fence

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	Auto-Urban Commercial	C	Roofing co. (most recently)
North	Auto-Urban Commercial	C	Commercial
South	Auto-Urban Commercial	C	Commercial
East	Auto-Urban Commercial	LI and GR	Commercial
West	Auto-Urban Commercial	C	Vacant

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive 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

CP = Comprehensive Plan

Future Land Use Map (CP Map 3.1)

The entire area is shown as Auto-Urban Commercial. According to the Comprehensive Plan, "Auto-Urban Commercial is for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along the major roads."

Thoroughfare Plan (CP Map 5.2)

The site is located along a Major Arterial (IH-35).

Availability of Public Facilities (CP Goal 4.1)

An 8" water line and a 6" sewer line is available to the rear. A 6" water line and an 8" sewer line are available to the front of the property.

REVIEW CRITERIA (UDC Section 3.5.4): In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above 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 CUP, the Planning and Zoning Commission may recommend and 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 CUP 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.

PUBLIC NOTICE: Nine 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 Thursday April 17, 2014 at 12:00 pm, 1 notice had been returned in favor and no notices in opposition 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:

Application (including letter and testimonials)
Site, Surrounding Properties and Killeen Location Photos
Location Map
Zoning Map
Future Land Use Map
Site Plan
Notification Map
Returned Property Owner Responses
Ordinance

City of Temple Universal Application

(Incomplete applications will not be accepted)

- | | | |
|---|--|---|
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Appeal of Administrative Decision |
| <input type="checkbox"/> Plat Vacation | <input checked="" type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Residential Masonry Exception |
| <input type="checkbox"/> Minor or Amending Plat | <input type="checkbox"/> Planned Development (PD) | <input type="checkbox"/> Nonresidential Masonry Exception |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> PD Site Plan | <input type="checkbox"/> Park, Facility or Street Renaming |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> I-35 Appeal | <input type="checkbox"/> Cost Sharing Offsite Participation |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> I-35 Site Plan Review | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> TMED Site Plan Review | <input type="checkbox"/> Street Use License (SUL) |
| | <input type="checkbox"/> TMED Variances/Warrants | |

PROJECT INFORMATION:

☐ Residential ☒ Commercial ☒ Property Platted ☐ Property Not Platted ☐ ETJ

Project Name: The Landscape Guys Parcel(s) Tax ID# (Required): _____

Project Address (Location): 5806 S. Gen. Bruce Dr. Total Acres: 1/2

Lot: 2 Block: 1 Subdivision: Tranum Subdivision Phase VIII

Cabinet #: _____ Slide #: _____

Outblock (if not platted): _____

Brief Description of Project: Retail Nursery/Landscape Facility - see attached

Current Zoning Retail # of Existing Lots 1 # of Existing Units _____

Proposed Zoning Retail # of Proposed Lots _____ # of Proposed Units _____

APPLICANT / CONTACT INFORMATION: (This will be the primary contact; please ensure email address is legible)

Name: Butch Mogavero Company Name: 1408 S. Robinson Dr. 76706

Address: 1408 S Robinson Dr City: Waco State: TX Zip: 76706

Phone: 254-214-5555 Cell #: same Fax #: _____

Email Address: 254-214-5955

PROPERTY OWNER INFORMATION:

Name: Chris McGregor Company Name: _____

Address: 2806 Wickersham Dr. City: Temple State: TX Zip: 76502

Phone: 254-770-7762 Cell #: same Fax #: _____

Email Address: mcchecker05@aol.com

DEVELOPER ☐ ENGINEER ☐ SURVEYOR INFORMATION: (Please ensure email address is legible)

Name: _____ Company Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell #: _____ Fax #: _____

Email Address: _____

VARIANCE / EXCEPTION / APPEAL DESCRIPTION: (Attach additional page if additional space is required)

City of Temple Universal Application

(Incomplete applications will not be accepted)

CHECKLIST

Submittal Requirements <i>All Checklists are available on Planning Applications webpage</i>	All Plats	CUP & PD	Zone Change	Sketch Plan	I-35	I-35 Appeal	TMED	TMED Variance/Waiver	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	9	2	1	9	2	2	2	2	1	1	1	1	1
Field Notes or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓

*May be required depending on nature of Appeal/Variance

Total valuation of proposed improvements for project in 1st & 3rd/TMED/I-35: \$ _____

FEE SCHEDULE

Abandonment	\$100.00
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL) (renewed every 15 years)	\$150.00
*Zone Change/CUP/PD/Site Plan	\$150.00 + \$3.00/acre unplatted

*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculating a filing fee and does not round up or down.

By signing this application, staff is granted access to your property to perform work related to your case. Each signature must be notarized.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: Frank Mogavero

For Plats Only: This waiver must be completed for all Plat applications; failure to do so will result in the rejection of your application.

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government code.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: _____

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity there instated.

Given under my hand and seal of office on this 24th day of march, 2014

[Signature]
Notary Public Signature



For Department Use Only

Project #: R-FY-14-27
 Project Manager: Brian Chandler
 Total Fee(s): \$150.00
 Fee Credit: —
 Payment Method: CHECK
 Submittal Date: 26 March 14
 Accepted By: M. Maffei
 Accepted Date: 26 March 14

Untitled

March 20, 2014

RE: 5806 South General Bruce Dr Temple 76502

Propose to open a retail nursery/landscape facility using the existing office and fenced area (approx one-half acre). No modifications shall be made to the existing facility, drainage etc. Fenced area shall be used to display and sell trees, bushes, landscaping items (stone, wood, pavers, mulch) & ornamental accessories. Everything shall be arranged/ displayed in an orderly fashion. This facility was previously used by Russell Pajestka Roofing. There will be no portable buildings on the site. I have attached photos of the facility in Killeen which is located on heavily travelled Ft Hood Road. There is a need for this type of business in Temple as it is difficult to find a professional nursery/ landscape facility. We are professional landscape designers and are looking forward to bringing revenue in and beautifying Temple.

The Landscape Guys
Butch Mogavero

THELANDSCAPEGUYSTX.com

Description for The Landscape Guys

The Landscape Guys is a complete landscaping business serving Waco, Temple, Killeen, and Central TX. We have been in the business of creating beautiful decorative curving and landscaping since 1999!

Landscape curbing is a concrete border system that is intended to replace more costly and less durable traditional lawn edging like brick and wood. It separates and enhances your existing exterior design and has become the perfect choice for home improvement projects for the following reasons:

- Less costly and more durable than traditional lawn edging
- Acts as a great root barrier
- Design flexibility including flowing curves, straight lines, and custom designs
- Reduces edging and trimming time for lawns
- Adds value to your property
- Looks great!

Please contact us at (254) 773-2872 for more information or set up an appointment today!

Testimonials

"Butch and the team at The Landscape Guys,

Thanks for all you did for us; the trees make a world of difference.

I consider myself to be very thrifty. If I buy something or hire someone to perform a service; I do my homework and compare pricing and value. I work hard for my money and want the most for it.

When I decided to plant trees at our new home, I did my homework. I'd planned to buy trees and plant them myself; that is, until I met you and your team at The Landscape Guys. Not only did you offer large, 45-65 gallon, quality, Red Oaks, Live Oaks, and Crape Myrtle at a very competitive price, you planted them within 24 hours!!

I am so pleased with the outstanding value, extra care, and professionalism of you and your team I have recommended The Landscape Guys to anyone willing to listen. If someone is on the fence about buying trees or landscaping; send them my way. I'll tell them how pleased I am and let them know; I couldn't find better value than The Landscape Guys!"

Thanks Again
Brian Jones

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON,
YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING
INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN
REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS:
YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

WARRANTY DEED

Date: June 21, 2013

Grantor: JAMES E. TRANUM and EVA MARIE TRANUM
P. O. Box 1150
Temple, Bell County, Texas 76503-1150

Grantee: CHRIS A. MCGREGOR and wife, KAREN L. MCGREGOR
2806 Wickersham Drive
Temple, Bell County, Texas 76502

Consideration:

- (a) The sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration to GRANTOR paid by GRANTEE, the receipt of which is hereby acknowledged; and
- (b) the assumption by GRANTEE of all ad valorem taxes on The Property for 2013 and subsequent years, including subsequent assessments for years prior to 2013 due to a change in land usage or ownership.

Property (including any improvements):

Lots Two (2) and Three (3), in Block One (1), of Trantum Subdivision, Phase VIII, in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet D, Slide 395-B, Plat Records of Bell County, Texas; being a replat of all of Lot One (1), Block Two (2), Trantum Subdivision, Phase II, in




Existing Building (to be used as office)



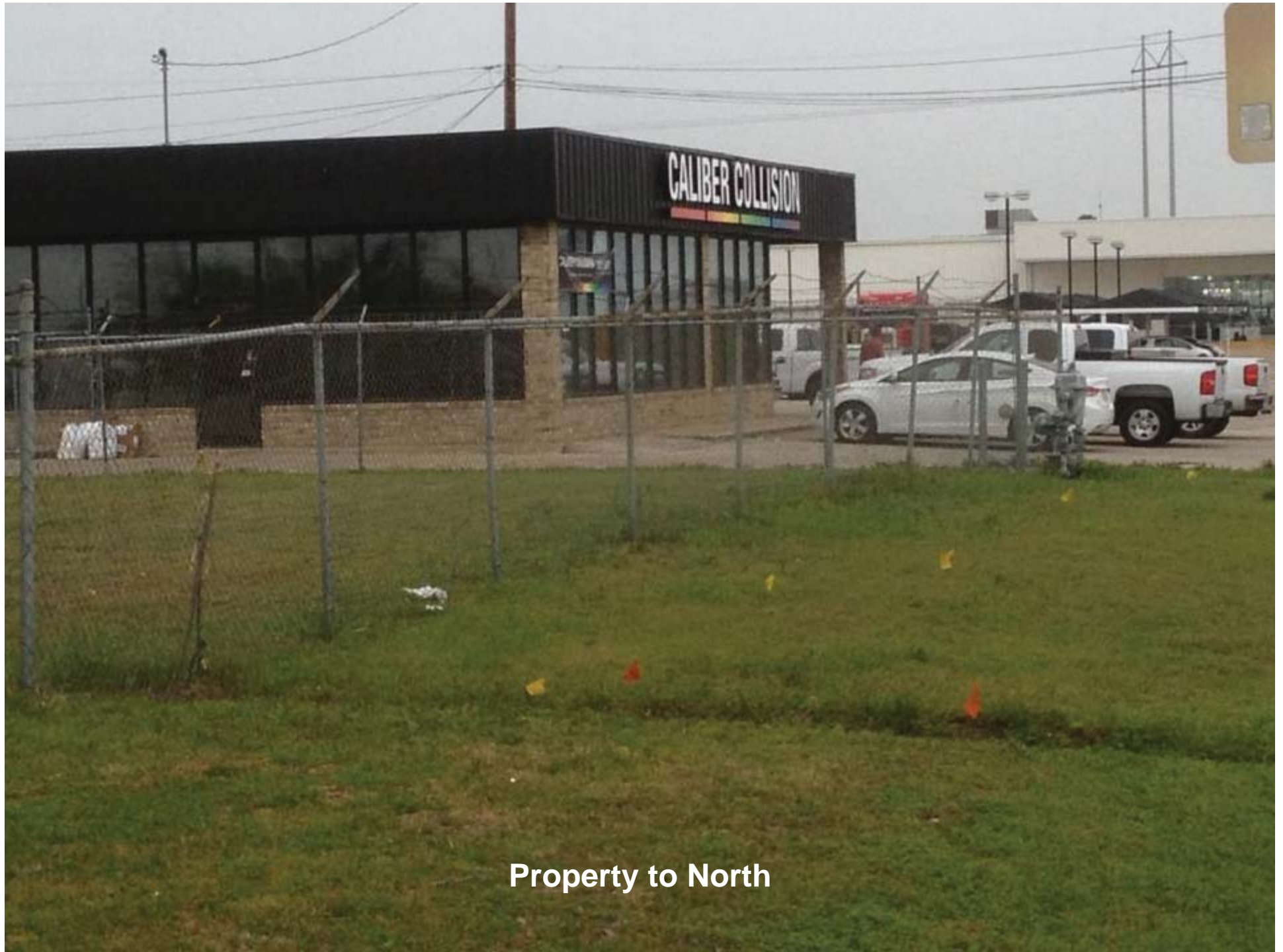
Existing Site



Property to North



Property to East



Property to North



Killeen Landscape Guys Location



Killeen Landscape Guys Location



Killeen Landscape Guys Location



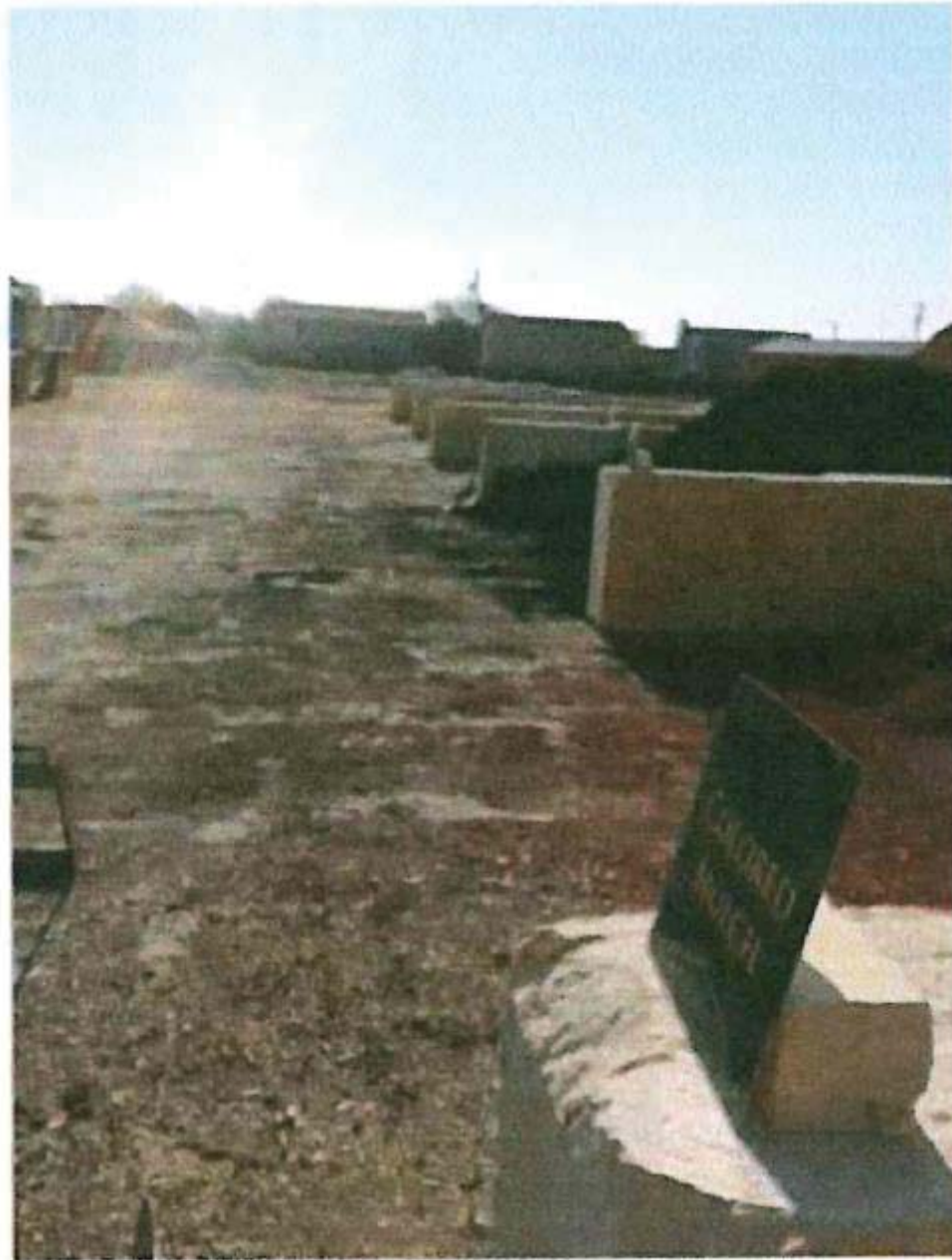
Killeen Landscape Guys Location



Killeen Landscape Guys Location



Killeen Landscape Guys Location



Killeen Location: Mulch in rock bins



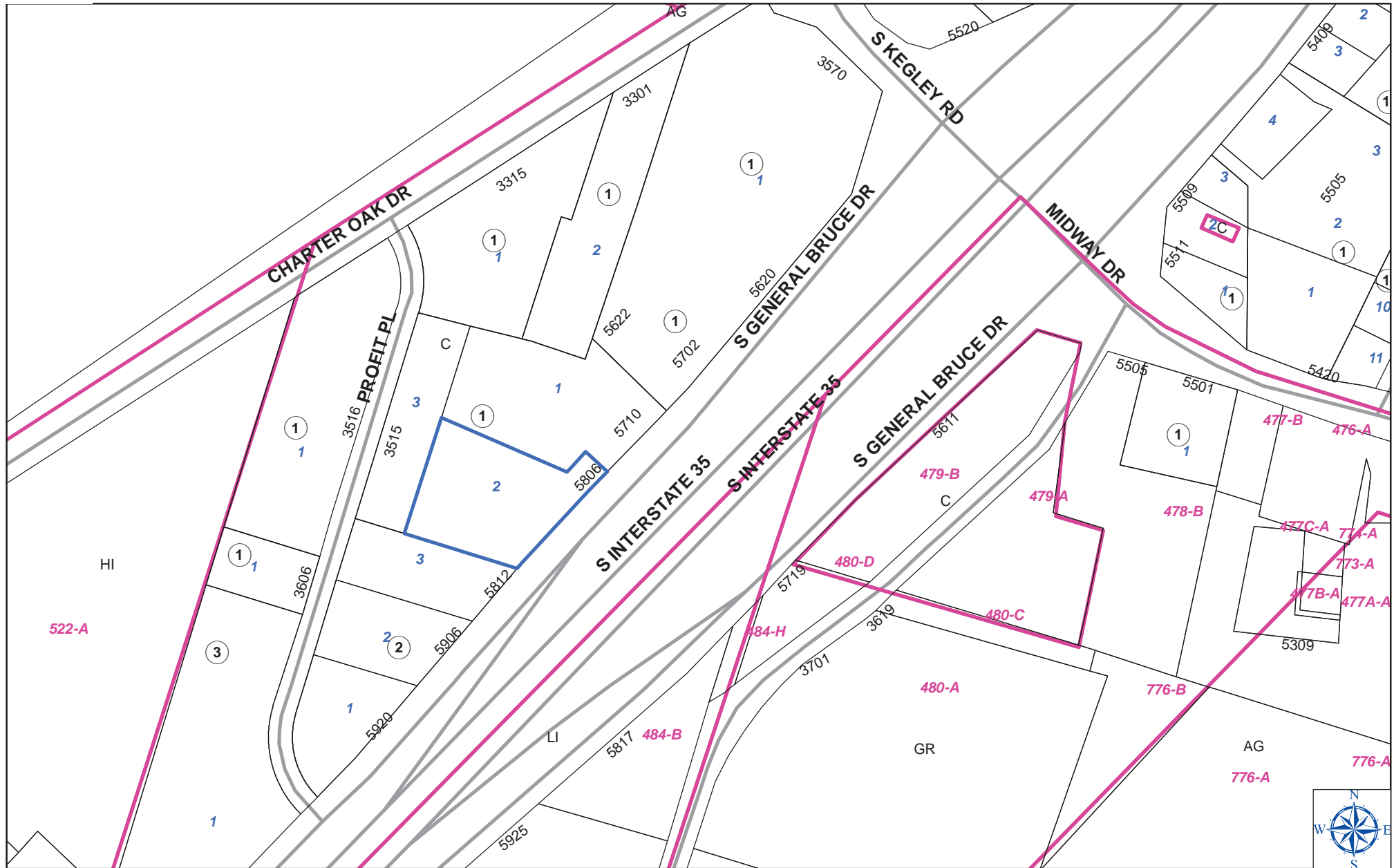
Killeen Location: Stacked flagstone



Z-FY-14-28

Location Map

5806 S. Gen. Bruce Dr.



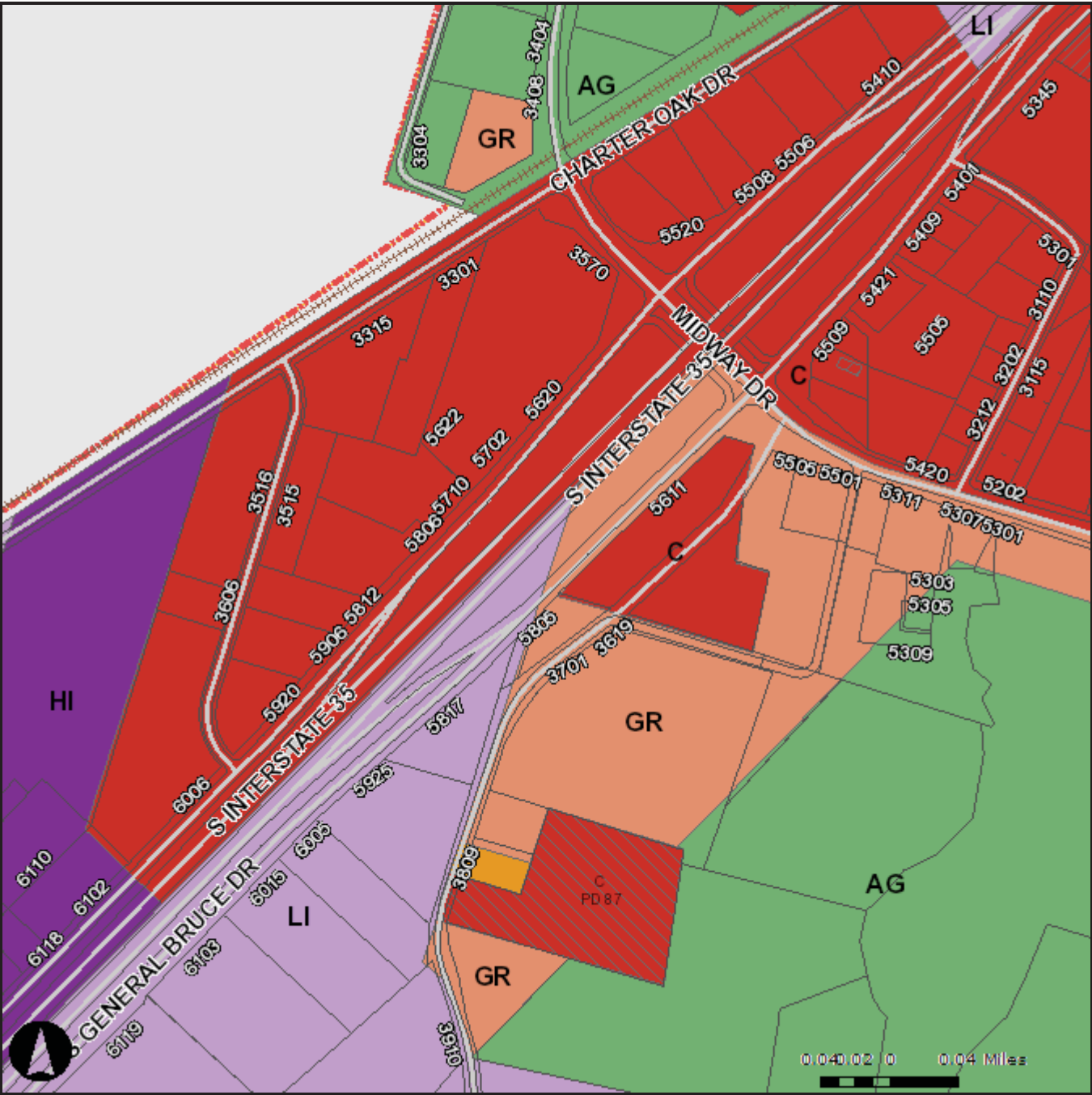
- Case
- Parcel
- Subdivisions
- Zoning

0 100 200
Feet

4/17/2014
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.

5806 S. Gen. Bruce Drive Zoning





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.

4/17/2014
City of Temple GIS

REMAINDER
OF BLOCK 1
PLACE ADDITION
D.B. 51.46-A

Asphalt Public Maintained Roadway
Cob. B, Sl. 46-A

PROFIT PLACE

N 17°07'13" E 451.30'
(Record Call "Profit Place" N 14°19'36" E 875.93')

LOT 3
1.151 Acre

BLOCK 1

LOT 1

The landscape Guys

Bins for
Storage of Mulch
& Stone



LOT 2

1.705 Acre

Colored Stone & Mulch

Display Area

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

parking

Patio Area



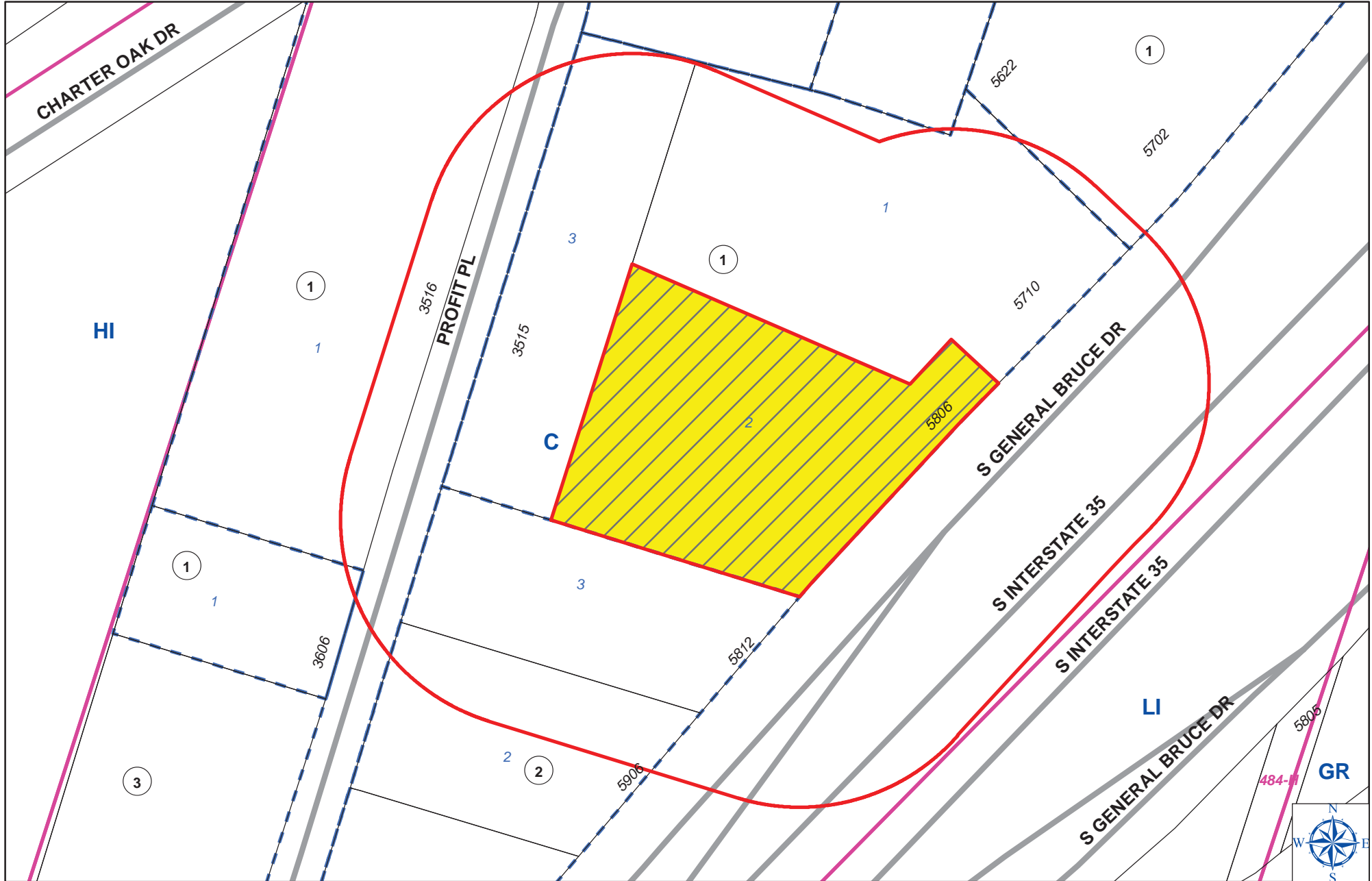
5806 S. Gen. Bruce



Z-FY-14-28

Proposed Nursery CUP

5806 S. General Bruce Drive



Case



Zoning

1234-A Outblock Number

① Block Number



200' Buffer



Subdivision

1234 Address

1 Lot Number



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



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

C. Aubrey Smith Jr.
P.O. Box 162326
Austin, Texas 78716

F
PROFIT PLACE
TEMPLE

Zoning Application Number: Z-FY-14-28


Project Manager: Brian Chandler

Location: 5806 South General Bruce Drive

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:


(Signature)

C. AUBREY Smith 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 15 2014
City of Temple
Planning & Development

ORDINANCE NO. 2014-4669

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR A RETAIL NURSERY/LANDSCAPE FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; 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 lot 2, block 1, Trantum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for a retail nursery/landscape facility; 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 retail nursery/landscape facility on lot 2, block 1, Trantum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A, 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. Landscaping is planted to screen parking and a minimum of 40 percent of the existing I-35 facing chain-link fence;

- B. No portable buildings or other items considered to be non-landscaping related or accessories that are stored outdoors are sold; and
- C. That the Director of Planning is authorized to work with the applicant on what is deemed adequate 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 **15th** day of **May**, 2014.

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

06/05/14
Item #5(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2014.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMAR: This item will present in detail the second quarter ending March 31, 2014, for the General, Water & Sewer, Hotel/Motel Tax, Drainage, and Self-Funded Health Insurance Funds.

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

The second quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2014.

FISCAL IMPACT: The total amount of budget amendments is \$172,125.

ATTACHMENTS:

Quarterly Financial Statements (electronic copy)

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE SECOND QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2013-2014; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Director of Finance has prepared the second quarter 2013-2014 fiscal year financial results which details the first quarter ending March 31, 2014, for the General, Water & Sewer, Hotel/Motel Tax, Drainage, and Self-Funded Health Insurance Funds;

Whereas, included in the first quarter results are various schedules detailing grants, sales tax, capital projects, investments and a forecast of year-end financial results for the General Fund mas of September 30, 2014; and

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

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

Part 1: The City Council approves the second quarter 2013-2014 fiscal year financial results, more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

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

06/05/14
Item #5(O)
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 \$164,322.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
June 5, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2036-521-2110		Office supplies	\$ 100	
110-2036-521-2111		Computer supplies	\$ 750	
110-2036-521-2112		Food items/supplies	\$ 120	
110-2036-521-2113		Clothing & uniforms	\$ 690	
110-2036-521-2115		Fuel	\$ 1,800	
110-2036-521-2116		Supplies & tools	\$ 1,201	
110-2036-521-2124		Camera/film supplies	\$ 120	
110-2036-521-2128		Postage	\$ 100	
110-2036-521-2211		Instruments/special equipment	\$ 39,460	
110-2036-521-2212		Office machines	\$ 200	
110-2036-521-2224		Communication equipment	\$ 374	
110-2036-521-2333		Automotive maintenance	\$ 250	
110-2036-521-2511		Printing/publication	\$ 380	
110-2036-521-2514		Travel & training	\$ 4,371	
110-2036-521-2515		Dues & subscriptions	\$ 650	
110-0000-452-0143		Commercial Vehicle Enforcement		\$ 50,566
To appropriate funds for the start up costs associated with the Commercial Vehicle Enforcement Program.				
240-4400-551-2725		Alcohol beverages COGS	\$ 14,500	
240-0000-445-1072		Alcohol beverages revenue		\$ 14,500
To appropriate additional funds due to increased sales. The associated revenue will offset the additional funds needed.				
561-5000-535-6912		Capitalized administrative costs	\$ 600	
561-5000-535-6532		UR bond fund contingency		\$ 600
365-1500-515-2221		Computer equipment	\$ 600	
365-3400-531-6532		CO bond fund contingency		\$ 600
To appropriate additional funds needed to capitalize the start up costs of the CIP Project Coordinator. Cost includes a laptop.				
110-3500-552-1616		Parks - Professional	\$ 4,950	
110-1500-515-6532		Council contingency		\$ 4,950
To appropriate funding for a professional services agreement with Pastor, Behling & Wheeler, LLC for a study at the Bend O' the River site.				
110-2033-521-2120		Education/recreation (POPS)	\$ 650	
110-0000-442-0722		Police donations		\$ 600
110-0000-442-0720		Police revenue		\$ 50
To appropriate donations received to purchase bikes and supplies for the Bike Rodeo.				
110-2011-521-1119		Police overtime - Panda	\$ 70,000	
110-2011-521-1119		Police overtime - Temple Mall	\$ 22,000	
110-2033-521-1119		Police overtime - Tobacco grant	\$ 6,659	
110-0000-442-0718		Police overtime		\$ 98,659
To appropriate additional funds for overtime incurred for outside entities. All overtime costs are reimbursed by the outside agencies.				
110-2100-529-2117		Janitorial supplies	\$ 1,600	
110-0000-461-0841		Donations - Animal Control		\$ 1,600
To appropriate donations received by Animal Control during FY 2014.				
TOTAL AMENDMENTS			\$ 172,125	\$ 172,125

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
June 5, 2014

		APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit Credit
GENERAL FUND			
		Beginning Contingency Balance	\$ 498,072
		Added to Contingency Sweep Account	89,700
		Carry forward from Prior Year	-
		Taken From Contingency	(285,853)
		Net Balance of Contingency Account	\$ 301,919
		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	\$ 402,391
		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
June 5, 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		(13,745)
		Net Balance of Contingency Account	\$	15,362
		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	\$	15,362
		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. _____

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 5th day of **June**, 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

06/05/14
Item#6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks & Leisure Services
Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending Chapter 22 “Miscellaneous Provisions and Offenses,” Section 22-92, “Tree Board,” of the City Code to provide that the duties of the Tree Board will be assumed by the Parks and Leisure Services Advisory Board.

STAFF RECOMMENDATION: Conduct public hearing, and adopt ordinance as presented in item description on first reading.

ITEM SUMMARY: Section 22-92 of the City Code sets forth the establishment, membership, and duties of the City’s “Tree Board.” Due to recent quorum issues with the Tree Board, Staff is requesting that the duties of the Tree Board be assumed by the Parks and Leisure Services Advisory Board. Those duties include:

- (1) Development of public awareness and education programs relating to trees;
- (2) Promotion of Arbor Day in the City;
- (3) Development and updating of a five-year plan for planting trees on City Property;
- (4) Submission of a yearly report to the City Council of the Board’s activities;
- (5) Advising the Parks and Leisure Services Department on the issues relating to the planting or maintenance of trees and other landscaping on City Property;
- (6) Development of a list of recommended trees for planting on City Property; and
- (7) Such other duties as may be assigned to the Board by the City Council.

The effect of the proposed amendment would be the discontinuation of a separate Tree Board and the assumption of those duties by the Parks and Leisure Services Advisory Board. The proposed amendment has been discussed with various Board members of the Tree Board and there is agreement to making this change.

FISCAL IMPACT: None

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 22, "MISCELLANEOUS PROVISIONS AND OFFENSES," SECTION 22-92, "TREE BOARD," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE TO PROVIDE THAT THE DUTIES OF THE TREE BOARD WILL BE ASSUMED BY THE PARKS AND LEISURE SERVICES ADVISORY BOARD; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 22-92 of the Code of Ordinances sets for the establishment, membership and duties of the City's 'Tree Board' and due to recent quorum issues, staff recommends that the duties of that board be assumed by the Parks and Leisure Services Advisory Board – those duties include:

- Development of public awareness and education programs relating to trees;
- Promotion of Arbor Day in the City;
- Development and updating of a five-year plan for planting trees on City property;
- Submission of a yearly report to the City Council of the Board's activities;
- Advising the Parks and Leisure Services Department on the issues relating to the planting or maintenance of trees and other landscaping on City property;
- Development of a list of recommended trees for planting on City property;
- Such other duties as may be assigned to the Board by the City Council;

Whereas, the effect of the proposed amendment would be the discontinuation of a separate Tree Board and the assumption of those duties by the Parks and Leisure Services Advisory Board;

Whereas, staff and members of the Tree Board are in agreement with this proposed change; and

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 22, "Miscellaneous Provisions and Offenses," Section 22-92, "Tree Board," of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

Chapter 22
MISCELLANEOUS PROVISIONS AND OFFENSES
ARTICLE VI. TREE CARE

Sec. 22-92. Tree Board.

(a) **Establishment and membership.** The City Council hereby creates an advisory board known as the "Tree Board." The duties of the Tree Board will be carried out by the Parks & Leisure Services Advisory Board.

(b) **Duties.** The duties of the Tree Board shall include:

- (1) Development of public awareness and education programs relating to trees;
- (2) Promotion of Arbor Day in the City;
- (3) Development and updating of a five-year plan for planting trees on City Property;
- (4) Submission of a yearly report to the City Council of its activities;
- (5) Advising the Parks and Leisure Services Department on the issues relating to the planting or maintenance of trees and other landscaping on City Property;
- (6) Development of a list of recommended trees for planting on City Property; and
- (7) Such other duties as may be assigned to it by the City Council from time to time.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **June**, 2014.

PASSED AND APPROVED on Second Reading on the **19th** day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



CITY COUNCIL ITEM MEMORANDUM

06/05/14

Item #7

Regular Agenda

Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING - A-FY-14-6: Consider adopting an Ordinance authorizing (a) abandonment and conveyance of a 0.041 +/- acre portion of Carriage House Drive and (b) release of a portion of an adjoining 10-foot utility easement, in order to reconfigure and Replat Lots 12 and 13, Block 9, Carriage House Village Phase I.

STAFF RECOMMENDATION: Conduct public hearing on second and final reading and adopt Ordinance as presented in item description abandoning a portion of Carriage House Drive and a portion of a 10-foot utility easement located in front of Lots 12 and 13, as further described below and depicted in the referenced exhibits.

ITEM SUMMARY: The applicant, Turley Associates on behalf of property owner, RTC Construction Ltd., has submitted a request for the abandonment and conveyance of a 0.041 +/- acre portion of Carriage House Drive and the release of a 0.014 +/- acre portion of a utility easement located in front of Lots 12 & 13, Block 9, Carriage House Village, Phase I. The utility easement to be released is not within the right-of-way to be abandoned. The right-of-way to be abandoned is not paved. The reason for the request is to complete the sale of two single-family home lots that have been issued construction permits.

In June 2012, the City Council had approved rezoning of the two lots from SF-2 to SF-3. This accommodated the proposed reconfiguration of the lots and the utility easement on the cul-de-sac bulb that was platted but never built. The reduced setback from 25-feet to 15-feet accommodated the utilities and allowed new homes to align with the existing house to the south. While the rezone addressed the front setback issue, it did not address the sliver of unused right-of-way that was in the front of the lots.

The current configuration of the street was dedicated as right-of-way showing a cul-de-sac knuckle (radius bulb) and the placement of 10-foot utility easement along the front property line. This occurred with the recordation of the Carriage House Village, Phase 1 Final Plat. During construction the contractor/builder did not construct the knuckle; as a result the homebuilder constructed homes as if the property line was continuous from with the neighboring properties. A Replat showing this correction has been submitted, reviewed by staff and pending recordation upon a determination of this abandonment application.

The right-of-way area proposed for abandonment is approximately 1,786 square feet (0.041 acre) and according Local Government Code Section 253.013 may be eligible for donation to the adjacent property owner. No appraisal is being required. As a result of these time sensitive issues, the Public Hearing is anticipated to be held during the 2nd Reading of the Ordinance.

As part of the construction permit process, outside utilities have been relocated at the property owner's expense and are in place. Water and sewer services are in existing and in place.

Planning staff contacted all utility providers, including the Public Works Department, regarding the proposed abandonment. Due to the sense of urgency from the applicant to move the request forward, staff has not received formal comments back from the utility companies or Public Works. An update will be provided to the City Council during at the time of the Public Hearing.

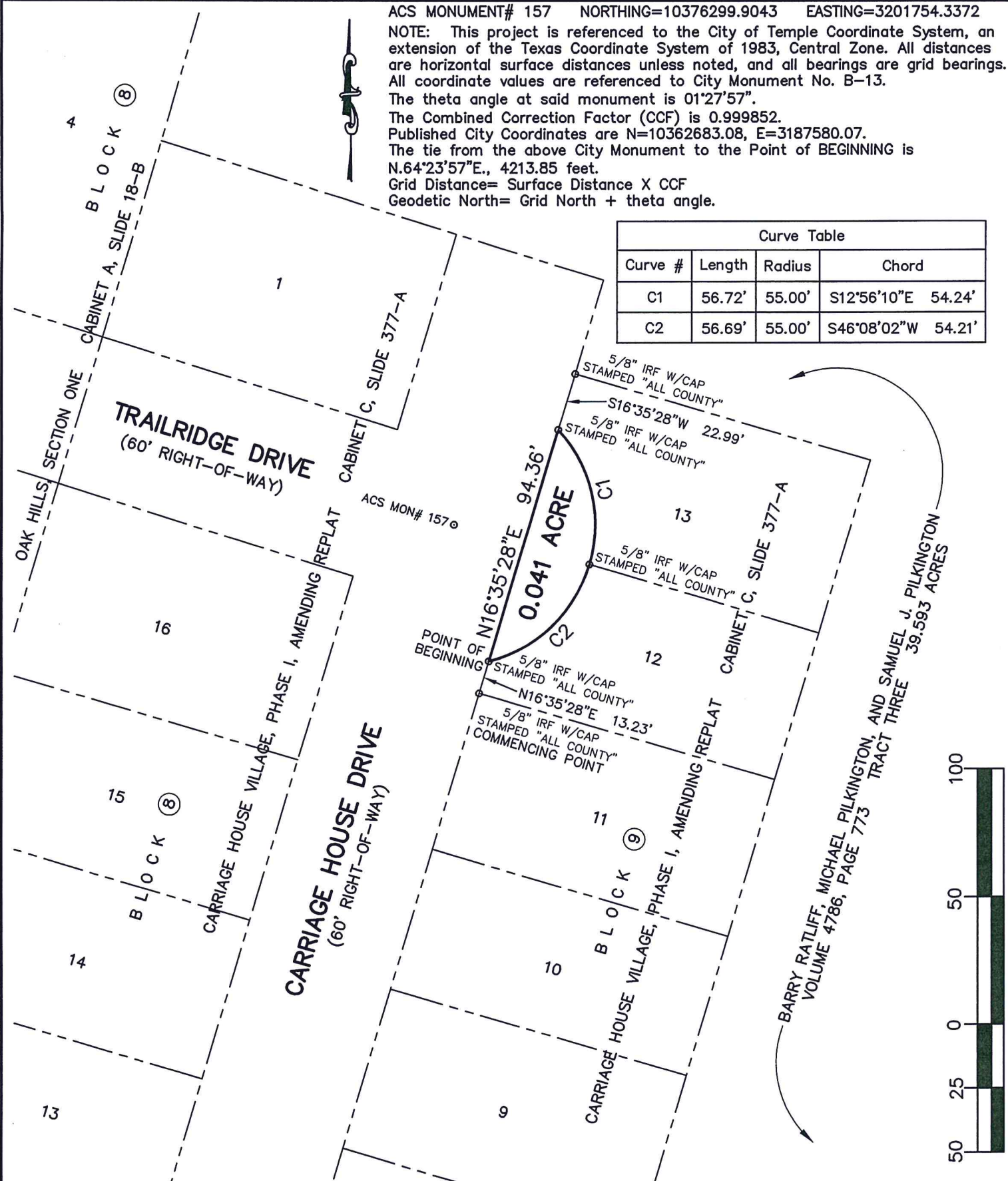
FISCAL IMPACT: N/A – Per Texas Local Government Code Section 253.013, the property may be eligible for donation to adjacent property owners. In addition, staff recommends the easement be released at no cost to the underlying property owner, per Section 272.001 of the Texas Local Government Code.

ATTACHMENTS:

[Surveyors Sketch of Right of Way Abandonment \(Exhibit A\)](#)
[Surveyors Sketch of Easement release \(Exhibit B\)](#)
[Ordinance](#)

ACS MONUMENT# 157 NORTHING=10376299.9043 EASTING=3201754.3372
NOTE: This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted, and all bearings are grid bearings. All coordinate values are referenced to City Monument No. B-13. The theta angle at said monument is 01°27'57". The Combined Correction Factor (CCF) is 0.999852. Published City Coordinates are N=10362683.08, E=3187580.07. The tie from the above City Monument to the Point of BEGINNING is N.64°23'57"E., 4213.85 feet. Grid Distance= Surface Distance X CCF Geodetic North= Grid North + theta angle.

Curve Table			
Curve #	Length	Radius	Chord
C1	56.72'	55.00'	S12°56'10"E 54.24'
C2	56.69'	55.00'	S46°08'02"W 54.21'



BEING a 0.041 acre tract of land situated in the BALDWIN ROBERTSON SURVEY, ABSTRACT No. 17 in Bell County, Texas and being a part or portion of right-of-way dedicated to the City of Temple for Carriage House Drive, a publicly dedicated roadway by the plat of Carriage House Village, Phase I, Amending Replat, a subdivision to the City of Temple, Bell County, Texas and being of record in Cabinet C, Slide 377-A, Plat 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, do hereby certify that this survey was this day made on the property described herein and is correct.

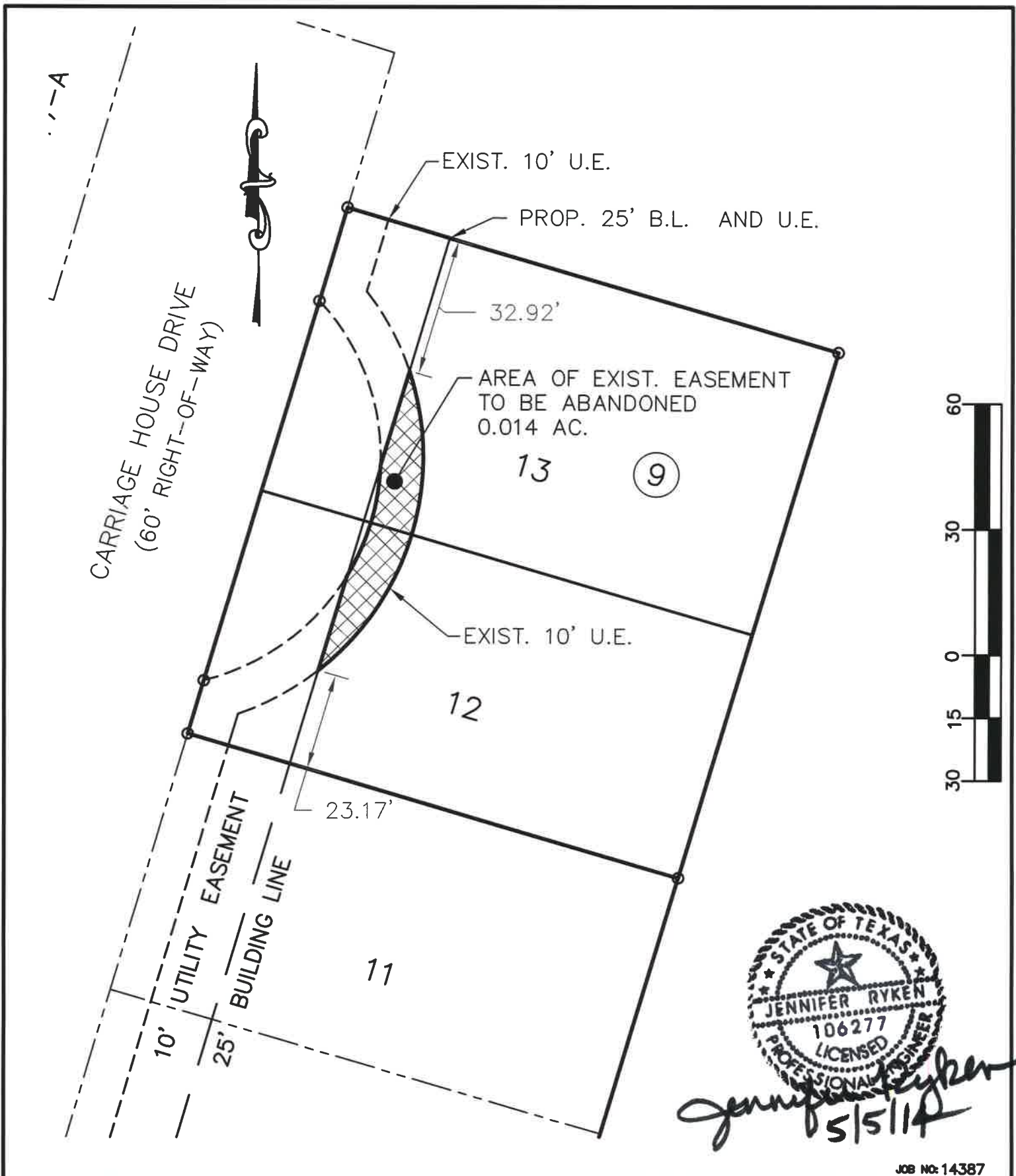
WITNESS THEREOF, my hand and seal, this the 8th day of April, 2014.



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

JOB NO: 14387

 ENGINEERING • PLANNING • SURVEYING CONSTRUCTION MANAGEMENT TURLEY ASSOCIATES, INC. 301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400	RIGHT-OF-WAY ABANDONMENT 0.041 ACRE BALDWIN ROBERTSON SURVEY, ABS. NO. 17 CITY OF TEMPLE, BELL COUNTY, TEXAS	DATE: 04/08/14	SCALE: 1:50	DWN. BY: JRG
		REFERENCE: 12835-D	F.B. & L.B.:	
		SHEET 1 OF 1	FILE NO: 12835-A	



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400

EASEMENT ABANDONMENT EXHIBIT

BALDWIN ROBERTSON SURVEY, ABS. NO. 17
CITY OF TEMPLE, BELL COUNTY, TEXAS

DATE: 5/5/14	SCALE: 1:30	DRAWN BY: JGR
REFERENCE: 12835-D	F.B. & L.B.:	
SHEET 1 OF 1	FILE NO. 12835-A	

JOB NO: 14387

ORDINANCE NO. 2014-4666

(A-FY-14-06)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ABANDONMENT AND CONVEYANCE OF AN APPROXIMATELY 0.041 ACRE PORTION OF CARRIAGE HOUSE DRIVE AND RELEASING AN APPROXIMATELY 0.014 PORTION OF AN ADJOINING 10-FOOT-WIDE UTILITY EASEMENT, IN ORDER TO RECONFIGURE AND REPLAT LOTS 12 AND 13, BLOCK 9, CARRIAGE HOUSE VILLAGE, PHASE I; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, RTC Construction Ltd requests abandonment and conveyance of an approximately 0.041 acre portion of Carriage House Drive and release of an approximately 0.014 acre portion of a 10-foot-wide utility easement adjoining the front of RTC Construction's property, Lots 12 and 13, Block 9, Carriage House Village, Phase I;

Whereas, staff has contacted all utility providers, including the Public Works Department, regarding the proposed abandonment and confirmed that all existing public utilities are located either within the remaining right-of-way for Carriage House Drive or the 25-foot-wide public utility easement that will be dedicated by the proposed amending plat known as Carriage House Village No. 3;

Whereas, pursuant to Texas Local Government Code §253.013, the conveyance would be at no cost to the property owner if the governing body of a City finds that the property is not improved, including having a structure on it or by being paved, ownership of the property does not provide any identifiable positive benefit to the City in relation to the City's current needs, ownership of the property is not likely to provide any identifiable positive benefit to the City in relation to the City's future needs; and the cost of maintaining the property is of substantial burden to the city. Governing body finds that all of these statements are true with regard to the property in question and therefore, in accordance with Texas Local Government Code §253.013, the City may donate the approximately 0.041 acre portion of Carriage House Drive to the adjacent property owner, RTC Construction Ltd.; 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 an approximately 0.041 acre portion of Carriage House Drive and releases an approximately 0.014 portion of a 10-foot utility easement, adjoining the front of Lots 12 and 13, Block 9, Carriage House Village, Phase I.

Part 2: Pursuant to Texas Local Government Code §253.013, the City conveys the approximately 0.041 portion of Carriage House Drive to the adjacent property owner, which is RTC Construction Ltd.

Part 3: This ordinance takes effect upon recordation of the approved plat of Carriage House Village No. 3.

Part 34: 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 **15th** day of **May**, 2014.

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

06/05/14
Item#8(A)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING - Consider adopting an ordinance authorizing the annexation of 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.

STAFF RECOMMENDATION: Conduct public hearing on second and final reading and adopt ordinance as presented.

ITEM SUMMARY: John R. Kiella, Kiella Land Investments Management, LLC, filed a petition on March 6, 2014 seeking voluntary annexation of 136.576 acres called the Groves at Lakewood Ranch 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 April 3, 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. Public Hearings were held to present the Municipal Service Plan on April 17, 2014 and April 21, 2014.

The applicant has requested to zone the property Single Family-2 (SF-2), which would be considered by City Council at the same time as the annexation request (First Reading on May 15, 2014 and Second Reading with a Public Hearing on June 5, 2014).

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:

[Location Map](#)

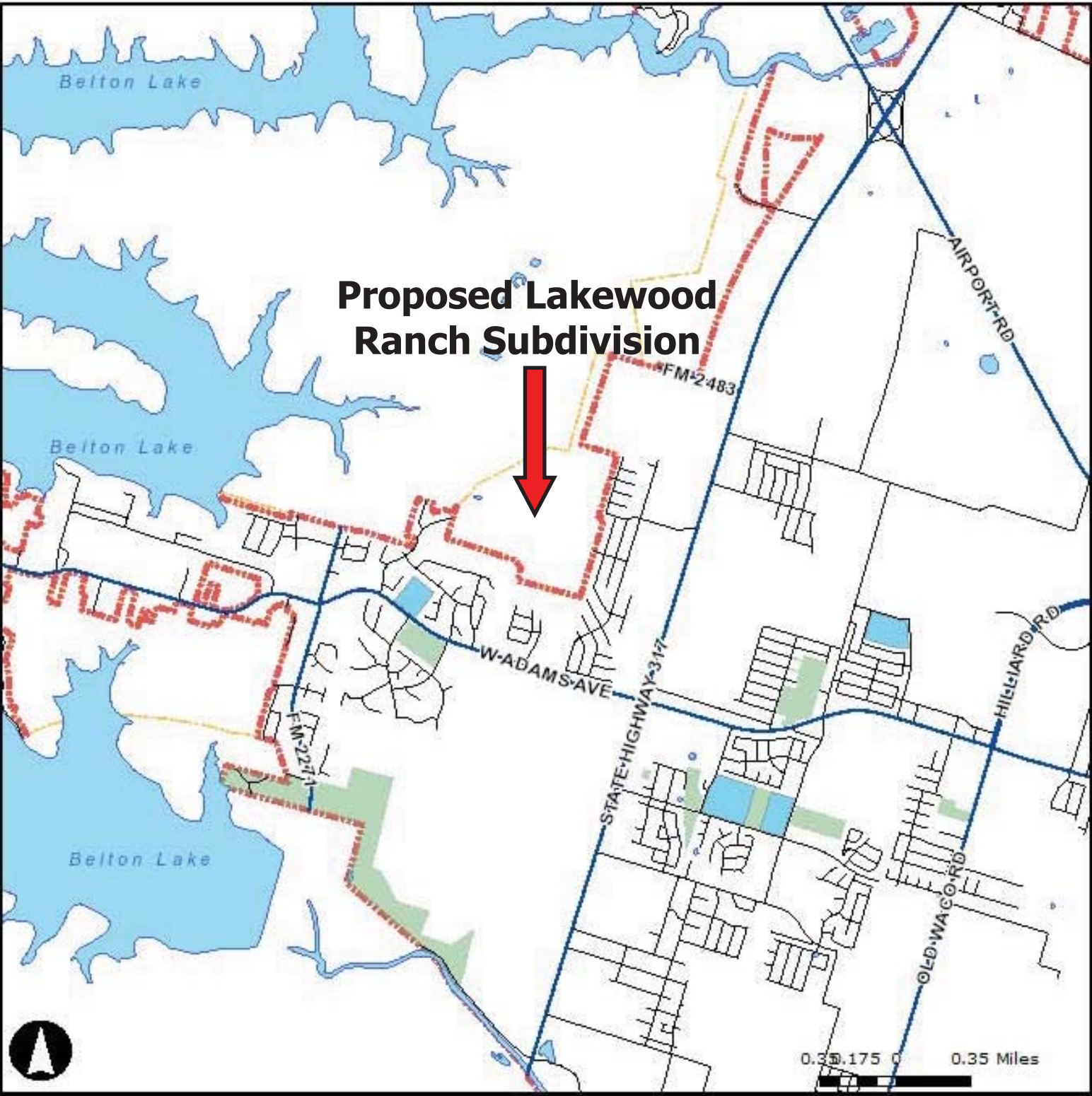
[Municipal Service Plan](#)

[Field Notes of Proposed Annexation](#)

[Area Survey of Proposed Annexation](#)

[Ordinance](#)

Lakewood Ranch Location Map



**CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
LAKEWOOD RANCH**

For 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. 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 7 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 treatment 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 136.576 acre tract situated in the JOHN J. SIMMONS SURVEY, ABSTRACT No. 737, Bell County, Texas and the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 23.856 acre tract (TRACT 2) described in a Special Warranty Deed dated October 1, 2012 from Edward William Clinite, Trustee of the Esta Laperle Clinite Descendants Separate Trust to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042201, Official Public Records of Bell County, Texas and being a part or portion of that certain 112.763 acre tract of land described in a Special Warranty Deed dated October 1, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042199, Official Public Records of Bell County, Texas and being a part or portion of that certain 35.000 acre tract of land described in a Special Warranty Deed dated May 17, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00020165, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod found being the northeast corner of the said 112.763 acre tract and being an interior ell corner in the west boundary line of that certain 54.98 acre tract of land described as Windmill Farms, Phase II according to the map or plat of record in Cabinet D, Slide 243-B, Plat Records of Bell County, Texas for corner;

THENCE S. $17^{\circ} 03' 51''$ W., 693.17 feet with the east boundary line of the said 112.763 acre tract to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the northeast corner of the said 35.000 acre tract for corner;

THENCE S. $17^{\circ} 02' 53''$ W., 1332.16 feet departing the said 112.763 acre tract and with the east boundary line of the said 35.000 acre tract and with the west boundary line of the said Windmill Farms Phase II and continuing with the west boundary line of that certain tract of land described in a Deed to Whitis Investments, Ltd and being of record in Volume 5397, Page 167, Official public Records of Bell County, Texas and continuing with the west boundary line of that certain tract of land described as Windmill Farms, Phase One according to the map or plat of record in Cabinet D, Slide 72-D, Plat Records of Bell County, Texas to a point for corner;

THENCE N. $74^{\circ} 37' 47''$ W., 1595.06 feet departing the east boundary line of the said 35.000 acre tract and the west boundary line of the said Windmill Farms, Phase One and over and across the said 35.000 acre tract and continuing over and across the aforementioned 112.763 acre tract to a point being in a west boundary line of the said 112.763 acre tract and being in the east boundary line of that certain 23.210 acre tract of land (TRACT 1) described in a Special Warranty Deed dated October 1, 2012 from Edward William Clinite, Trustee of the Esta Laperle Clinite Descendants Separate Trust to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042201, Official Public Records of Bell County, Texas for corner;

THENCE with the west and south boundary lines of the said 112.763 acre tract and with the east and north boundary lines of the said 23.210 acre tract (TRACT 1) the following three (3) calls:

- 1) N. $16^{\circ} 40' 00''$ E., 313.53 feet to a point being the most easterly northeast corner of the said 23.210 acre tract for corner;
- 2) N. $39^{\circ} 38' 38''$ W., 243.18 feet to a point being the most northerly northeast corner of the said 23.210 acre tract for corner;

- 3) N. 72° 08' 42" W., 1777.46 feet to a ½" iron rod found being the southwest corner of the said 112.763 acre tract and being the northwest corner of the said 23.210 acre tract and being in the east boundary line of that certain 25.000 acre tract of land described in a Executor's Special Warranty Deed dated April 2, 2008 from Edward William Clinite, Independent Executor and as Trustee of any Trusts Created under the Last Will and Testament of LaVerne Miller, Deceased to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2008-00016748, Official Public Records of Bell County, Texas for corner;

THENCE N. 17° 52' 20" E., 712.25 feet with the east boundary line of the said 25.000 acre tract and with the west boundary line of the said 112.763 acre tract to a ½" iron rod with cap stamped "RPLS 2475" found being the northeast corner of the said 25.000 acre tract and being the southeast corner of that certain 23.856 acre tract (TRACT 2) described in said Document No. 2012-00042201, Official Public Records of Bell County, Texas for corner;

THENCE N. 54° 57' 16" E., 5.79 feet departing the said east and west boundary lines and over and across the said 112.763 acre tract to a point for corner;

THENCE N. 24° 20' 30" W., 17.60 feet over and across the said 112.763 acre tract and continuing over and across the said 23.856 acre tract to a point for corner;

THENCE continuing over and across the said 23.856 acre tract the following five (5) calls:

- 1) S. 54° 23' 10" W., 24.76 feet to a point for corner;
- 2) N. 17° 46' 25" E., 2.98 feet to a point for corner;
- 3) S. 54° 23' 42" W., 1.00 feet to a point for corner;
- 4) N. 37° 15' 50" E., 15.29 feet to a point for corner;
- 5) N. 50° 38' 46" E., 30.44 feet to a point for corner;

THENCE N. 83° 00' 00" E., 60.00 feet over and across the said 23.856 acre tract and continuing over and across the said 112.763 acre tract to a point for corner;

THENCE continuing over and across the said 112.763 acre tract the following four (4) calls:

- 1) S. 07° 00' 00" E., 25.13 feet to a point for corner;
- 2) N. 69° 17' 09" E., 176.16 feet to a point for corner;
- 3) N. 56° 51' 22" E., 198.63 feet to a point for corner;
- 4) N. 25° 57' 06" E., 186.43 feet to a ½" iron rod found at a fence corner post being the most southerly southwest corner of that certain 50 acre tract of land described in a Warranty Deed dated July 28, 1987 from J. F. Cross, Individually and as Independent Executor of the Estate of Celestine J. Cross to Jerry Don Cross and being of record in Volume 2327, Page 549, Official Public Records of Bell County, Texas and being in the north boundary line of the said 112.763 acre tract for corner;




THENCE with the north and west boundary lines of the said 112.763 acre tract and with the south and east boundary lines of the said 50 acre tract the following two (2) calls:

- 1) S. $72^{\circ} 22' 32''$ E., 976.99 feet (calls S. $72^{\circ} 22' 30''$ E., 976.99 feet) to a $\frac{1}{2}$ " iron rod found at a fence corner post being the southeast corner of the said 50.0 acre tract for corner;
- 2) N. $16^{\circ} 02' 23''$ E., 281.40 feet (calls N. $16^{\circ} 02' 23''$ E., 281.40 feet) to a $\frac{1}{2}$ " iron rod found at a fence corner post being the southwest corner of that certain 37.5 acre tract of land described in a Warranty Deed dated January 30, 1991 from J. F. Cross, individually and as Executor of the Estate of Celestine Cross to Jerry Don Cross and being of record in Volume 2700, Page 437, Official Public Records of Bell County, Texas for corner;

THENCE S. $73^{\circ} 16' 22''$ E., 2085.93 feet departing the said 50.0 acre tract and with the south boundary line of the said 37.5 acre tract (calls S. 71° E., 747 varas) and continuing with the north boundary line of the said 112.763 acre tract (calls S. $73^{\circ} 16' 22''$ E., 2085.93 feet) to a $\frac{1}{2}$ " iron rod found being the occupied southeast corner of the said 37.5 acre tract and being an exterior ell corner in the west boundary line of the aforementioned Windmill Farms Phase II for corner;

THENCE S. $73^{\circ} 28' 23''$ E., 148.62 feet (calls S. $73^{\circ} 28' 23''$ E., 148.91 feet) departing the said 37.5 acre tract and continuing with the said north boundary line and with the said west boundary line to the Point of BEGINNING and containing 136.576 acres of land.

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


 Michael E. Alvis, R.P.L.S. #5402
 March 5, 2014



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

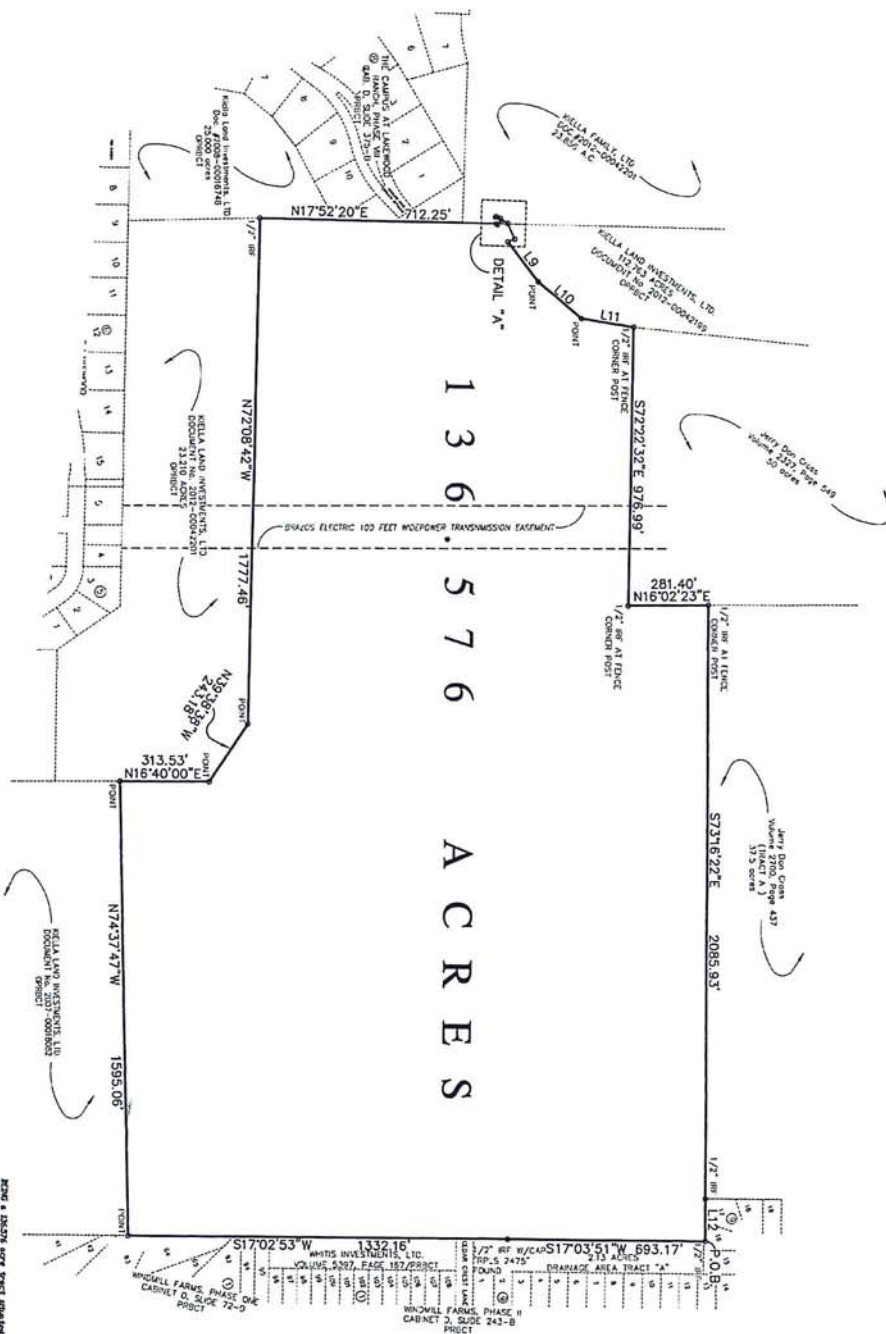
ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506
 THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 29' 04''$
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852
 PUBLISHED CITY COORDINATES ARE X = 3,198,199.05 Y = 10,383,950.33
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. $21^{\circ} 53' 15''$ E., 4123.65 FEET.
 GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGL



IN WITNESS WHEREOF, my hand and seal, this the 6th day of March, 2014.

Michael E. Ahe

Michael E. Ahe, D.P.S., No. 5402

[illegible]

1:200



OUT OF AND A PART OF
JOHN J. SIMMONS SURVEY, ABSTRACT No. 737, Bell County, Texas
and the GEORGE V. LINDSEY SURVEY, ABSTRACT No. 513, Bell
County, Texas

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

REVISION:

DATE: March 4, 2014

REF.: 00009,0730-D 110

FB/LB:	DATA COL.
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SHEET 1 OF 1

12700

FILE NO.

FIRM # 1654



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS 76501 (254) 773-2400
E-MAIL: mail@turley-inc.com FAX NO. (254) 773-3998

ORDINANCE NO. 2014-4667

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING AN APPROXIMATELY 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, 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 an approximately 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, described in Exhibit 'A' (Field Notes

and Survey) attached hereto (hereinafter 'the Property'), 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 on the **15th** day of **May**, 2014.

PASSED AND APPROVED on Second and Public Hearing on the **5th** day of **June**, 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

06/05/14
Item #8(B)
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING - Z-FY-14-29 & Z-FY-14-31 - Consider an ordinance adopting permanent zoning upon annexation to Single- Family Two District (SF-2) on 136.576 +/- acres; **and** granting a rezoning from Urban Estate District (UE), Agricultural District (AG), and Single-Family One District (SF-1) to Single- Family Two District (SF-2) on a total 57.298 +/- acres, all being located east of The Campus at Lakewood Ranch, Phase VIII and extending to the west side of Windmill Farms, Phases I and II, and north of The Highlands.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 5, 2014, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of Z-FY-14-29 allowing permanent zoning of SF-2 upon annexation and approval of Z-FY-14-31 for a rezoning from AG, UE, and SF-1 to SF-2. Commissioners Pitts and Johnson were absent.

STAFF RECOMMENDATION: Conduct public hearing on second and final reading.

Staff recommends **approval** of Z-FY-14-29 allowing permanent zoning of **SF-2 District** upon annexation for the following reasons:

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

Staff recommends **approval** of Z-FY-14-31 with the requested rezoning to **Single Family Two District** (SF-2) for the following reasons:

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

ITEM SUMMARY: The subject properties in Z-FY-14-29 and Z-FY-14-31 are part of the proposed Master Preliminary Plat for The Groves at Lakewood Ranch, known as P-FY-14- 22.

Zoning Case Z-FY-14-29 involves property currently going through the voluntary annexation process. The applicant, John Kiella, requests the property be annexed into the City of Temple with Single-Family Two District (SF-2) as its permanent zoning district.

Zoning Case Z-FY-14-31 is a request for rezoning from Urban Estate District (UE), Agricultural District (AG), and Single-Family One District (SF-1) to Single-Family Two District (SF-2). Both zoning requests are to allow development of a single-family residential subdivision to be known as The Groves of Lakewood Ranch.

The applicant's requested SF-2 zoning district permits single-family detached residences and related accessory structures and provides for smaller single-family lots. This district may also be used as a transition from the SF-1 District to less restrictive or denser residential zoning districts.

The requested SF-2 zoning district would allow the following, but is not limited to: a family or group home, industrialized housing, single-family detached dwelling, place of worship, and farm, ranch, orchard or garden.

Prohibited uses include patio home, single-family attached dwelling, townhouse, duplex, zero lot line dwelling, halfway house, HUD-Code manufactured homes and land lease communities, retail and commercial Uses, among others.

The City of Temple Comprehensive Plan recommends a classification of **Suburban Residential** for the subject property. According to the City of Temple Comprehensive Plan, the Suburban Residential land use classification is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways.

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 Residential	AG, UE, & SF-1	Agricultural/Undeveloped Land
North	Suburban Residential	AG	Agricultural/Single-Family Residential
South	Suburban Residential	AG, SF-1, & MF-2	Single-Family, & Multi-Family
East	Suburban Residential	SF-2	Single-Family Residential
West	Suburban Residential	AG, UE	Agricultural/Single-Family Residential

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The property is identified as Suburban Residential . The applicant's requested Single-Family Two District complies with this recommendation.	Yes
CP	Map 5.2 - Thoroughfare Plan	The requested Single-Family Two zoning district complies with the surrounding local streets. However, since the developer proposes a collector in a location different than the one recommended by the Thoroughfare Plan, a future amendment will be needed.	Partial

CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Water and sewer facilities are available to the site. A 10-inch water line bisects the subject properties. A six-inch water line is available at Richland Drive and from Cedar Crest Lane. An 8-inch sewer line is available from Cedar Crest Lane. The developer proposes new 8-inch water lines and sewer lines throughout the development.	Yes
STP	Temple Trails Master Plan Map & sidewalks	Per UDC section 8.2.3, sidewalks are required on both sides of arterials and one side of collector streets. Sidewalks are required to be installed at the time of development and will be noted on the plat.	This will be addressed during the platting and development process

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: Dimensional standards for development in the SF-2 District are as follows:

- Minimum lot size – 5,000 sq. feet
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 25 feet
- Side Yard Setback – 5 feet (interior)
- Side Yard Setback – 15 feet (corner)
- Rear Yard Setback – 10 feet

PUBLIC NOTICE: Fifty-three notices of the Planning and Zoning Commission public hearing for **Z-FY-14-29** were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of April 30, 2014, no notices were returned in favor of the request and no notices were returned in opposition.

Fifty-five notices of the Planning and Zoning Commission public hearing for **Z-FY-14-31** were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of May 6, 2014, no notices were returned in favor of the request and two notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearings for Z-FY-14-29 and Z-FY-14-31 on April 24, 2014, in accordance with state law and local ordinance.


FISCAL IMPACT: Not Applicable




ATTACHMENTS:

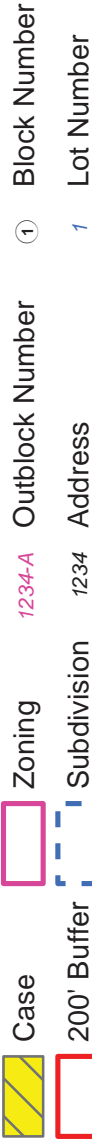
Subject and Surrounding Property
Photos Zoning and Location Map
Future Land Use and Character Map
Thoroughfare Map
Utility Map
Buffer Notification Map
Notification Response letters
Ordinance

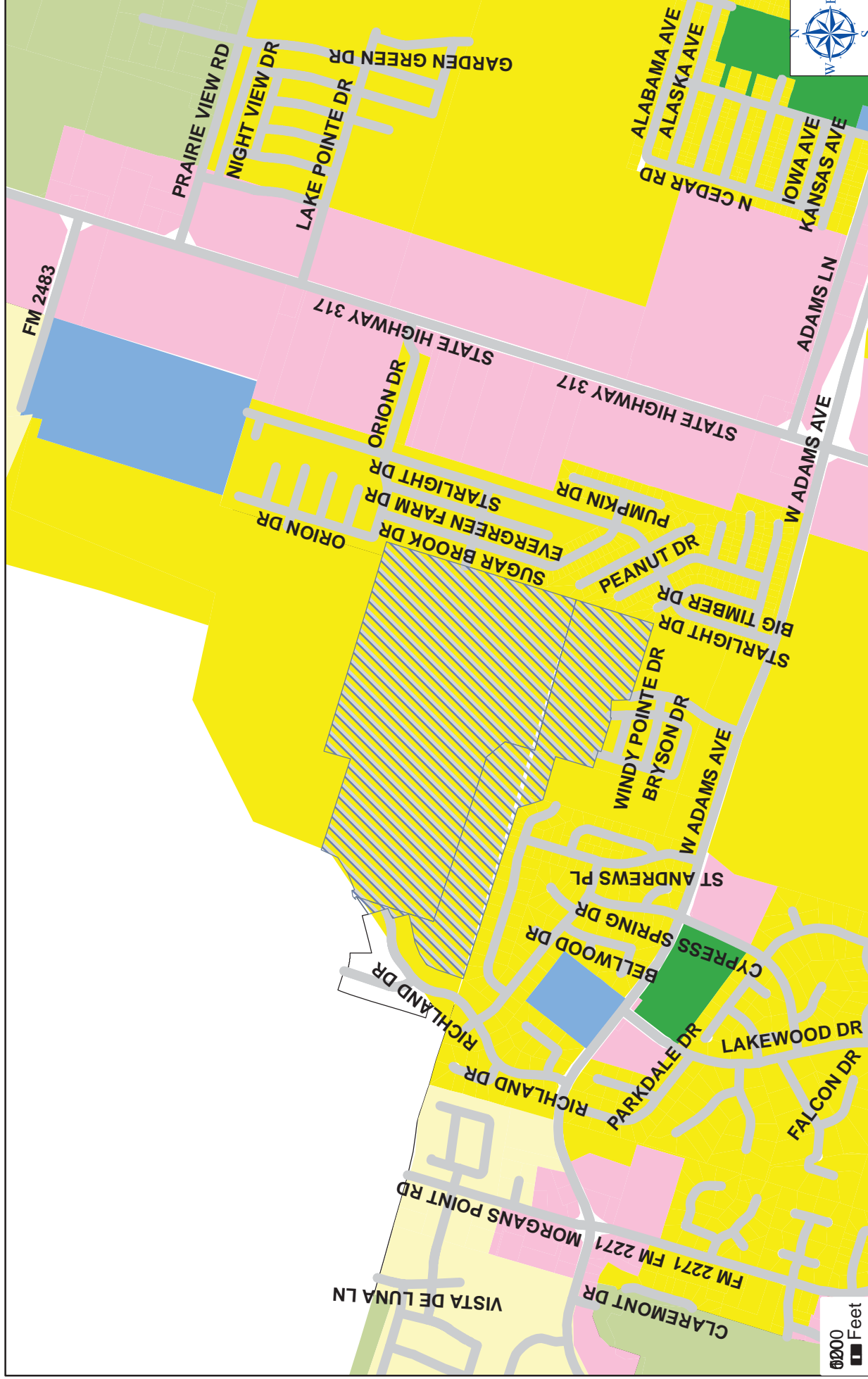
SURROUNDING PROPERTY AND USES:

The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG, UE, and SF-1	Agricultural / Undeveloped Land	 <p>Richland Drive View.</p>
			 <p>Inverness Road & St. Andrews Place View</p>
East	SF-2	Single-Family Residential	 <p>View towards Windmill Farms</p>

Direction	Zoning	Current Land Use	Photo
West	AG, UE	Agricultural Land / Single-Family Residential	
South	AG, SF-1, and MF-2	Residential	 <p>St. Andrews Place & Inverness Road intersection</p>
North	AG/ETJ	Agricultural / Single-Family Residential	





Future Land Use

- Zoning Cases 2014
- Neighborhood Conservation
- Estate Residential

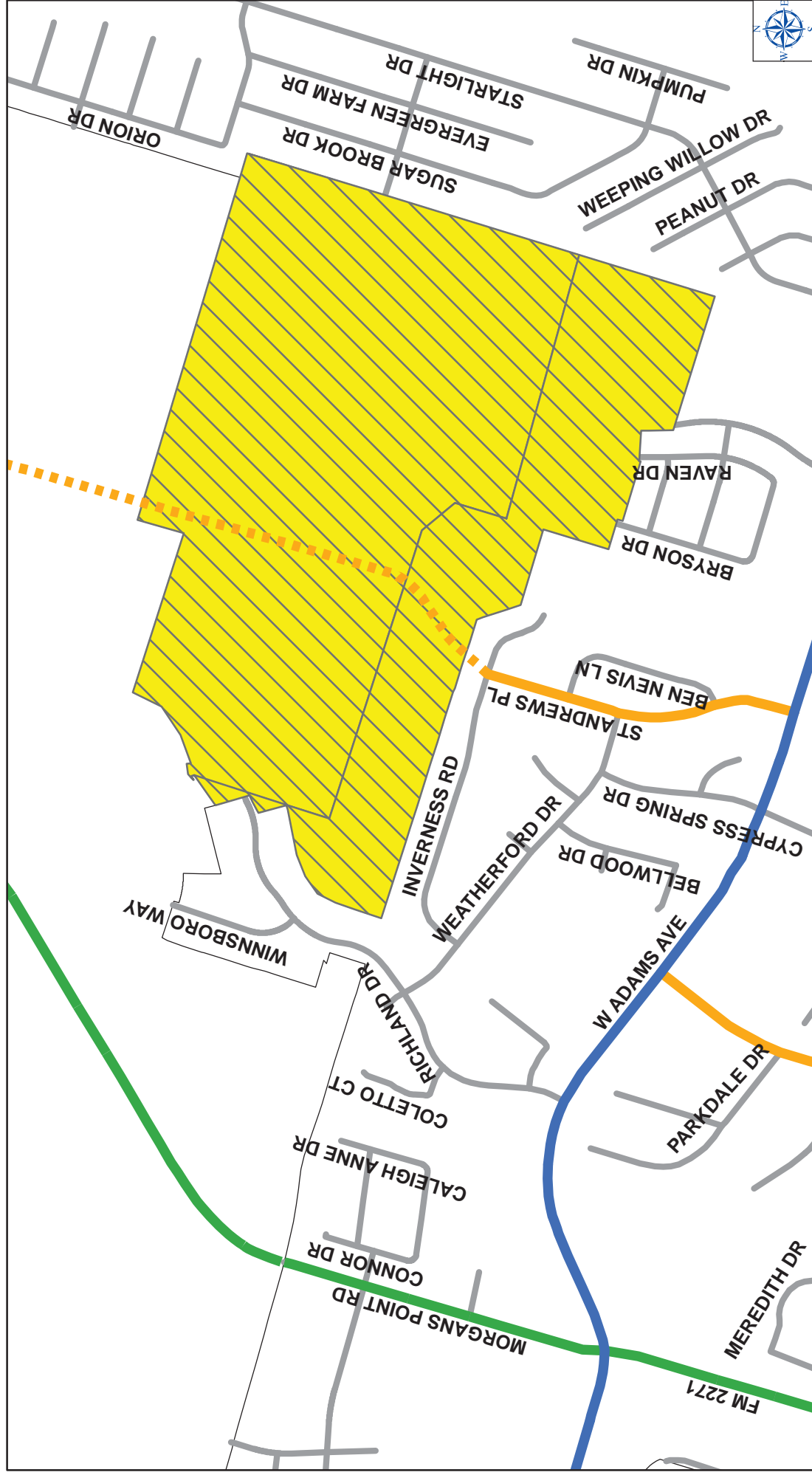
- Suburban Residential
- Auto-Urban Residential
- Auto-Urban Multi-Family

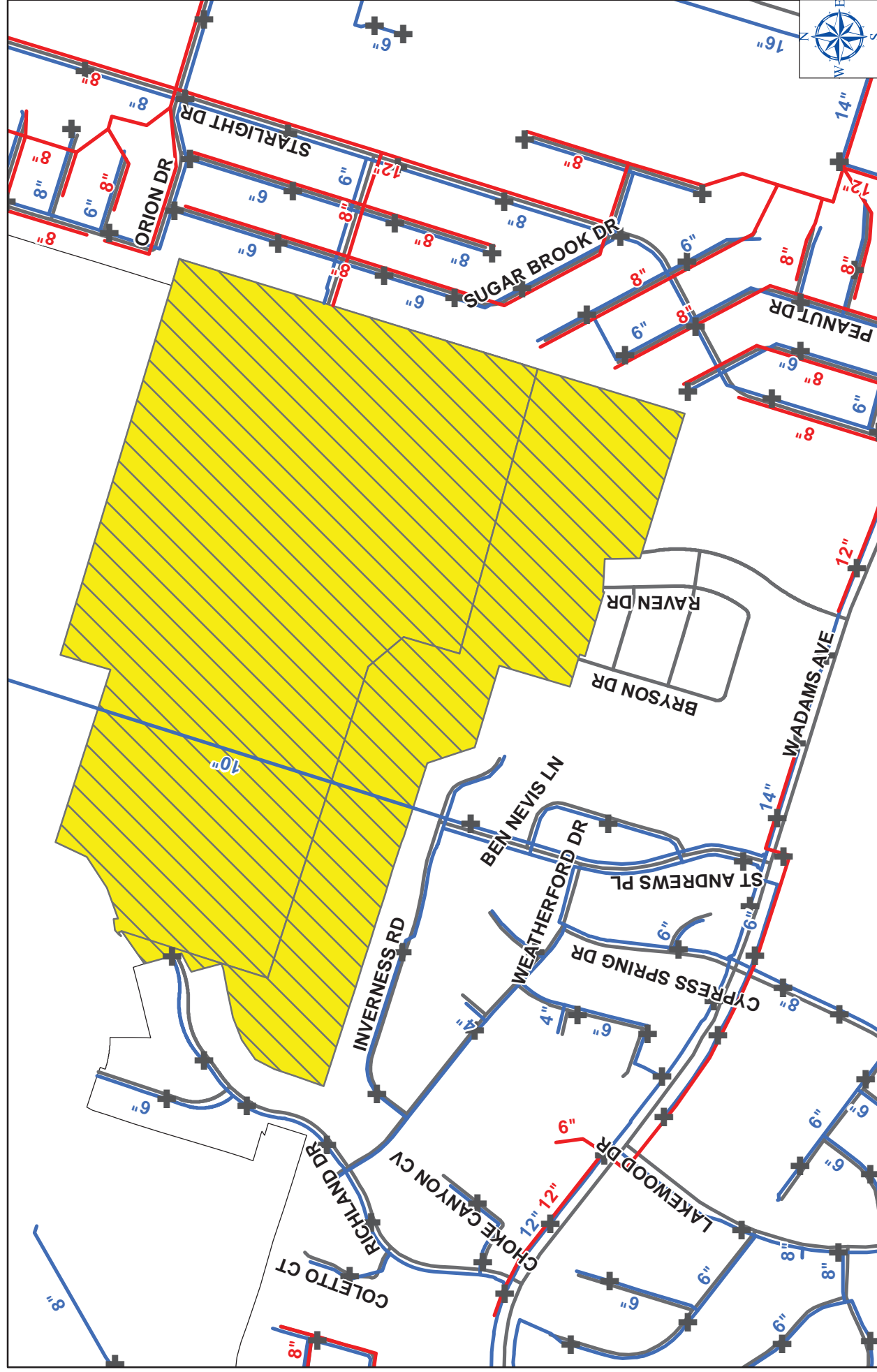
- Auto-Urban Mixed Use
- Auto-Urban Commercial
- Suburban Commercial

- Urban Center
- Temple Medical Education District
- Industrial

- Business Park
- Public Institutional
- Parks & Open Space
- Agricultural/Rural

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 or property boundaries and other features.





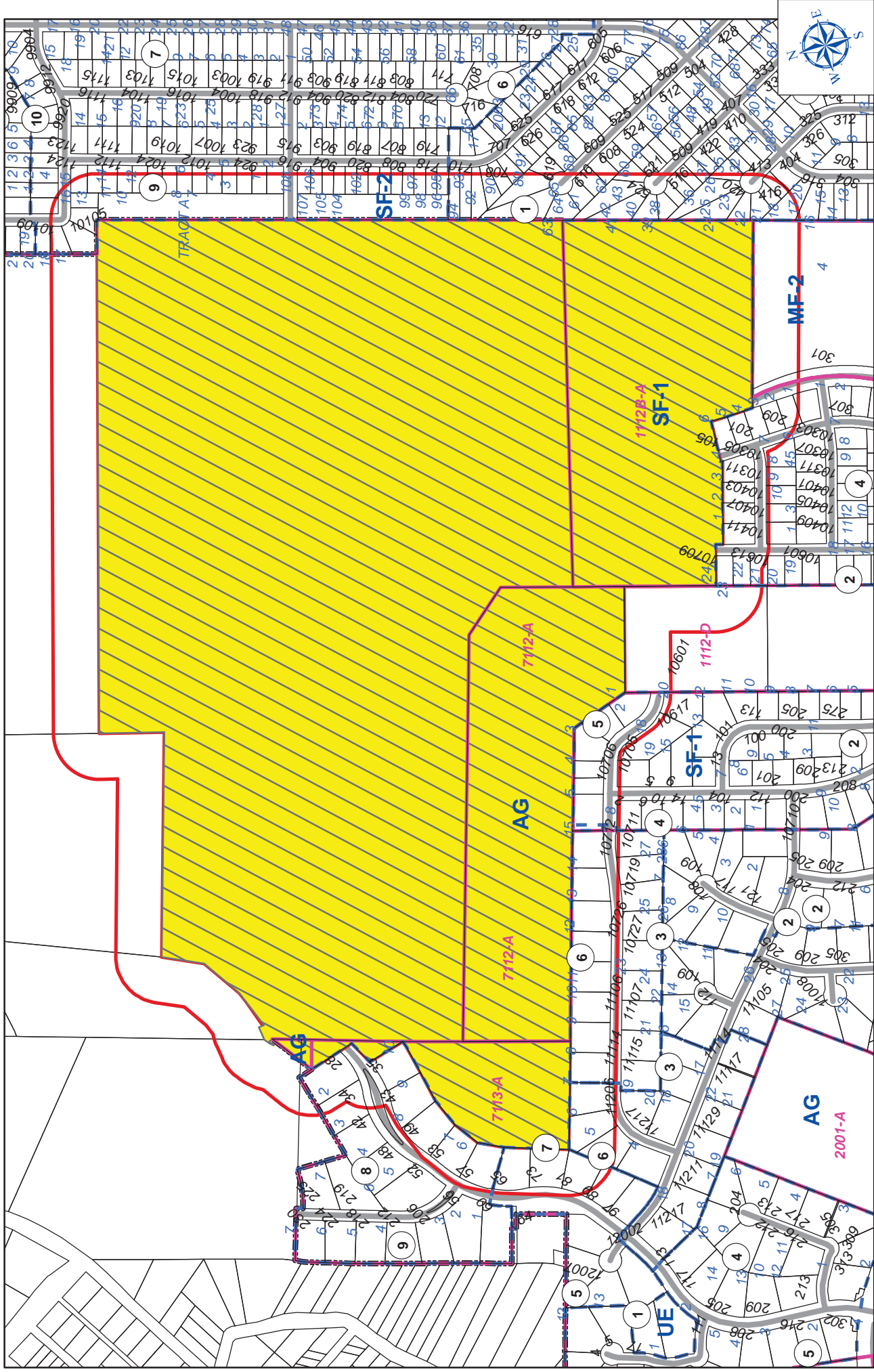
0 1000

Case Water Line
Fire Hydrant ZoningCases2014
Sewer Line

Feet

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

4/16/2014
City of Temple GIS





RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

David Etux Amanda Black
65 Richland Drive
Belton, Texas 76513

Zoning Application Number: Z-FY-14-31

Project Manager: Tammy Lyerly

Location: North of West Adams Avenue, west of The Campus at Lakewood Ranch, east of Windmill Farms Phases I and II

The proposed zoning 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:

Rezoning the entire area to SF-2 is unnecessary and not inline with the
Unified Development Code, which calls for a "well buffered" area between the
Urban Estates of The Campus at Lakewood Ranch and smaller single family lots.

I chose to build my house in early 2012 AFTER P&Z rezoned the land adjacent
to my property from AG to UE. (Z-FY 12-06). This area is shown on the
proposed case is noted 7113-A. It should remain UE and used for larger
residential lots or Parkland as stated in the Development Regulations

DA/AB/A
Signature

David Black
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
May 5, 2014

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

RECEIVED
MAY 02 2014
City of Temple
Planning & Development



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Karlheinz & Lynn Reichl
517 Peanut Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-31

Project Manager: Tammy Lyerly

Location: North of West Adams Avenue, west of The Campus at Lakewood Ranch, east of Windmill Farms Phases I and II

The proposed zoning 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:

In our previous neighborhood our home backed up to a grocery store and strip mall. The stores were a negative to our property. We experienced more crime, harsh smells, harsh lighting, and trucks coming and going at all hours day + night.

We do not approve of this rezoning.
thank you,

Lynn Reichl
Signature
Karlheinz Reichl

Lynn Reichl
Print Name
Karlheinz Reichl

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

May 5, 2014

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

RECEIVED

MAY 05 2014

City of Temple
Planning & Development

ORDINANCE NO. 2014-4668

(PLANNING NO. Z-FY-14-29 & Z-FY-14-31)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING PERMANENT ZONING UPON ANNEXATION TO SINGLE FAMILY-TWO DISTRICT (SF-2) ON APPROXIMATELY 136.576 ACRES, AND GRANTING A REZONING FROM URBAN ESTATES DISTRICT (UE), AGRICULTURAL DISTRICT (AG), AND SINGLE-FAMILY ONE DISTRICT (SF-1) TO SINGLE-FAMILY TWO DISTRICT (SF-2) ON A TOTAL OF APPROXIMATELY 57.298 ACRES, ALL BEING LOCATED EAST OF THE CAMPUS AT LAKEWOOD RANCH, PHASE VIII AND EXTENDING TO THE WEST SIDE OF WINDMILL FARMS, PHASES I AND II, AND NORTH OF THE HIGHLANDS; 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 to Single-Family Two District (SF-2) on approximately 136.576 acres and granting a rezoning from Urban Estates (UE), Agricultural District (AG), and Single-Family One District (SF-1) to Single-Family Two District (SF-2) on a total of approximately 57.298 acres, all being located east of The Campus at Lakewood Ranch, Phase VIII and extending to the west side of Windmill Farms, Phases I and II, and north of The Highlands, 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 **15th** day of **May**, 2014.

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

06/05/14
Item #9
Regular Agenda
Page 1 of 2

DEPT/DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: O-FY-14-09 – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for a wall sign for a new Hampton Inn Hotel located at 3816 South General Bruce Drive.

The applicant has requested an appeal to the following Overlay signage standard to allow for one additional 127 square foot wall sign:

1. Sec. 6.7.5.J.1 – Wall Sign: 1 per public façade (max 2)

STAFF RECOMMENDATION: Staff recommends approval of the 127 square foot wall sign as submitted.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 19, 2014 meeting, P&Z recommended unanimous approval as submitted.

ITEM SUMMARY: The Hampton Inn Hotel is located in the City Entry Sub-District of the I-35 Corridor Overlay District.

In accordance with Article 6 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all new signage must conform to the standards of the I-35 Overlay District. The hotel, which is open, currently has the 3 signs allowed by Code:

1. Freestanding (monument sign): 12' 6" tall
2. 2 public frontage facing walls signs: approximately 72 SF and 170 SF

The third wall sign has been requested to provide visibility for traffic approaching the hotel from north along the I-35 frontage road.

I. Permitted Sign Types

The table below establishes the sign types and standards that are permitted.

Use	Sign Type	Max. Number of Sign Faces	Max. Height	Max. Area (per sign face)	Min. Setback (from property line)	Min. Spacing Between Signs
All Permitted Uses	Wall Sign	1 per public façade (max. 2)	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA
All Permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All Permitted Uses	Monument Sign	2	8'	50 sq ft	0'	25'
All Permitted Uses	Pylon Sign	2	25'	200 sq ft	10'	50'
Travel Related Uses (Fuel Sales, Overnight Accommodations, and Restaurant Uses)	Pylon Sign	2	40'	300 sq ft	15'	100'
Multi-Tenant Site	Monument Sign	2	10'	65 sq ft	0'	25'
Multi-Tenant Site	Pylon Sign	2	40'	400 sq ft	15'	300'

FISCAL IMPACT: N/A

ATTACHMENTS:

Application
I-35 Checklist
Applicant Letter
Photos
Signage Specs
Site Plan
Resolution

City of Temple Universal Application

(Incomplete applications will not be accepted)

- | | | |
|---|---|---|
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Appeal of Administrative Decision |
| <input type="checkbox"/> Plat Vacation | <input type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Residential Masonry Exception |
| <input type="checkbox"/> Minor or Amending Plat | <input type="checkbox"/> Planned Development (PD) | <input type="checkbox"/> Nonresidential Masonry Exception |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> PD Site Plan | <input type="checkbox"/> Park, Facility or Street Renaming |
| <input type="checkbox"/> Final Plat | <input checked="" type="checkbox"/> I-35 Appeal | <input type="checkbox"/> Cost Sharing Offsite Participation |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> I-35 Site Plan Review | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> TMED Site Plan Review | <input type="checkbox"/> Street Use License (SUL) |
| | <input type="checkbox"/> TMED Variances/Warrants | |

PROJECT INFORMATION:

- ☐ Residential ☐ Commercial ☒ Property Platted ☐ Property Not Platted ☐ ETJ

Project Name: Hampton Inn Parcel(s) Tax ID# (Required): _____

Project Address (Location): 3816 S. General Bruce Drive Total Acres: _____

Lot: _____ Block: _____ Subdivision: _____

Cabinet #: _____ Slide #: _____

Outblock (if not platted): _____

Brief Description of Project: Manufacture and install one additional set of internally illuminated letters reading Hampton Inn.

Current Zoning: GR # of Existing Lots: _____ # of Existing Units: _____

Proposed Zoning: NA # of Proposed Lots: _____ # of Proposed Units: _____

APPLICANT / CONTACT INFORMATION: (This will be the primary contact; please ensure email address is legible)

Name: Bill Teel Company Name: Chandler Signs, L.P.
 Address: 3201 Manor Way City: Dallas State: TX Zip: 75235
 Phone: 214-902-2000 Cell #: 972-899-7709 Fax #: 214-902-2044
 Email Address: bteel@chandler-signs.com

PROPERTY OWNER INFORMATION:

Name: Atul Patel Company Name: Baywood Hotels
 Address: 7300 Blanco Rd., Suite 701 City: San Antonio State: TX Zip: 78216
 Phone: 210-340-9991 Cell #: 210-336-4265 Fax #: 210-340-9580
 Email Address: apatel@baywoodhotels.com

☐ DEVELOPER ☐ ENGINEER ☐ SURVEYOR INFORMATION: (Please ensure email address is legible)

Name: _____ Company Name: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Cell #: _____ Fax #: _____
 Email Address: _____

VARIANCE / EXCEPTION / APPEAL DESCRIPTION: (Attach additional page if additional space is required)

3rd attached building sign not allowed due to the fact there is no adjacent street frontage. This is an appeal to request a sign permit for the third set due to special circumstances allowed. If granted, a new set of "Hampton Inn" illuminated letters will be installed on the east wall.

City of Temple Universal Application

(Incomplete applications will not be accepted)

CHECKLIST

Submittal Requirements <i>All Checklists are available on Planning Applications webpage</i>	All Plats	CUP & PD	Zone Change	Sketch Plan	I-35	I-35 Appeal	TMED	TMED Variance/Warra	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	9	2	1	9	2	2	2	2	1	1	1	1	1
Field Notes or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓

*May be required depending on nature of Appeal/Variance

Total valuation of proposed improvements for project in 1st & 3rd/TMED/I-35: \$ _____

FEE SCHEDULE

Abandonment	\$100.00
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL) (renewed every 15 years)	\$150.00
*Zone Change/CUP/PD/Site Plan	\$150.00 + \$3.00/acre unplatted

*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculating a filing fee and does not round up or down.

By signing this application, staff is granted access to your property to perform work related to your case. Each signature must be notarized.

SIGNATURE: William H. Teel William H. Teel
(Letter of authorization required if signature is other than property owner)

Print or Type Name: William H. Teel

For Plats Only: This waiver must be completed for all Plat applications; failure to do so will result in the rejection of your application.

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government code.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: _____

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity there instated.

Given under my hand and seal of office on this 16th day of April, 2014.

Cecilia Kay Morris
Notary Public Signature



For Department Use Only	
Project #:	<u>0-FY-14-9</u>
Project Manager:	<u>Brian Chandler</u>
Total Fee(s):	<u>—</u>
Fee Credit:	<u>—</u>
Payment Method:	<u>—</u>
Submittal Date:	<u>29 April 14</u>
Accepted By:	<u>B. Chandler</u>
Accepted Date:	<u>29 April 14</u>



4/22/2014

To, Ms. Leslie Evans

Administrative Assistant

City Manager's Office

2. N Main St

Temple TX 76501,

Ms. Evans,

I am the property owner for Hampton Inn 3816 S. General Bruce Dr, Temple TX 76502. I am authorizing Bill Teel with Chandler Signs to act on my behalf in the pending I-35 Appeal regarding signage. If you have any questions please call me at 210-336-4265, thanks.

Sincerely,

A handwritten signature in black ink, appearing to be "Atul Patel", written over a circular scribble.

Atul Patel

Baywood Hotels.

RECEIVED

APR 25 2014

City of Temple
Planning & Development



PLANNING DEPARTMENT CHECKLIST I-35 OVERLAY PROJECTS*

Project Name	<u>Hampton Inn</u>	Zoning	<u>GR</u>
Address	<u>3816 S. General Bruce</u>		
Proposed Use	<u>Hotel is open</u>		
Sub-District	<input type="checkbox"/> Civic	<input type="checkbox"/> Industrial	<input type="checkbox"/> Freeway Retail/Commercial
	<input type="checkbox"/> City Entry		

*The checklist below represents a summary of all requirements for the I-35 Overlay District standards. Applicant is responsible for the full list of requirements located in the City of Temple Unified Development Code (UDC) Section 6.7 located on the City's website at <http://www.ci.temple.tx.us/index.aspx?NID=1221>

I-35 Requirements	
Review Process(UDC 6.7.4)	
<input type="checkbox"/>	Preliminary Design/ Site Plan Review – Date Completed _____
Tree Preservation (General) (UDC 6.7.5B)	
<input type="checkbox"/>	Required
Signs (UDC 6.7.5G)	
A separate sign permit is required for signs. I-35 Overlay District standards relate to:	
<ul style="list-style-type: none">• Sign Type• # of Sign Faces• Height• Setbacks	<ul style="list-style-type: none">• # of signs per site• Multi-tenant signs• Sign Materials• Sign Illumination
Dimensions and Use Requirements (UDC 6.7.7, 6.7.8, 6.7.9, 6.7.10)	
<input type="checkbox"/>	Is the use allowed in the district?
<input type="checkbox"/>	Does the project meet dimensional requirements to include landscape buffer and setbacks?
Parking (General)(UDC 6.7.5C)	
<input type="checkbox"/>	Does the project meet all parking standards related to curb and gutter, parking aisles, parking configuration, wheel stops, parking ratios, and parking location?
Screening and Wall Standards (UDC 6.7.5D)	
<input type="checkbox"/>	Are any storage connexes, shipping containers or portable buildings proposed? (Not allowed)
<input type="checkbox"/>	Are garage and service bays located to the rear or side (not visible) of the building? If not, has appropriate screening been provided?
<input type="checkbox"/>	Has any outside storage, display, sales, leasing, or operation of merchandise outside of sales area been appropriately screened from all streets, and adjacent property lines of residentially zoned property or future residential area?
<input type="checkbox"/>	Have public utility stations been appropriately screened?
<input type="checkbox"/>	Has appropriate screening been provided for any multi-family or residential abutting use?
<input type="checkbox"/>	Have vehicle loading and unloading zones been appropriately screened?
<input type="checkbox"/>	Has refuse storage and compactors been enclosed on three sides and located outside of setbacks?
<input type="checkbox"/>	Has mechanical and utility equipment been appropriately located screened?
Landscaping UDC(UDC 6.7.5E)	
<input type="checkbox"/>	Is a min. of 15% or the total site area landscaped with approved species?



PLANNING DEPARTMENT CHECKLIST NON RESIDENTIAL& MULTI-FAMILY SITE PLAN REVIEW*

Project Name: Hampton Inn Zoning: GR
Address: 3816 S. General Bruce Dr. Proposed Use: Hotel is open

*Please note that this checklist is intended to assist developers and design professionals in the preparation of site plans and is generally what is needed by staff to ensure a timely review of plans. Additional information may be requested as needed to make an informed judgment about conformance with standards set forth in the City's Unified Development Code (UDC). The complete UDC can be accessed online at: <http://www.ci.temple.tx.us/index.aspx?NID=1221>.

Site Layout, Uses, Existing Conditions, Landscaping	
<input type="checkbox"/>	Has existing and proposed condition of lot been identified?
<input type="checkbox"/>	Has adjacent development been identified?
<input type="checkbox"/>	Have lot dimensions been clearly noted? UDC 4.6
<input type="checkbox"/>	Have all proposed uses for the property been clearly identified? UDC 5.1
<input type="checkbox"/>	Have all building setbacks from property line been identified and dimensioned? UDC 4.6
<input type="checkbox"/>	Have all landscaping areas and landscaping components been identified? UDC 7.3
<input type="checkbox"/>	Have any areas dedicated to public open space been identified?
Screening & Buffering, Site Improvements	
<input type="checkbox"/>	Have all refuse containers and compactors been clearly identified? UDC 7.6.6
<input type="checkbox"/>	Have all outdoor storage areas been clearly identified? UDC 7.6.8
<input type="checkbox"/>	Have all existing and proposed fire hydrants been identified? UDC 8.1.3
<input type="checkbox"/>	Have proposed drainage areas and all easements been identified? UDC 8.1.3
<input type="checkbox"/>	Have all proposed sign locations, dimensions, and materials been identified? UDC 7.5
<input type="checkbox"/>	Has the location and material of all fences been identified? UDC 7.6.5
<input type="checkbox"/>	Has all screening and buffering been identified? UDC 7.6
<input type="checkbox"/>	Has all existing and proposed mechanical equipment (and poles) been identified?
<input type="checkbox"/>	Has all existing and proposed lighting been identified? UDC 7.1.8, UDC 8.2.10
<input type="checkbox"/>	Have building articulations been identified? UDC 7.7.3 G
<input type="checkbox"/>	Have exterior building materials been identified to include percentage of each type? UDC 7.7.2, UDC 7.7.3
<input type="checkbox"/>	Have building locations, dimensions, and gross floor area been identified? UDC 4.6
<input type="checkbox"/>	Have adequate nuisance prevention measures been identified to control offensive odors, fumes, dust, noise and vibration (for CUP only) UDC 3.5.4E
Access and Circulation / Off Street Parking and Loading	
<input type="checkbox"/>	Has access and circulation been clearly identified? UDC 7.2
<input type="checkbox"/>	Have drive aisles and drive aisle width been clearly identified?
<input type="checkbox"/>	Has curb and gutter locations been identified? UDC 7.4.5
<input type="checkbox"/>	Have curb cuts and drive approaches been clearly identified? UDC 7.2.4; UDC 7.2.5; UDC 7.2.6
<input type="checkbox"/>	Have proposed sidewalks been clearly identified? UDC 7.2.7
<input type="checkbox"/>	Is total number of parking spaces clearly annotated? UDC 7.4.4
<input type="checkbox"/>	Are the parking spaces clearly dimensioned? UDC 7.4.5
Certification	

You as the property owner certify with your signature that the following statements are true:

- This site plan is complete and all of the information provided is accurate.
- The person signing below as applicant may act as the owner's agent for processing and presentation of the application. The designated applicant will be the principal contact person with the City for processing and responding to requirements or issues relevant to the application.

Applicant's Signature _____

Property Owner's Signature _____



Chandler Signs, L.P.



April 18, 2014

Mr. Brian Chandler
Director of Planning
City of Temple
2 North Main St., Suite 102
Temple, TX 76501

Re: I- 35 Appeal – Hampton Inn – 816 General Bruce Drive

Dear Mr. Chandler,

Thanks for taking the time to meet with me last week. Enclosed are two copies of the sign drawings with specifications, a site plan, photos of the building from various streets, a signed & notarized Universal Application, and a DVD with each of the aforementioned items. A site plan is shown on the last page of the drawings.

The sign ordinance allows only two building signs and we are appealing to permit a third. The current signage does not properly identify the hotel particularly for motorists on I-35 southbound and Hwy 190 westbound. The lack of identification on the east wall of the hotel is a potential safety hazard for motorists looking for the hotel. The photo from exit 299 and other photos illustrate the problem.

The hotel does not have frontage along General Bruce Drive due to the McDonald's east of the hotel. However, the hotel and McDonald's are on the same campus so to speak and have common parking lots. Guests to the hotel utilize a common entrance drive with McDonald's.

Mr. Chandler, I signed the Universal Application as the applicant. Please let us know if you need an approval letter from the owner in order to accept the application. Feel free to contact me for anything else that may be required. We wish to get on the agenda for the May 5th meeting.

Sincerely,

Bill Teel
Sales Representative

Enclosures

BT/bt

I-35 Southbound Exit 299



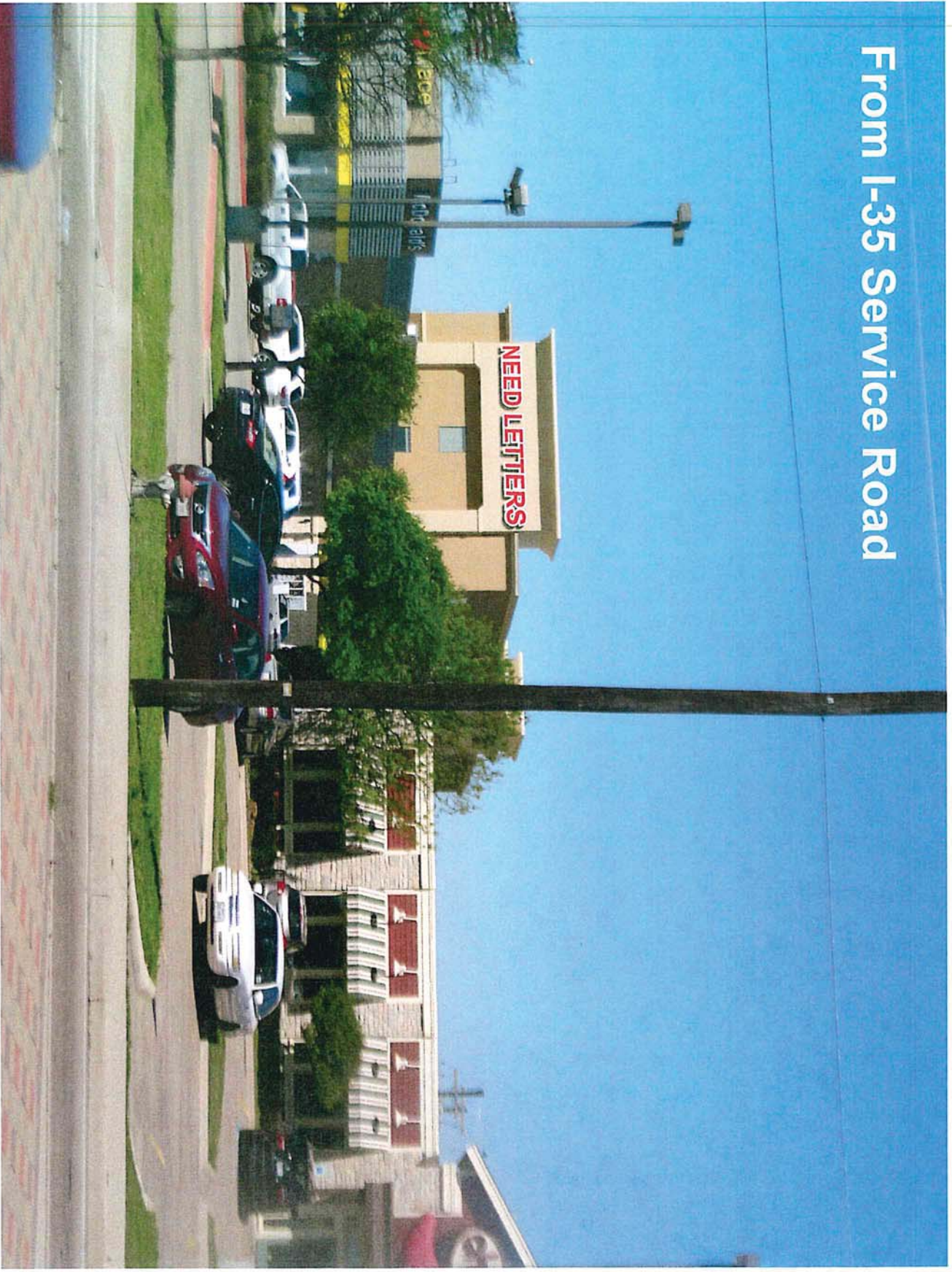
Hampton Inn

Temple, Texas

 **Chandler Signs**

Brand Image Begins Here™

From I-35 Service Road



Hampton Inn

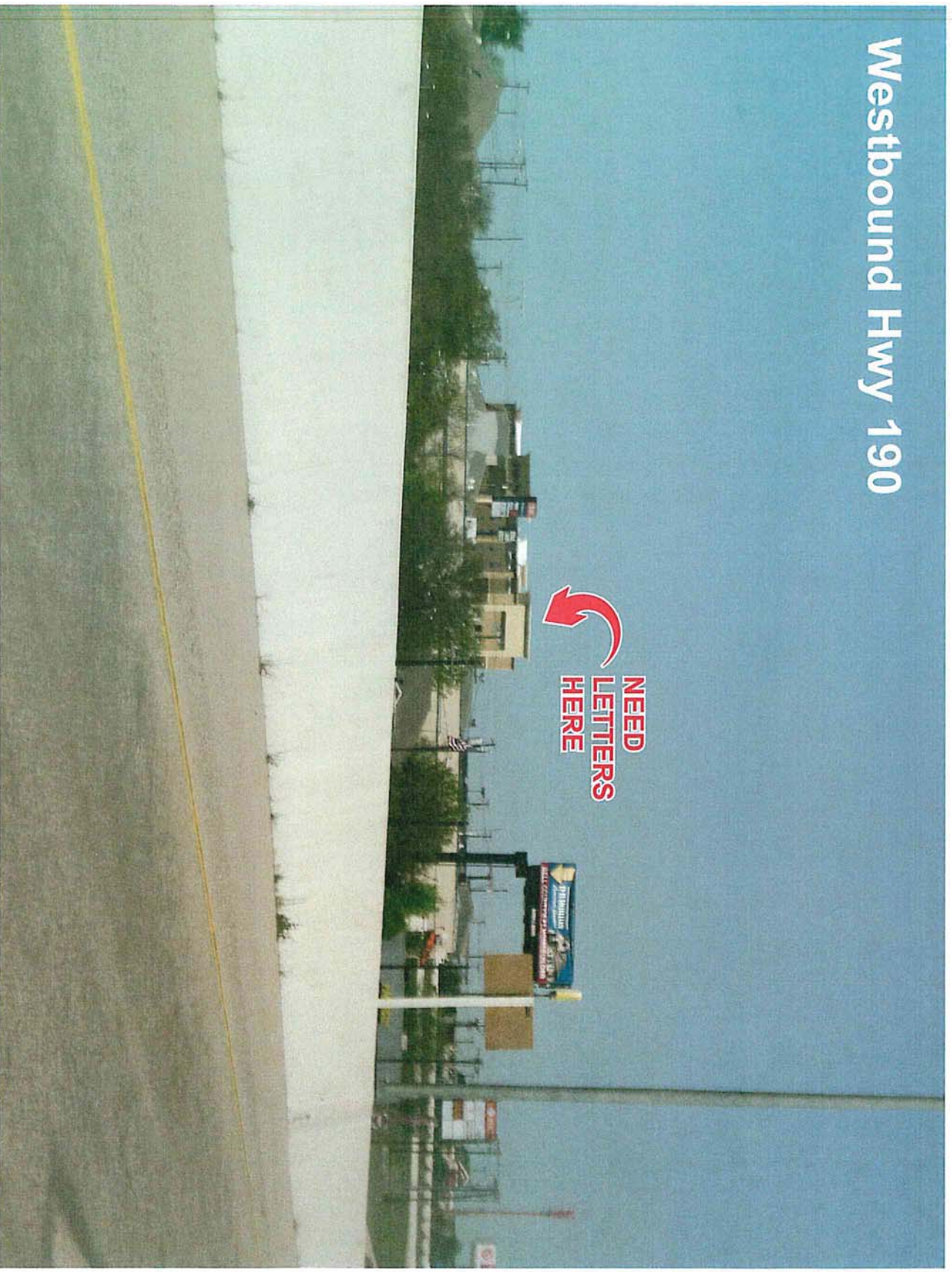
Temple, Texas



Chandler Signs

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Westbound Hwy 190



NEED
LETTERS
HERE

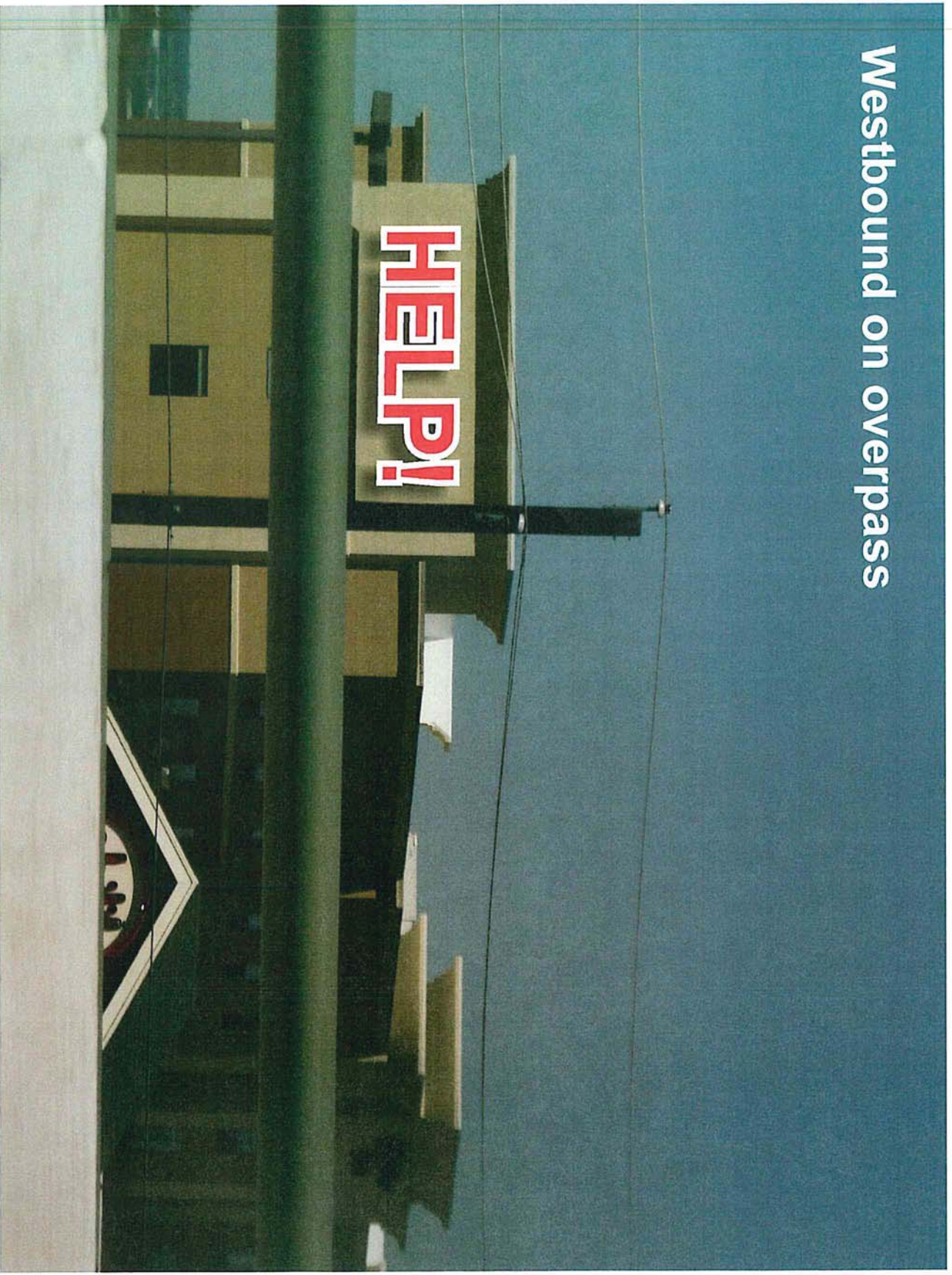


Temple, Texas

 Chandler Signs

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Westbound on overpass

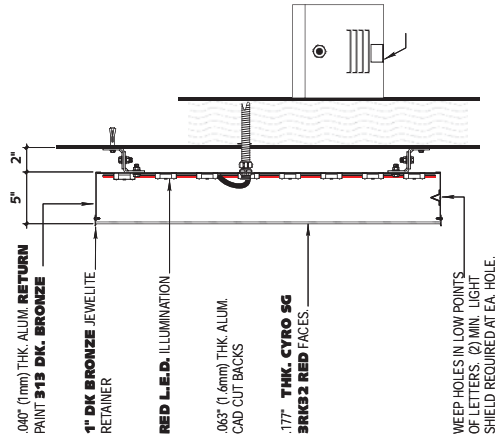


Temple, Texas



Chandler Signs

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13'-5 7/16"

3'-0"

A(1.7/81)

5'-4 1/8"

3'-3"

A(1.0830)

6'-2 7/8"

A(4.4847)

3'-11 13/16"

A(1.3289)

Hampton Inn

36" REMOTE LTRS. SCALE: 3/16" = 1'-0"

(1) SET REQUIRED - MANUFACTURE & INSTALL

EXISTING SIGN

REMOTE LTR. SEC.

Chandler Signs
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www.chandler signs.com

3201 Minor Way, Dallas, TX 75235
972-342-0000 Fax 972-342-0034

1206 Williant, San Antonio, TX 78216
210-343-3804 Fax 210-349-8724

1335 Park Center Drive, Unit C
Waco, TX 76708
817-667-1003 Fax 760-967-7003

963 Baxter Avenue, Suite 200
Dallas, TX 75208
972-425-1011 Fax 502-425-0013

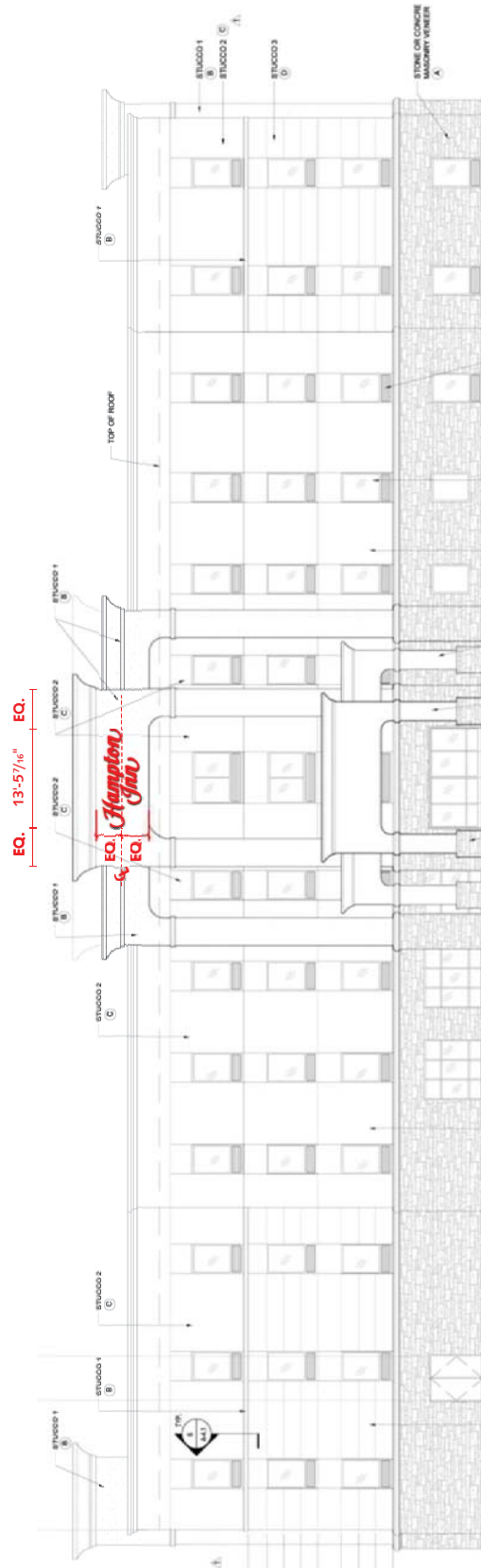
2354 Sand Hill Street Circle
Davenport, FL 33837
888-425-1100 Fax 863-424-1460

37 Waterfront Park Court
Barnesville, GA 30524
404-851-0621 Fax 706-349-8774

P.O. Box 125, 266 Doral Drive
Dallas, TX 75243
972-363-5599 Fax 972-363-6533

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FINAL ELECTRICAL CONNECTION BY CUSTOMER

 $1/16'' = 1'-0''$

Front Elevation



NO SCALE

NO SCALE

1/16"-1' 0"

REMOTE LTR. SEC.

Design #		Client	
Sheet	2 of 5	Hampton Inn	
Address		Revision / Date	
3816 S. General Bruce Drive		R1P1C12AUG2013 INCREASE	
TEMPLE TX		L1R1 TO 4-6 ON 'B'	
Account Rep.	Bill Teel	L1R1 TO 4-6 ON 'B'	
Designer	PC	FOR P10N 12AUG2013 ADD 2 OPTS	
Date	05AUG2013	D3 DISCARD P10N 12AUG2013 - 15	
		TO 100' CHANGE CC TO WALL SIG.	
		BY EFF. 11.22.13 update	
Client			
Sales			
Estimating			
Art			
Engineering			
Landlord			

www.chandlorsigns.com

1201 Market Way Dallas TX 75201
info@engie.com/usa/4444

214-902-2000 Fax 214-902-2044

12106 Villante, San Antonio, TX 78216
710-369-3904 Fax 710-369-8774

1335 Park Center Drive, Suite C
Birmingham, AL 35204-4404

Yisla, CA 92081
760-967-3001 Fax 760-967-3011

963 Baxter Avenue, Suite 200
1049-741-1000 FAX 1049-741-1002

Louisville, KY 40204
502-479-1475 Fax 502-482-2000

3584 Sand Hill Robert Circle
202-877-3072 Fax 202-882-9002

2004 Award from United States
Davenport, FL 33837
BA3-476-1160 Fax BA3-476-1160

17 Waterhouse Park Court
603-420-1100 FAX 603-420-1000

21 VANDERBILT BLVD. SUITE 100
DARTMOUTH, MA 01939
603-755-7363 Fax 603-755-7374

P.O. Box 125, 206 General Delivery

Portland, TX 78374
ML 631-6569 Fax ML 631-6531

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1

ORDER FORM

FINAL ELECTRICAL CONNECTION BY

CONNECTION BY CUSTOMER

THIS SIGN IS INTENDED TO BE MANUFACTURED
BY A QUALIFIED WELDING SPECIALIST

IN ACCORDANCE WITH ARTICLE 680 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES, THIS INCLUDES

PROPER GROUNDING & BONDING OF THE SIGNAL SIGN WILL BEAR UL LABELS!

100



Design #	13-1588R4
Sheet	4 of 5
Client	Hampton Inn

Address	3816 S. General Bruce Drive TEMPLE, TX
Account Rep.	Bill Teel
Designer	PC
Date	05AUG2013

Approval / Date	
Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	

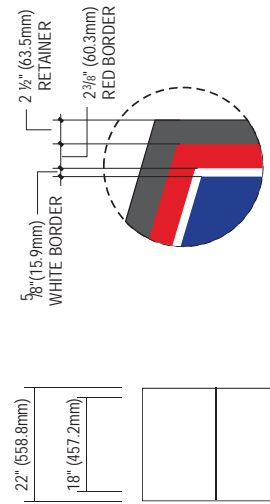
Revision / Date	
R1 [PC] 12AUG2013 INCREASE LBS TO 4'-6" ON "B"	
R2 [PC] 19AUG2013 ADD 2 OPTS. FOR PYLON	
R3 [PC] 05SEP2013 ENLARGE "B" TO 60" CHANGE "C" TO WALL SIGN	
R4 REF. 11.22.13 update	



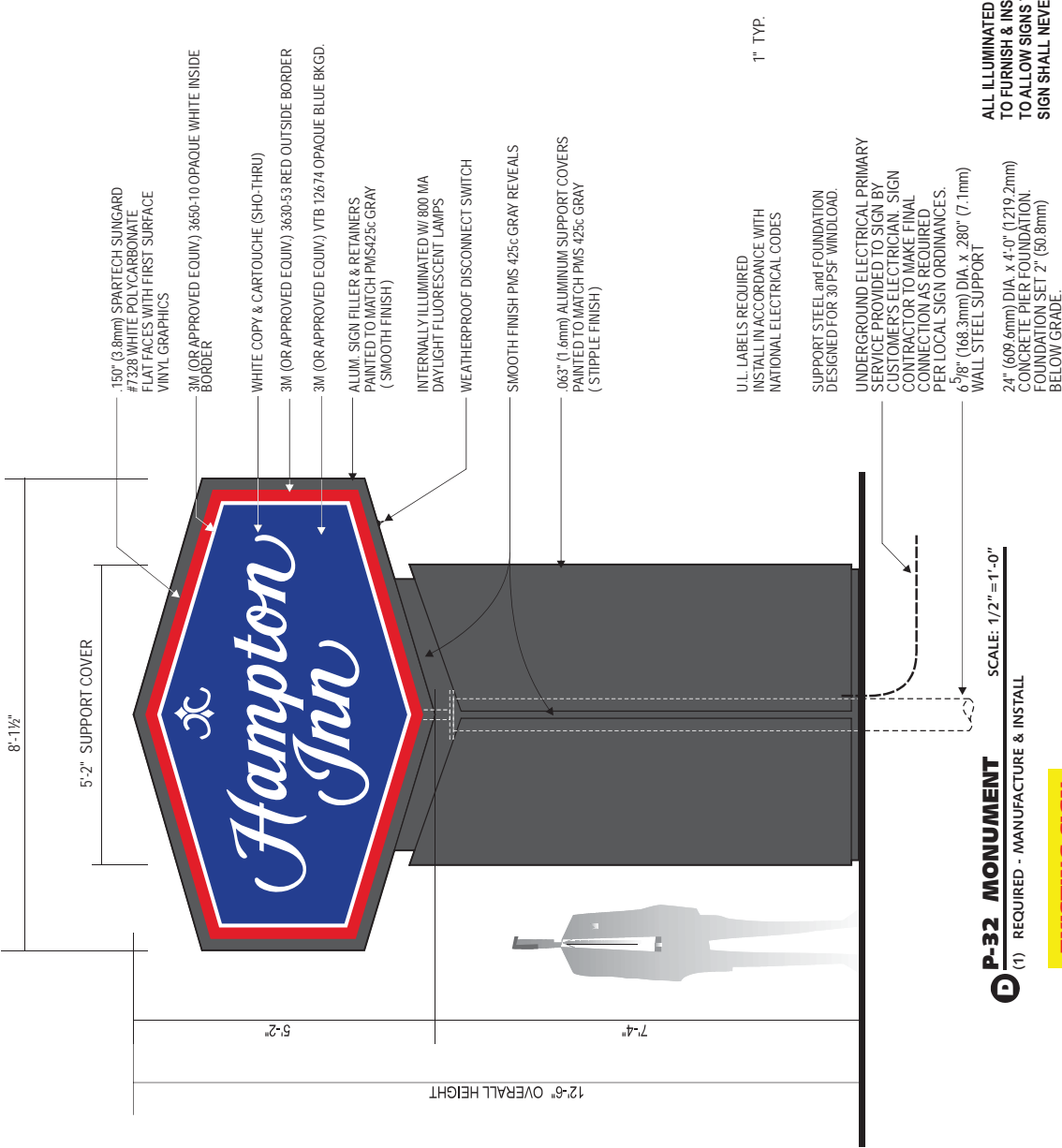
3201 Manor Way Dallas, TX 75235
314-902-2000 Fax 314-902-3044
1206 Villiant SanAntonio, TX 78206
210-349-3804 Fax 210-349-4724
10000 W. Center Drive, Unit C
Dallas, TX 75241
760-967-7003 Fax 760-967-7033
963 Bacter Avenue, Suite 200
3502 West Loop West
8834 West Loop
2584 Sand Hill Point Circle
Bakersfield, CA 93314
800-850-7002 Fax 310-349-8774
11000 W. Center Drive
Perth Amboy, NJ 07871
361-583-5599 Fax 361-443-6533

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**FINAL ELECTRICAL
CONNECTIONS BY
CUSTOMER**



BORDER DETAIL



END VIEW

ALL ILLUMINATED SIGNAGE REQUIRE THE CLIENT'S ELECTRICIAN
TO FURNISH & INSTALL A COMPLETE PHOTOCELL AND/OR TIME CLOCK
TO ALLOW SIGNS TO OPERATE AT DESIGNATED INTERVALS. HOWEVER,
SIGN SHALL NEVER OPERATE ON A 24/7 BASIS.

P-32 MONUMENT
(1) REQUIRED - MANUFACTURE & INSTALL
SCALE: 1/2" = 1'-0"

EXISTING SIGN



Site Plan

RESOLUTION NO. _____

[PLANNING NO. O-FY-14-09]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN APPEAL OF STANDARDS IN SECTION 6.7.5(J) OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE I-35 CORRIDOR OVERLAY ZONING DISTRICT FOR A WALL SIGN AT A NEW HAMPTON INN HOTEL, LOCATED AT 3816 SOUTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at their May 19, 2014 meeting, the Planning and Zoning Commission recommended approval of an appeal of standards of Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for a wall sign at a new Hampton Inn Hotel, located at 3816 South General Bruce Drive;

Whereas, the Hampton Inn Hotel is located in the City Entry Sub-District of the I-35 Corridor Overlay District and in accordance with Article 6 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all new signage must conform to the standards of the I-35 Overlay District;

Whereas, the hotel, which is open, currently has three signs allowed by Code and a third wall sign has been requested to provide visibility for traffic approaching the hotel from the north along the I-35 frontage road;

Whereas, staff recommends approval of the 127 square foot wall sign appeal shown on the site plan attached hereto as Exhibit 'A' (Sign Specifications and Site Plan); and

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

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

Part 1: The City Council authorizes an appeal of standards of Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for a wall sign at a new Hampton Inn Hotel, located at 3816 South General Bruce Drive. The approved appeal is as follows:

- Sec. 6.7.5.J.1 – Wall Sign: 1 per public façade (max 2)
 - Approval of an exception to allow an addition 127 square foot wall sign;

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 5^h day of **June**, 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

06/05/14
Item #10
Regular Agenda
Page 1 of 3

DEPT/DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: O-FY-14-10 – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7.of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping, signage, screening and utilities for the redevelopment of the McDonald's located at 1601 West Adams Avenue.

The applicant has requested an appeal to the following Overlay standards:

1. Sec. 6.7.5.E Landscape:
 - 25 feet front, and 10 feet sides landscape buffers: Portions of front will be 25 feet wide; overall landscaping will be 21.2%, which exceeds the 15% site minimum
 - Prohibition of parking within the landscape buffers: Applicant has indicated parking within buffers is necessary to provide adequate parking
 - 6' width of foundation plantings along 70% of any visible building façade: not possible along drive thru side of building
2. Sec. 6.7.5.J Signage:
 - Freestanding (pylon) sign (existing):
 - Height: 25 feet allowed (existing sign is 85 feet tall)
 - Square footage: 200 SF per sign face (existing pylon sign faces are approximately 380 SF each)
 - Base dimensions: Code requires a masonry base at a 1.0 to 0.16 height to width ratio (existing pylon sign does not have a masonry base)
 - Number of wall signs:
 - 2 allowed; 4 proposed (1 for each façade)
3. Sec. 6.7.5.D.6 – Screening and Wall Standards:
 - Refuse storage must not be located within 100 feet of a public street (site is surrounded on 3 sides by public streets)

4. Sec. 6.7.10.G City Entry Sub-District: Utilities

- All electric, telephone and cable television wires along the public right-of-way must be located underground in the City Entry Sub-District (significant expense)

STAFF RECOMMENDATION: Staff recommends approval of the appeal per the submitted plans and attachments.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 19, 2014 meeting, P&Z recommended unanimous approval as submitted.

ITEM SUMMARY: McDonald's at 1601 W. Adams Avenue has been at that location for a number of decades. Now that they plan to replace the old building with a new one, all of the I-35 Corridor Overlay Standards are triggered. To accommodate a 4,495 SF building, a drive thru lane, a drive around the building and parking, some of the I-35 standards cannot be met on this 1.184 acre site. The applicant has diligently attempted to meet the intent of the code where full code compliance is not feasible. For example, staff has met and corresponded with the architect to ensure compliance with all of the architectural standards. The standards for which the appeal is requested are all a result of the tight site constraints, with the exception of the signage standards appeal. For the signage, the appeal of those standards would allow for an existing non-conforming freestanding pylon sign to remain and would allow for two minimal-sized "golden arches" wall signs to identify those two sides of the building.

I. **Permitted Sign Types**

The table below establishes the sign types and standards that are permitted.

Use	Sign Type	Max. Number of Sign Faces	Max. Height	Max. Area (per sign face)	Min. Setback (from property line)	Min. Spacing Between Signs
All Permitted Uses	Wall Sign	1 per public façade (max. 2)	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA
All Permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All Permitted Uses	Monument Sign	2	8'	50 sq ft	0'	25'
All Permitted Uses	Pylon Sign	2	25'	200 sq ft	10'	50'
Travel Related Uses (Fuel Sales, Overnight Accommodations, and Restaurant Uses)	Pylon Sign	2	40'	300 sq ft	15'	100'
Multi-Tenant Site	Monument Sign	2	10'	65 sq ft	0'	25'
Multi-Tenant Site	Pylon Sign	2	40'	400 sq ft	15'	300'

FISCAL IMPACT: N/A

ATTACHMENTS:

Application

I-35 Corridor Overlay Checklist

Site Plan with Vicinity Map

Resolution

City of Temple Universal Application

(Incomplete applications will not be accepted)

- | | | |
|---|---|---|
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Appeal of Administrative Decision |
| <input type="checkbox"/> Plat Vacation | <input type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Residential Masonry Exception |
| <input type="checkbox"/> Minor or Amending Plat | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Nonresidential Masonry Exception |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> I-35 Appeal | <input type="checkbox"/> Park, Facility or Street Renaming |
| <input type="checkbox"/> Final Plat | <input checked="" type="checkbox"/> I-35 Site Plan Review | <input type="checkbox"/> Cost Sharing Offsite Participation |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> TMED Site Plan Review | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> TMED Variances/Warrants | <input type="checkbox"/> Street Use License (SUL) |

PROJECT INFORMATION:

☐ Residential ☒ Commercial ☐ Property Platted ☒ Property Not Platted ☐ ETJ

Project Name: McDonald's Parcel(s) Tax ID# (Required): 70738, 70739, 64509

Project Address (Location): 1601 W. Adams Ave. Total Acres: 1.184

Lot: _____ Block: _____ Subdivision: _____

Cabinet #: _____ Slide #: _____

Outblock (if not platted): 250-2 and 250-3

Brief Description of Project: Tear down an existing McDonald's restaurant and office building and rebuild a McDonald's restaurant

Current Zoning LI, C, GR # of Existing Lots 2 # of Existing Units _____

Proposed Zoning _____ # of Proposed Lots _____ # of Proposed Units _____

APPLICANT / CONTACT INFORMATION: (This will be the primary contact; please ensure email address is legible)

Name: Heather Macomber Company Name: Adams Engineering

Address: 910 S. Kimball Ave. City: Southlake State: TX Zip: 76092

Phone: (817)328-3243 Cell #: _____ Fax #: (817)328-3299

Email Address: heather.macomber@adams-engineering.com

PROPERTY OWNER INFORMATION:

Name: Carl Amdor Company Name: McDonald's

Address: 3707 FM 1960 West, Suite 300 City: Houston State: TX Zip: 77068

Phone: (281) 587-7307 Cell #: (979) 587-0304 Fax #: (281) 587-7367

Email Address: carl.amdor@us.mcd.com

DEVELOPER ☒ ENGINEER ☐ SURVEYOR INFORMATION: (Please ensure email address is legible)

Name: G. Robert Adams, P.E. Company Name: Adams Engineering

Address: 910 S. Kimball Ave. City: Southlake State: TX Zip: 76092

Phone: (817)328-3212 Cell #: _____ Fax #: (817)328-3299

Email Address: rob.adams@adams-engineering.com

VARIANCE / EXCEPTION / APPEAL DESCRIPTION: (Attach additional page if additional space is required)

Landscape Buffer reduction; No foundation plantings along facade on 31st Street;

Storage building and trash enclosure within building setback;

Terminal landscape island size;

Keep Existing 85' Pylon Sign

RECEIVED

APR 25 2014

City of Temple
Planning & Development

City of Temple Universal Application

(Incomplete applications will not be accepted)

CHECKLIST

Submittal Requirements	All Plats	CUP & PD	Zone Change	Sketch Plan	I-35 Site Plan	I-35 Appeal	TMED Site Plan	TMED Variance/Warrant	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License (SUL)
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	9	2	1	9	2	2	2	2	1	1	1	1	1
Field Notes or Lot and Block Description	✓	✓	✓		✓		✓		✓			✓	✓
Site Plan Checklist		✓											
Plat Checklist	✓												
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Broker's Opinion												✓	
Survey												✓	✓

Total valuation of proposed improvements for project in 1st & 3rd/TMED/I-35:

\$ 900,000

FEE SCHEDULE

Abandonment	\$100.00
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL) (renewed every 15 years)	\$150.00
*Zone Change/CUP/PD	\$150.00 + \$3.00/acre unplatted

*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculating a filing fee and **does not round up or down**.

By signing this application, staff is granted access to your property to perform work related to your case. Each signature must be notarized.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

For Plats Only: This waiver must be completed for all Plat applications; failure to do so will result in the rejection of your application.

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government code.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: Carl Amdor

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity there instated.

Given under my hand and seal of office on this 21st day of March 2014

Notary Public Signature



For Department Use Only

Project #: 0-FY-14-10
Project Manager: Brian Chandler
Total Fee(s): —
Fee Credit: —
Payment Method: —
Submittal Date: 25 APR 14
Accepted By: Brian Chandler
Accepted Date: _____

PLANNING DEPARTMENT CHECKLIST I-35 OVERLAY PROJECTS

Address 1601 W. Adams Ave. **Frontage** 638.99 **ft.** **Building** 4,495 **sq.ft.**

Proposed Use Drive-thru Restaurant **Sub-District** CITY ENTRY SUBDISTRICT

☐ Planned Development ☐ Conditional Use Permit ☐ General

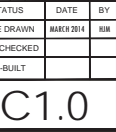
I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met	Mitigation/ Rationale
Site Plan Review (General)			
Required			
Tree Preservation (General)			
Required			
Dimensional and Use Requirements			
Is the use allowed in the district?		X	
Does the Project meet dimensional requirements	10' Front and Rear Landscape Setback; 5' Street Side Landscape Setback; 1.7' side setback; 10' Rear Building setback for Storage		Landscaping setbacks don't allow for adequate parking. Landscape materials have been provided.
Parking (General)			
Curb and gutter, 6" in height, required around perimeter and all parking islands.		X	
Parking aisles must be designed to be perpendicular to the front of the building.		X	
Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street		X	
Parking lots must be designed to preserve the maximum amount of existing trees on site as possible		X	
Parking spaces that face/adjacent to a building must utilize wheel stops		X	
Wheel stops are required adjacent to all landscaped areas Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least 6' in width (8' if parking spaces front both sides)		X	
No parking is allowed in the landscape buffer			Landscaping setbacks don't allow for adequate parking. Landscape materials have been provided.
Required parking ratios- UDC 7.4.4		X	
Screening and Wall Standards			
No storage in connexes, shipping containers or portable buildings		X	

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met	Mitigation/ Rationale
Garage and service bays must be located to rear of building or on side not visible to traffic flow on abutting side of I-35. If visible to on-coming traffic flow, service bays must be screened by a matching masonry wing wall or an opaque landscape screen – with 3" caliper trees and 5 gal. shrubs.		N/A	
No outside storage, display or sales, leasing, or operation of merchandise outside of sales area unless screened with continuous solid screening device from all streets, and adjacent property lines of residentially zoned property.		X	
Loading zones and mechanical equipment must not be clearly visible at eye level from any public street or located within 100' of any public street, unless screen is provided.		X	
Public utility stations must be screened with a masonry wall		N/A	
A min. 6' matching masonry wall must be constructed between non-residential/multi-family use and residential use or zoning district.		N/A	
Refuse storage/compactors/vehicle loading and unloading must not be clearly visible at eye level from any public street or located within 100' of any public street. Vehicle loading and unloading zones must not be visible and screened with matching solid masonry wall earthen berms or 6' opaque landscaping. Refuse must be enclosed on three sides in solid wall of wood or masonry to match building with eight foot self closing gate.	Within 100' of Street		In order for the dumpster truck to access the dumpster and follow one-way traffic flow, it's located where shown on the Site Plan. A screening wall has been provided as well as landscaping around it.
All ground mounted service equipment must be located at the rear of buildings (unless rear faces I-35), integrated into the building envelope, or enclosed service area. If visible, must have 100% opaque screening one foot higher than equipment being screened.		X	
Landscaping			
Areas not covered by building or pavement must be landscaped		X	
Landscape Area 15% (Irrigated)		X	
50% of all driveways into the site must		X	

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met	Mitigation/ Rationale
have enhanced paving of stone, brick, or patterned concrete.			
Drainage facilities are not allowed in the landscape areas		X	
Vegetation must be used to soften the appearance of walls – min 5 gal.shrubs planted every 30" on center.		X	
Foundation plantings, within a planting area min 6' in width, required along 70% of the length of any visible façade.			This is not possible along the Drive Thru side of the building. The plantings have been provided elsewhere.
One min. 3" caliper canopy tree must be planted for every 25' of frontage along public ROW measured along lot lines. If power lines are present four ornamental trees may be substituted for one canopy tree + 10%		X	
Additional ornamental trees must be used in the landscape buffer . One min. 2" caliper ornamental tree must be planted for each 30' of frontage along public ROW measured along lot lines		X	
Required landscape buffer trees must be planted in clusters not intervals		X	
Required landscape buffer must have a minimum of 60% evergreen trees		X	
20% Required landscape buffer must have native grass beds or wildflowers		X	
Landscape buffer berms not less than 24 " covering 50% of landscape buffer area		X	
Parking lot, fuel pumps, and vehicle drive-thru window must be screened by hedge row 2.5 to 4' high for all parking areas visible from public view		X	
Meandering sidewalk required if Trails Master Plan identifies one adjacent in accordance with city sidewalks standards for classification		N/A	
Interior parking islands 1 per every 10 spaces minimum 170 sq ft (1 3" tree required in each)		X	
Terminal parking islands at the end of each row minimum 360 sq ft (2- 3" caliper tree required in each) (non-inventory).	We have an island at the end of each row, but it does not meet the minimum size in some spots.		We do not have double parking rows.
Median islands minimum 10' in width must be located after every third		N/A	

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met	Mitigation/ Rationale
parking bay (3" tree required every 30')			
Landscape must be drought tolerant and accent building features, entryways, and driveways.		X	
Architectural			
Development must be sited as to maximize street presence.		X	
Location and placement of buildings must reflect consideration for roadway access, existing vegetation and surrounding development.		X	
Must 2:1 slope from residential property line if building is non-residential		N/A	
All buildings must be architecturally finished on all sides with same materials, detailing and features. Facades not visible from the street may reflect only similar colors if screened with single row of trees- 25' offset; 50% canopy/evergreen; 10' landscape edge.		X	
The principle building wall setback 18'-24' from BOC.	112.94' setback from Street BOC		We need traffic circulation around the building for access to the drive thru. The street BOC is already over 18' from the ROW line.
Building entrances must be inset or offset by min 4'.		X	
All buildings must incorporate no less than 3 architectural elements > 50,000 must incorporate 5 elements		X	
All buildings must be designed and constructed in tri-partite architecture.		X	
All retail buildings with facades greater than 150' must incorporate wall plane projections or recesses that are at least 6' deep. Projections and recesses must be at least 25 % of length of the façade. No uninterrupted length may exceed 100'		N/A	
Windows must be a minimum of 40% up to a maximum of 80% or each building elevation.		X	Per email correspondence with Mr. Chandler, the intent of maximizing glazing is approved
Color of structures must be earth-tone in hue. No neon or florescent colors.		X	
No more than three materials for facades of buildings		X	
No single building material may cover more than 80% of the front of any		X	

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met	Mitigation/ Rationale
building.			
Windows must not be glazed or re-glazed with mirrored/ reflective glass.		X	Per email correspondence with Mr. Chandler, spandrel glazing is allowed to help meet minimum glazing requirements
Vandal resistant building components must be incorporated.		X	
Approved primary and accent building materials must be from the approved building materials list. Primary (Very limited) materials 70%-90% ; Accent 10%-30% (UDC 6.7.10- D-3)		X	
Lighting			
All on-premise outdoor lighting fixtures must be ornamental/decorative			Standard McDonald's Lighting Package is proposed (See Attached)
All luminaries of 1800 or more lumens must be full-cutoff as installed. (For luminaries under 1800 the bulb must be frosted glass or behind translucent cover		X	
Exterior lighting must have soft indirect illuminations concealed behind landscape or utilize lighting fixtures that produce no direct glare.		X	
On-site lighting must be used for entries, walkways, and parking areas. Down wall washing only. No flood lighting.		X	All Building Lighting proposed to be Down Only, except Roof Cap Element Arcade Light proposed to be continuous LED Up/Dn (See Attached)
Security lighting must be used to avoid glare and must direct light toward building or storage.		X	
Max 80,000 lumens per net acre with full cut-off lighting		X	
Lights mounted on underside of roof 15' or more from any roof edge count ½ toward total lumens.		N/A	
Lighting must be focused and promote safety.		X	
Outdoor lighting fixtures must be max 30' in height/		X	
No blinking, flashing, moving, or mercury vapor lighting allowed.		X	
Utilities			
All electric, telephone, cable wires along public street ROW must be buried		X	



LANDSCAPE PROJECT NOTES

Note to Show Specifications for all information needed for landscape work.
Nately Landscape Architect or designated representative of any layout discrepancy or any condition which may prohibit the installation as shown.

Verify and locate all utilities and any lighting conditions before landscape construction begins. Protection of all utilities is the responsibility of the Contractor.
As landscape planting areas illustrated shall be graded smooth with three inches (3") of topsoil and three inches (3") of compost applied and consistently blended by the Contractor. To obtain full grade, excavations or mounds must be made to not exceed the Contractor shall provide topsoil per the specifications and approved by the Owner. To obtain full grade, excavations or mounds must be made to not exceed the Contractor shall provide topsoil per the specifications and approved by the Owner. To obtain full grade, excavations or mounds must be made to not exceed the Contractor shall provide topsoil per the specifications and approved by the Owner.

All landscape areas will be irrigated with an underground automatic system.
Quantities shown on these plans are for reference only. Plant spacing is as indicated in the Plant Material List unless otherwise noted. The Contractor has full responsibility to provide coverage in all planting areas as specified.

All trees and shrubs shall be installed per planting details.
Trees shall be planted at least five feet (5') from any utility line or sidewalk, and to the outside of utility easements with a clear ten feet (10') around the trees. Furthermore, planting within areas of turf shall give priority of location to irrigation. Trees, shall not be planted within five feet (5') of a spray head or ten feet (10') of a valve. Remaining irrigation components shall respect the location of the illustrated landscape design. Sprinklers, regardless of type, shall not be planted within three inches (3") of hot pavement.

All plant material shall be maintained in a healthy and growing condition, and must be replaced with similar variety and size if damaged or removed. Container grown plant material is preferred, however ball and burlap material may be substituted as indicated in the plant material list.

All planting beds as designated shall be bordered by Owner approved four inch (4") steel edging or 2" x 6" red, pressure treated lumber bordered by concrete. Steel edging adjacent to decomposed granite base shall be 2" x 6" red, pressure treated lumber. Remaining edging shall be 2" x 6" red, pressure treated lumber with no sharp corners exposed.
A four inch (4") dressing of Shredded hardwood mulch over a 4" x 12" woven polypropylene, needle-punched fabric or equal weed barrier shall be used in all plant beds and around all trees. Single trees or shrubs shall be mulched to the outside edge of the saucer or landscape island (see planting details).

Perforate all plants in the time of planting with 10-10-10 time release fertilizer.

All areas of decomposed granite shall be over a 4" x 12" woven polypropylene, needle-punched fabric or equal weed barrier locally available, installed to a compacted depth of three inches (3") to be flush with the top of curb, paved surface, or the top of steel edging.

All areas of river rock as designated shall be locally available and of an average diameter of one and one-half inches (1 1/2") minimum to three inches (3") maximum. Contractor shall install to a depth of three inches (3"). Rock should be compacted and stable under wheel when applied in a pedestrian area.

Shrubs located on curb shall vary in size according to symbol size. Smaller shrubs shall have a minimum spread height of approximately 18", minimum width of three inches (3") and a maximum depth of twenty four inches (24"). Larger shrubs shall have a minimum spread height of approximately 24", minimum width of four inches (4") and a maximum depth of thirty six inches (36"). Shrubs shall be installed to a depth of three inches (3"). Rock should be compacted and stable under wheel when applied in a pedestrian area.

SOIL PROJECT NOTES

EROSION CONTROL
Throughout the project and the maintenance period for hardscape, it is the Contractor's responsibility to maintain the topsoil in place as specified grade. Topsoil and surface losses due to erosion will be replaced by the Contractor until ESTABLISHMENT AND ACCEPTANCE is achieved.

SOIL PREPARATION
All slopes and areas disturbed by construction, except those occupied by buildings, driveways, or paving shall be graded smooth and four (4") inches of topsoil applied. If adequate topsoil is not available onsite, the Contractor shall provide topsoil as approved by the Owner. The area shall be irrigated to typical conditions and allowed to settle for (07) inches. Soil shall be further prepared by the removal of debris, weeds and stems larger than 3/4 inch in diameter. After filling and clearing, all areas to be removed shall be leveled, weed treated, and draped in a weighted silt fence or rock drag.

GRASSING
Grass shall be 100% "Cynodon dactylon" (Common Bermuda grass). Soil preparation shall be as specified. Grass shall be seeded with a healthy, well-grown seed of dense, thick matting throughout the soil of the lot for a thickness not less than three inches (3"). Soil shall be seeded with a healthy, well-grown seed of dense, thick matting throughout the soil of the lot for a thickness not less than three inches (3"). Soil shall be seeded with a healthy, well-grown seed of dense, thick matting throughout the soil of the lot for a thickness not less than three inches (3").

IRRIGATION
In the absence of an irrigation system or areas beyond the coverage limits of a permanent irrigation system, Contractor shall water soil temperature and maintain adequate growth and establishment beyond maintenance begins. Turf shall be watered until firmly established.

Water shall be furnished by the Contractor with means and methods available to ensure acceptable turf. The water source shall be clean and free of industrial wastes or other substances harmful to the growth of the turf.

MAINTENANCE REQUIREMENTS
Vegetation should be inspected regularly to ensure that plant material is established properly and remains healthy. Mowing, weeding and supervision of water applications shall be the responsibility of the Contractor until the Owner or Owner's Representative accepts and assumes regular maintenance.

LANDSCAPE REQUIREMENTS for the City of Temple, TX

ARTICLE 5. SPECIAL PURPOSE AND OVERLAY ZONING DISTRICTS
SEC. 67.15. INTERSTATE 35 CORRIDOR OVERLAY

E. Landscape
Each lot, subdivision of a City Sub-District, must provide a minimum of the following landscape elements. All required trees, shrubs and groundcover must be of a species permitted by the City of Temple Sub-District Ordinance.
1. A total of 15 percent of the total lot area must be landscaped with living approved trees. The trees shall be planted in a grid pattern and shall be installed in good condition after installation, covering 100 percent of the required landscape area.
2. All required landscape elements shall be installed in good condition after installation, covering 100 percent of the required landscape area.
3. Areas not covered by building or pavement must be landscaped.
4. Drainage facilities are not allowed within the landscape area except those that are necessary to protect the landscape from erosion. Drainage facilities shall be installed in a way that does not damage the landscape. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage ditches, and other structures. The drainage improvements must be installed in a way that does not damage the landscape. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage ditches, and other structures. The drainage improvements must be installed in a way that does not damage the landscape.

5. Vegetation must be installed within the appropriate of width, including those used for screening. This may include other vines trained up the wall or minimum five-gallon shade plants.
6. Foundation plantings are required within a planting area a minimum of six feet in width along 70 percent of the length of any facade visible to the public. Foundation planting may court toward the required minimum site landscape area required in paragraph 1 above.
7. All landscape and turf areas must be installed and maintained on a regularly scheduled basis.
8. A landscape buffer is required adjacent to any public street right-of-way based on the sub-district's Area Regulations and as follows:
a. One minimum three-inch caliper canopy tree, as set forth in the City's Plant List, must be planted for each 50 feet of frontage along public street right-of-way as measured along the lot line.
b. Required trees must not be planted in a regular interval, but in clusters.
c. Substituting four ornamental trees per canopy tree is allowed under power lines.
d. A minimum 10 percent of required trees must be evergreen with year around foliage.
e. A minimum 20 percent of the required landscape buffer must have native grass beds or buffaloes.

f. Berms not less than 24 inches nor more than 48 inches in height or no more than four to one slope are required in the landscape buffer, covering a minimum of 50 percent of the buffer area.
9. Any of the following must be screened by a continuous hedge or shrubs, earthen berms, or retaining walls that are two and one-half to four feet in height:
a. Parking lot or vehicle use area.
b. Fuel pumps visible from the direction of traffic flow.
c. Vehicle drive-through window facing the street or traffic flow.
d. Maintaining adequate a minimum of five feet in width are required in accordance with City standards within the landscape buffer the entire length of the street frontage in the following locations:
1. Along any street in the City Sub-District and
2. Along any street that intersects or runs immediately parallel with I-35, the Tails Master Plan requires a driveway adjacent to the property.
11. The width and composition of a sidewalk required in subsection 10 above must be in accordance with the following standards:
a. A sidewalk that is a minimum of 10' wide in width is required where the Tails Master Plan shows a Cynodon dactylon Turf adjacent to the property.
b. A sidewalk that is a minimum of 10' wide in width is required where the Tails Master Plan shows a Cynodon dactylon Turf adjacent to the property.
c. A sidewalk that is a minimum of 10' wide in width is required where the Tails Master Plan shows a Cynodon dactylon Turf adjacent to the property.
12. Landscaped parking islands are required on all parking lots, but are not required adjacent to industrial truck docks. Parking islands may court toward the required minimum landscape area set forth in the sub-district Area Regulations.
a. Interior islands.
b. A central landscape island must be provided for every 10 parking spaces. Each island must be a minimum of 170 square feet in area and 10 feet in width back-of-curb-to-back-of-curb. A minimum three-inch edging tree is required to each island.
c. Terminal islands.
d. All parking area must terminate in a curved landscape island. Each terminal island must be a minimum of 360 square feet in area and contain two minimum three-inch caliper trees.
e. Median islands.
f. A central median island a minimum of 170 feet in width back-of-curb-to-back-of-curb must be located after every third parking lot and along primary arterial access drives. Each median island must contain one minimum three-inch caliper tree a minimum of every 30 feet on center.
13. All landscape areas must accept building footprints, driveways and other structures.
14. Native plants and drought tolerant species are preferred to reduce water requirements.

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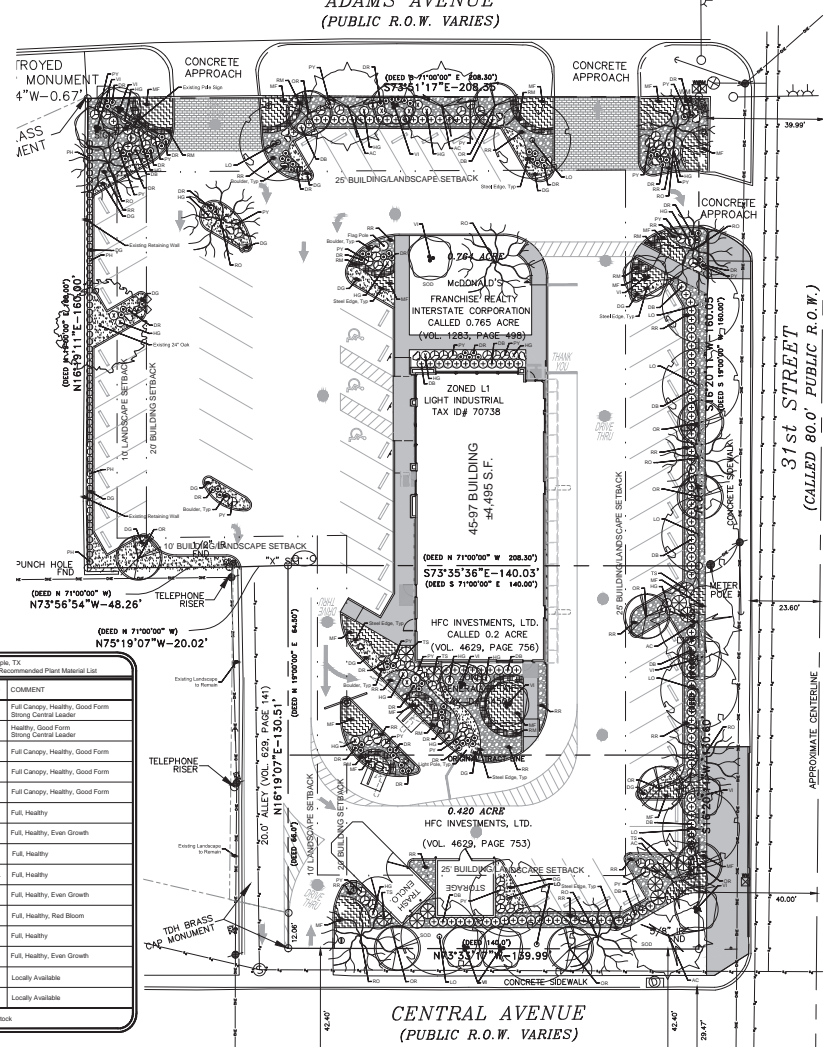
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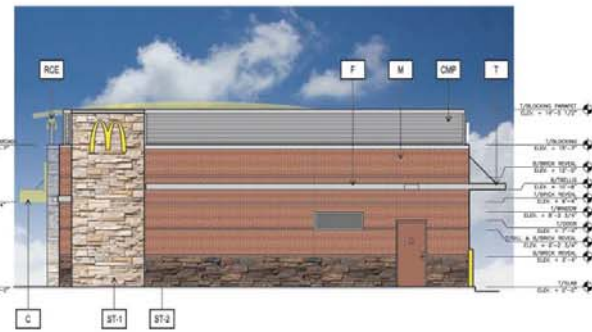




FRONT ELEVATION

D4

REAR ELEVATION



D5



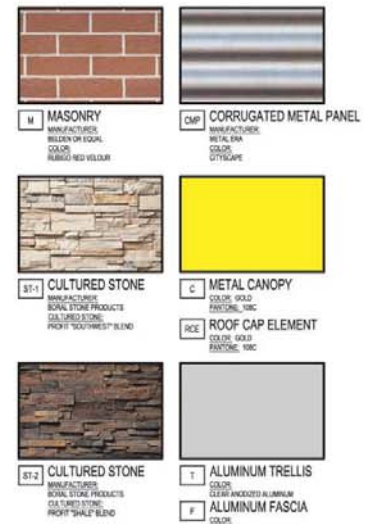
NON DRIVE-THRU ELEVATION

D2



DRIVE-THRU ELEVATION

D1

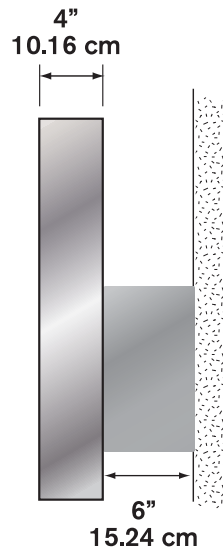
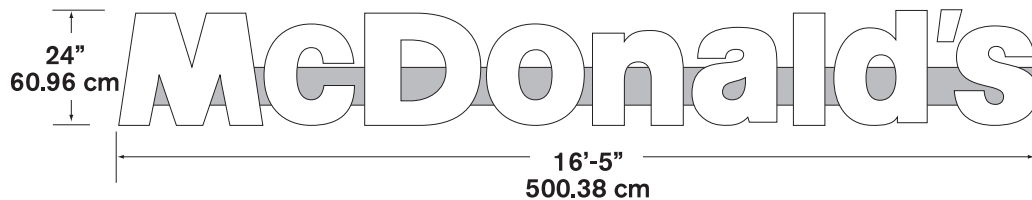


50 SPANDREL GLAZING



McDonald's RESTAURANTS
1601 WEST ADAMS AVE
TEMPLE, TX 76704

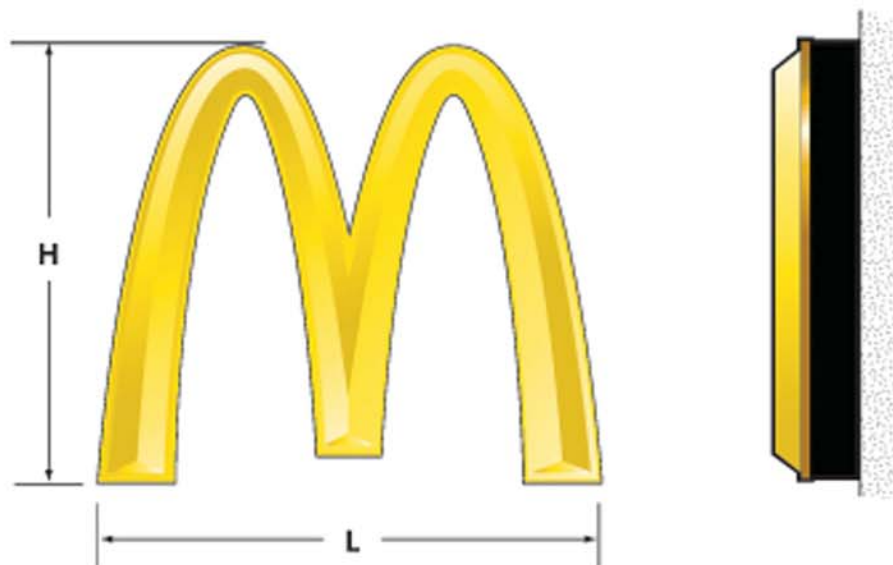
NextGen 24" Raceway Mounted Letter Set



**SIDE VIEW
NOT TO SCALE**

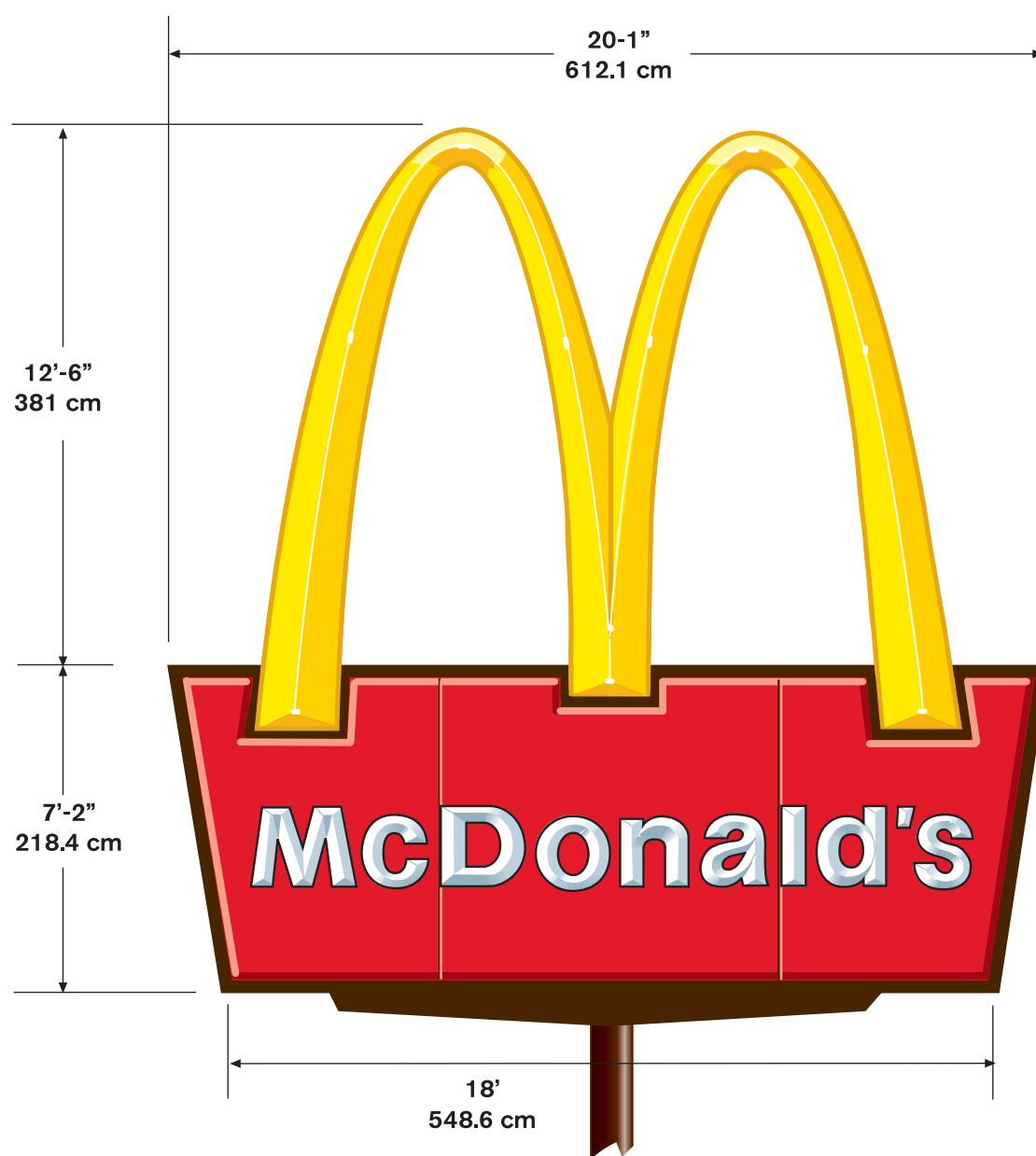
Illumination:	LED
Electrical:	1.6 AMPS
Power Supply:	(1) Amperor ANP90-30P1
Ship Weight:	

Self Contained Illuminated Arch



Size:	60" H x 72" W 152.4 cm x 182.9 cm	42" H x 48" W 106.68 cm x 121.92 cm	36" H x 43-1/2" W 91.44 cm x 110.49 cm	30" H x 35-1/2" W 76.2 cm x 90.17 cm	24" H x 28" W 60.96 cm x 71.12 cm	18" H x 21" W 45.72 cm x 53.344 cm
Illumination:	Neon	Neon	Neon	Neon	Neon	Neon
Electrical:	1.2 amps	1.25 amps	0.9 amps	0.6 amps	0.3 amps	0.3 amps
Transformer:	2 - 60/30	1 - 12/30	1 - 9/30	1 - 6/30	1 - 4/30	1 - 4/30
Ship Weight:	200 lbs.	110 lbs.	75 lbs.	70 lbs.	50 lbs.	30 lbs.

70/200 Road Sign



Illumination:	Mercury Vapor Lamps Arch- 14-HR 175 DX39 Base- 12-HR 400 DX33
Electrical:	Arch- 24.5 Amps 120V 60Hz Base- 46.8 Amps 120V 60Hz
Ballast:	Arch- 14 Universal #1010-245-S-C-TC Base- 12 Universal #1010-247-S-C-TC
Ship Weight:	5000 lbs.
Other:	Replacement faces and moulding only

RESOLUTION NO. _____

[PLANNING NO. O-FY-14-10]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN APPEAL OF STANDARDS IN SECTION 6.7 OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE I-35 CORRIDOR OVERLAY ZONING DISTRICT FOR LANDSCAPING, SIGNAGE, SCREENING AND UTILITIES FOR THE REDEVELOPMENT OF THE MCDONALD'S LOCATED AT 1601 WEST ADAMS AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at their May 19, 2014 meeting, the Planning and Zoning Commission recommended approval of an appeal of standards of Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping, signage, screening and utilities for the redevelopment of the McDonald's located at 1601 West Adams Avenue;

Whereas, McDonald's at 1601 W. Adams Avenue is located in the I-35 Corridor Overlay District - in accordance with Article 6.7 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all landscaping, signage, screening and utilities must conform to the standards of the I-35 Overlay District;

Whereas, McDonald's plans to replace the old building with a new building to accommodate a 4,495 square foot building, a drive thru lane, a drive around the building and parking;

Whereas, staff recommends approval of the requested appeal related to landscaping, signage, screening and utilities for the redevelopment of the McDonald's located at 1601 West Adams Avenue, as shown on the site plan attached hereto as Exhibit 'A' (Landscaping plan and sign specifications); and

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

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

Part 1: The City Council authorizes an appeal of standards of Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District related to landscaping, signage, screening and utilities for the redevelopment of the McDonald's located at 1601 West Adams Avenue. The approved appeal is as follows:

1. Sec. 6.7.5.E – Landscape: 25 feet front and 10 feet side landscape buffers
 - Approval of an exception to allow portions of front to be 25 feet wide and overall landscaping will be 21.2%, which exceeds the 15% site minimum
2. Sec. 6.7.5.J – Signage
 - Approval of an exception to allow 85 feet tall freestanding pylon sign
 - Approval of an exception to allow 380 square foot sign per face
 - Approval of an exception to allow 4 wall signs (1 for each façade)

3. Sec. 6.7.5.D.6 – Screening and Wall Standards:
 - Approval of an exception to allow refuse storage container within 100 feet of a public street (site is surrounded on three sides by public streets)
4. Sec. 6.7.10.G – Entry Sub-District: Utilities
 - Approval of an exception to allow that all electric, telephone and cable television wires be located aboveground in the City Entry Sub-District due to significant expense

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 **5^h** day of **June**, 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

06/05/14
Item #11
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution appointing representatives to the Board of Directors of the Temple Economic Development Corporation.

STAFF RECOMMENDATION: Recommend approval of the resolution.

ITEM SUMMARY: Under Article II, Section 2.1 of the Bylaws of Temple Economic Development Corporation, the City Council as the Sponsoring Entity makes appointments to the board of directors for TEDC. The proposed resolution ratifies the recent appointment of Steve Wright, RZ Representative and Kenny McCarty, Chamber Representative, to the TEDC board of directors.

Steve Wright will fill a standing appointment as Director of the TEDC until September 30, 2016 and Kenny McCarty will fill an unexpired term as a member of the TEDC until September 20, 2014.

FISCAL IMPACT: None

ATTACHMENTS:

Resolution



COUNCIL AGENDA ITEM MEMORANDUM

06/05/14
Item #12
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution approving certain amendments to the Bylaws of the Temple Economic Development Corporation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Pursuant to the applicable provisions of the Texas Business Organizations Code, the Board of Directors of the Temple Economic Development Corporation, a Texas Non-Profit Corporation, have approved certain amendments to the Bylaws of the Corporation. Article VI, Section 6.2(b) of the Bylaws of the Temple Economic Development Corporation provides that the Bylaws may be amended by the Board with “approval of the Sponsoring Entity” (the City of Temple).

Article II, Section 2.1 of the Amended and Restated Bylaws of the Temple Economic Development Corporation provide that the Chairman of the City of Temple Tax Increment Financing Reinvestment Zone Number One shall also serve as a Director of the Corporation. Mr. Robert Browder was made director of the Corporation by virtue of his position as Chairman of the Zone and that due to his resignation, Mr. Steve Wright has succeeded Mr. Browder as the director of the Corporation.

The Board of Directors of the Temple Economic Development Corporation desires to amend Article II, Section 2.1 of the Amended and Restated Bylaws of the Corporation to provide that the number of directors of the Corporation shall increase by one director – this additional directorship shall expire on September 30, 2015, and the number of directors shall automatically revert to fifteen (15) directors. Presently, Article III, Section 3.7 of the Amended and Restated Bylaws of the Corporation provides, as follows:

“The President shall be the chief executive officer of the Corporation, and subject to the control of the Board of Directors. The President shall be in general charge of the properties and affairs of the Corporation. The President may sign and execute contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments in the name of the Corporation; provided, however, any disbursement or obligation involving \$750.00 or more shall require the signature of the President or another designated employee of the Corporation and the co-signature of another officer of the Corporation unless the Directors resolve otherwise;”

The Board of Directors desire to amend Article III, Section 3.7 of the Amended and Restated Bylaws of the Corporation provides, as follows:

“The President shall be the chief executive officer of the Corporation, and subject to the control of the Board of Directors. The President shall be in general charge of the properties and affairs of the Corporation. The President may sign and execute contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments in the name of the Corporation; provided, however, any disbursement or obligation involving \$750.00 or more shall require the signature of the President or another designated employee of the Corporation and the co-signature of another officer of the Corporation unless the Directors resolve otherwise. Furthermore, any contracts or agreements between the Corporation and any third party vendors in excess of \$25,000.00 shall require the prior written consent and authorization of the Board;” and

FISCAL IMPACT: None

ATTACHMENTS:

Copy of Proposed Amendments to the Bylaws
Resolution



COUNCIL AGENDA ITEM MEMORANDUM

06/05/14
Item #13
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Agreement with Criterion Management Group, LLC, and Temple Historic Arcadia Theater, Inc., regarding the redevelopment of the Hawn Hotel and Arcadia Theater properties.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Last October the City entered into a letter of intent with Criterion Management Group, LLC (Criterion) and the Temple Historic Arcadia Theater, Inc. (Arcadia), governing the possible redevelopment of the Hawn and Arcadia properties. The Hawn Hotel property is currently owned by the City and the theater is owned by Arcadia (a Texas nonprofit corporation).

During the past six months Criterion has completed its due diligence, and the City and Criterion have negotiated the terms of a binding Chapter 380 agreement between the parties. Because Arcadia is the owner of the theater property, they are a party to the proposed Chapter 380 agreement. The terms of the Chapter 380 agreement are in line with the terms laid out in the existing letter of intent with one change discussed below. The primary obligations for the parties are as follows:

Criterion:

- Agrees to accept and develop the Hawn and Arcadia properties and to develop them as residential, retail and performing arts space.
 - Not less than 25,000 square feet of “for sale” condominium residential space
 - Not less than 5,800 square feet of retail space
 - Not less than 250 seat performing arts venue
 - Maintain the general historic appearance of the exterior of both buildings

City:

- Convey the Hawn Hotel property to Criterion for \$1
- Improve the intersection of Central Avenue and South 4th Street similar to other improved downtown interests (e.g., South Main and Central Avenue)
- Grant Criterion the exclusive use of the City owned parking lot on the north side of the Arcadia
- Close South 4th Street between Adams and Central, convey the right of way to Criterion, and allow Criterion to construct additional parking improvements within that right of way (NEW)
- Consider granting ten year declining term (100% years 1-5, then 90-80-70-60-50% in years 6-10) tax abatement on the Hawn and Arcadia properties (to be separately authorized by the City Council)
- Assure adequate water and wastewater service to the site

Arcadia:

- Conveyance of the “Arcadia Theater” property to Criterion for \$1

The principal change between the letter of intent and the proposed Chapter 380 agreement is with respect to the parking. In the letter of intent, the parties contemplated that the City would make the parking lot on the north side of the Arcadia available for the exclusive use of Criterion and future residents in the condo units, and that would provide up to 80 parking spaces. After completing their due diligence, Criterion determined that the available space would not provide 80 parking spaces, and is requesting that the City agree to close South 4th Street between Adams and Central and convey it to Criterion so that Criterion can both create additional parking spaces and also to expand the footprint of the Hawn towards the right of way to allow construction of an exterior elevator to more efficiently serve the condo units in the Hawn.

In addition, the City and Criterion are discussing the possibility of reaching an agreement on the construction of a public/private parking garage on the City-owned lot east of the Hawn & Arcadia properties. In the event that the parties can reach an agreement for the design, construction, ownership, maintenance and operation of a parking garage, that understanding could be incorporated into a future amendment of this Chapter 380 agreement, or incorporated into a future agreement between the City and Criterion. In the interim, residents and customers of Criterion’s project (residential and retail space) could have use of the public surface parking on that existing improved lot which is currently underutilized.

The two primary out of pocket expenses to the City under the proposed Chapter 380 agreement are the cost of the intersection improvement at South 4th Street and Central Avenue, and the cost of any improvements to the wastewater and water infrastructure serving the Hawn and Arcadia properties. The existing intersections were constructed at a cost of \$350-400,000 six to ten years ago. The cost today could be in excess of \$500,000.

A preliminary assessment of the water and wastewater infrastructure by Public Works has identified a need to replace an existing wastewater line serving the properties. The existing water line appears satisfactory. The cost of the wastewater line replacement, which would involve the replacement of approximately 1,600 feet of a 6 inch wastewater line (upsized to 8 inch) running north/side in the alley to the west of the Arcadia/Hawn from Adams to East Avenue C with an estimated cost of \$500,000. The wastewater line improvement would of course benefit all of the properties served by the existing line from Adams to East Avenue C (see attached utility drawing). Public Works has not yet been asked to consider what costs, if any, might be associated with abandoning a portion of South 4th Street, e.g., whether utilities within that block need to be relocated.

FISCAL IMPACT: *Intersection Improvements at South 4th* – Funding will be provided through the Transportation Capital Improvement Program once timing and reprioritization of projects have been determined.

Wastewater Infrastructure Improvements - A budget adjustment is being presented to Council for authorization allocating funding in the amount of \$500,000 from Water & Sewer Retained Earnings, account 520-0000-373-0411, to Wastewater Line Replacement – Hawn Hotel, account 520-5900-535-6361, project 101186. This allocation will allow funds to be readily available for the

improvements to the wastewater infrastructure serving the Hawn and Arcadia properties that are currently estimated at \$500,000.

ATTACHMENTS:

[Budget Adjustment](#)

[Utility map](#)

[Draft Chapter 380](#)

[Agreement Resolution](#)

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
520-5900-535-63-61	101186	SLR - HAWN HOTEL	\$ 500,000	
520-0000-373-04-11		WATER & SEWER RET EARNINGS		500,000
		DO NOT POST		
TOTAL.....			\$ 500,000	\$ 500,000

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

Allocate funding in the amount of \$500,000 for the costs of the wastewater line replacement running north/side in the alley to the west of the Arcadia/Hawn from Adams to East Avenue C.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

6/5/2014

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

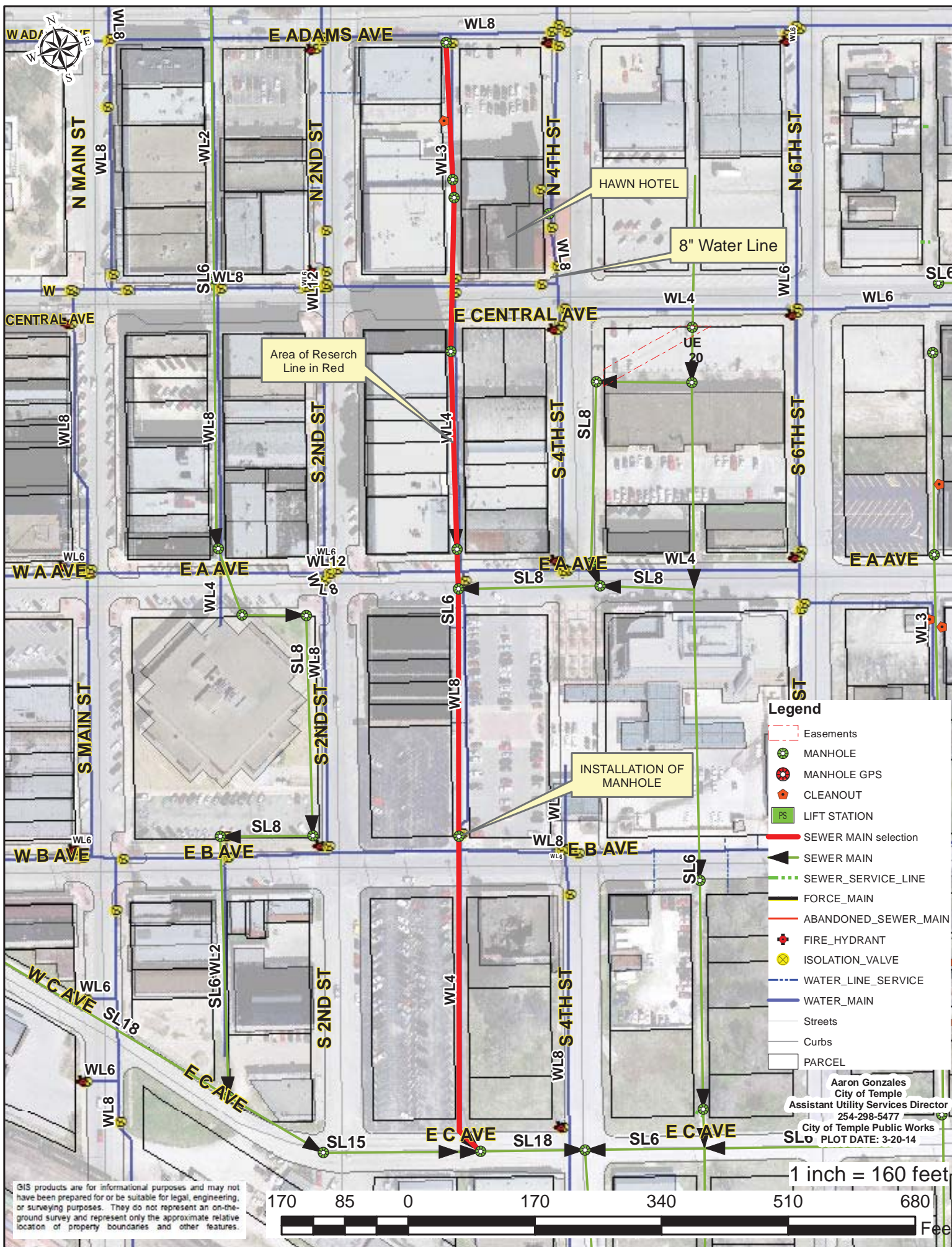
Date

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Approved

☐

Disapproved



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.