



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> FLOOR – CONFERENCE ROOM**

**THURSDAY, JANUARY 15, 2015**

**3:30 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 15, 2015.
2. Receive the 2013-2014 Annual Risk Management Report.
3. Discuss a potential Parks Bond Election.

**5:00 P.M.**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR  
TEMPLE, TX**

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. PUBLIC APPEARANCE:**

3. Receive comments from Frank Reidy regarding property located at 704 South 18<sup>th</sup> Street.

**IV. CONSENT AGENDA**

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

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

**Minutes**

- (A) December 4, 2014 Special Called and Regular Meeting
- (B) December 18, 2014 Special Called and Regular Meeting

### **Contracts, Leases, & Bids**

- (C) [2015-7592-R](#): Adopt a resolution authorizing the purchase of Network switches and firewall with Solid IT Networks, of Houston in the amount of \$71,454.30.
- (D) [2015-7593-R](#): Consider adopting a resolution authorizing the purchase of computer hardware during FY 2015 from Dell Marketing, LP of Round Rock, in the estimated annual amount of \$109,100.
- (E) [2015-7594-R](#): Consider adopting a resolution authorizing the City Manager to adjust charges for various services and products offered at the City's wastewater treatment plants to reflect market conditions.
- (F) [2015-7595-R](#): Consider adopting a resolution authorizing a construction contract with Sewer Services of Texas, Inc., for the inspection, testing, and manhole repair of a portion of the sewer system located in the Bird Creek Basin in the amount of \$160,815.
- (G) [2015-7596-R](#): Consider adopting a resolution authorizing the City Manager to enter into a Texas Emergency Medical Task Force Resource Memorandum of Agreement with the Department of State Health Services to allow the City to provide emergency medical resources and assets throughout the State in the event of an emergency or disaster.
- (H) [2015-7597-R](#): Consider adopting a resolution authorizing a 24 month lease agreement with Edward Brenek for lease of approximately 18.76 acres of City-owned land located near the City of Temple's landfill.
- (I) [2015-7598-R](#): Consider adopting a resolution authorizing a lease renewal with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).
- (J) [2015-7599-R](#): Consider adopting a resolution ratifying a Chapter 380 Development Agreement with Primus/Bird Creek Partners, LP for the construction of a sanitary sewer line in the Bird Creek Crossing shopping center in an amount not to exceed \$20,430.
- (K) [2015-7600-R](#): Consider adopting a resolution authorizing the City Manager to execute an Advance Funding Agreement with TXDOT related to landscaping costs for the proposed gateway to the Temple Medical Education District along Spur 290 at Loop 363 and associated frontage road improvements.

### **Ordinances – First Reading**

- (L) [2015-4699](#): FIRST READING - Z-FY-15-04 – Consider adopting an Ordinance authorizing a zoning change from Planned Development Office 1 District (PD-O-1) to Office 2 District (O-2) on 3.519 +/- acres known as Waterford Professional Park, located on the north side of South 31st Street, east of Warwick Drive.

### **Ordinances – Second & Final Reading**

- (M) [2014-4698](#): SECOND & FINAL READING - Consider adopting an ordinance adopting The Temple Youth Standards of Care.

**Misc.**

- (N) [2015-7601-R](#): Consider adopting a resolution confirming the appointment of Charla Thomas as a Deputy City Attorney and setting compensation for the position.
- (O) [2015-7602-R](#): Consider adopting a resolution confirming the appointment of Megan Davis as a Deputy City Attorney and setting compensation for the position.
- (P) [2015-7603-R](#): Consider adopting a resolution accepting the FY2013-2014 Risk Management Report.
- (Q) [2015-7604-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

**V. REGULAR AGENDA**

**ORDINANCES**


5. [2015-4700](#): FIRST READING - PUBLIC HEARING – Z-FY-15-01: Consider adopting an Ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.00 +/- acres, out of the Nancy Chance Survey, Abstract Number 5, Bell County, Texas, located at 108 & 124 Old Waco Road.
6. [2015-4701](#): FIRST READING - PUBLIC HEARING - Z-FY-15-03: Consider adopting an Ordinance amending Articles 2, 5, 7 and 11 of the Unified Development Code to identify permitted temporary uses and establish regulations, definitions and procedures for such uses.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:40 PM, on Friday, January 9, 2015.

  
\_\_\_\_\_  
City Secretary, \_\_\_\_\_  
City of Temple





## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #3  
Regular Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Daniel A. Dunn, Mayor

**ITEM DESCRIPTION:** Receive comments from Frank Reidy regarding property located at 704 South 18<sup>th</sup> Street.

**STAFF RECOMMENDATION:** Receive comments as presented in item description.

**ITEM SUMMARY:** Mr. Ready 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

REQUEST FOR PLACEMENT ON AGENDA

\_\_Priority

NAME OF PRESENTER: FRANK REEDY

ADDRESS: 5519 BLACKSACK LA, HOUSTON, TX 77088

TELEPHONE NO. 281-650-0550

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

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.) I REQUEST A VARIANCE

FOR 704 S 18<sup>TH</sup> ST SO THE PROPERTY IS IN COMPLIANCE  
WITH THE OTHER HOUSES ON 704 - 712 S 18<sup>TH</sup>

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.

Frank Reedy  
SIGNATURE OF PRESENTER

12-18-14  
DATE

For Office Use:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RECEIVED**

DEC 18 2014  
CITY OF TEMPLE, TX  
CITY SECRETARY



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(A-B)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) December 4, 2014 Special Called and Regular Meeting
- (B) December 18, 2014 Special Called and Regular Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[December 4, 2014](#) Special Called & Regular Meeting – to be provided  
[December 18, 2014](#) Special Called & Regular Meeting – to be provided



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(C)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Adopt a resolution authorizing the purchase of Network switches and firewall with Solid IT Networks, of Houston in the amount of \$71,454.30.

**STAFF RECOMMENDATION:** Adopt Resolution as presented in item description.

**ITEM SUMMARY:** Information Technology Department currently maintains many systems, applications, pc's and wireless devices across the city. In our environment, the Sonicwall **firewall** is a network security system that controls the incoming and outgoing network traffic based across the internet. A firewall establishes a barrier between a trusted, secure internal network and the internet which is assumed not to be secure and trusted. The City's Firewall is currently over six years and will be considered obsolete this summer and needs to be replaced. The City currently is standardized on Sonicwall Firewall devices.

The City currently has approximately twenty-nine network switches that are over 6 years old and need to be replaced to ensure continuous flow of communications and phone service. We review our network requirements based on criticality of applications, security, CJIS compliance, network bandwidth consumption, network response time, and quality of service to meet future needs and high availability. We also look for total cost of ownership in the number of years in which the acquisition returns more value to the city than it costs to own, operate, and maintain. When these costs exceed returns, the acquisition is beyond its economic life. The current switches are also considered obsolete by the vendor which makes replacement of these units very hard to come by.

Staff recommends utilizing the State of Texas DIR contract DIR-TSO-2644, Project 101274 for the Network Switches in the amount \$37,079.55 and DIR-SDD-1951, Project 101273 for the Firewall equipment in the amount of \$34,374.75.

**FISCAL IMPACT:** A budget adjustment is presented for Council's Approval. Technology funds are available in in the following accounts:

<b><u>Description</u></b>	<b><u>Account #</u></b>	<b><u>Project #</u></b>	<b><u>Amount</u></b>
SonicWall (Firewall)	351-1900-519-62-18	101273	\$34,375
Network Switch Replacement	351-1900-519-62-18	101274	\$25,000
Network Switch Replacement	110-1940-519-62-28	101274	\$12,080
<b><u>Total Funds Available</u></b>			<b><u>\$ 71,455</u></b>

**ATTACHMENTS:**  
[Budget Adjustment](#)  
[Resolution](#)

FY 2015**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	
351-1900-519-62-18	101273	Capital Equipment/Computer Hardware	\$ 35,000			
351-1900-519-62-18	101274	Capital Equipment/Computer Hardware	\$ 25,000			
351-0000-490-25-82		Transfer In- Desg Capital Proj Fund	\$ 60,000			
110-0000-351-09-43		Desg Capital Unallocated Tech Funds			60,000	
110-9100-591-81-51		Transfer Out- Desg Capital Proj Funds	60,000			

110-1940-519-62-28	101274	Capital Equipment / PEG	\$ 12,080			
110-0000-315-19-00		Reserved for Public Education Channel			12,080	
		<b>Do Not Post</b>				
<b>TOTAL.....</b>			\$ 192,080		\$ 72,080	

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

Replacement Firewall and Network Program for Fiscal Year 2015.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

1/15/2015

WITH AGENDA ITEM?

☒

Yes

☐

No

*Alan DeLoera*

Department Head/Division Director

12/22/2014

Date

☒

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2015-7592-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF NETWORK SWITCHES AND FIREWALL FROM SOLID IT NETWORKS OF HOUSTON, TEXAS, UTILIZING A STATE OF TEXAS DIR CONTRACT, IN THE AMOUNT OF \$71,454.30; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Information Technology Department currently maintains many systems, applications, PC's and wireless devices across the City - in this environment, the Sonicwall firewall is a network security system that controls the incoming and outgoing network traffic based across the internet;

**Whereas**, a firewall establishes a barrier between a trusted, secure internal network and the internet which is assumed not to be secure and trusted - the City's firewall and network switches are currently over six years old and will be considered obsolete this summer;

**Whereas**, staff recommends the purchase of network switches and firewall from Solid IT Networks of Houston, Texas, utilizing the State of Texas DIR contract DIR-TSO-2644, Project 101274 for the network switches and DIR-SDD-1951, Project 101273 for the firewall equipment;

**Whereas**, funds are available for this purchase but an amendment to the fiscal year 2015 budget needs to be approved to transfer the funds to Account No. 351-1900-519-62-18, Project No. 101273, Account No. 351-1900-519-62-18, Project No. 101274, and Account No. 110-1940-519-62-28, Project No. 01274; 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 network switches and firewall from Solid IT Networks of Houston, Texas, utilizing a State of Texas DIR contract, in the amount of \$71,454.30.

**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 purchase.

**Part 3:** The City Council authorizes an amendment to the fiscal year 2015 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 **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(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 computer hardware during FY 2015 from Dell Marketing, LP of Round Rock, in the estimated annual amount of \$109,100.

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

**ITEM SUMMARY:** The Information Technology Department currently has a PC, laptop and server replacement program that is funded through the Information Technology CIP funding to replace obsolete computer systems. Computers are in a 4 to 5 year replacement cycle. This cycle is based on the type of use (computing power needed) and overall age of the system. This replacement program was started in 2002 to ensure that we were running applications efficiently and effectively while also ensuring desktop and software applications were being supported under maintenance contracts. The Desktop PC Replacement Program will only cover current in-service PC's. If a new position is added or a program calls for an additional PC, software license or printer, this must be a newly budgeted item.

The City of Temple has chosen to standardize all hardware purchases with Dell PCs, laptops, storage and servers. Our relationship with Dell has been very beneficial to the City and Dell equipment has proven to be reliable, supportable and cost competitive. Dell support offerings and service, in our experience, are un-matched by their competitors. Standardization is a key for any efficient support organization. It is not possible to support hardware from any and all vendors in a timely manner. As technical staff became familiar with specific hardware, they are able to diagnose and resolve issues more quickly. With each varying hardware model, software varies as well. It isn't practical to maintain software drivers and technical information for any offering on the market. Additionally, large PC manufacturers offer several models within their own products. Some are intended for the home market and others are for the corporate/business market. Business PCs generally consist of more standardized components that will be offered for a longer period of time. These components are tested specifically for use in network environments, and are certified by software developers to work well in those environments.

It is anticipated in FY 2015 that 60 desktop computers, 10 laptops, and 2 servers will be purchased. The desktops and laptops to be replaced are currently 5 years old as well as the servers. Dell Marketing LP has been awarded a State of Texas Department of Information Resources (DIR) contract utilizing a State of Texas Department of Information Resources, City of Temple (DIR) contract 42AFU. Staff is recommending the use of this contract for the purchases.

**FISCAL IMPACT:** A budget amendment is presented for Council's approval to appropriate \$109,100 of Technology funds in the following accounts:

<u>Description</u>	<u>Account #</u>	<u>Project #</u>	<u>Amount</u>
Dell Server	351-1900-519-62-18	101271	\$12,000
Dell EqualLogic Storage Array	110-1940-519-62-28	101272	\$24,100
Dell PC's/Laptops	351-1900-519-22-21		\$73,000
<b><u>Total Funds Available</u></b>			<b><u>\$ 109,100</u></b>

**ATTACHMENTS:**  
[Budget Adjustment](#)  
[Resolution](#)

FY 2015**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	
351-1900-519-62-18	101271	Capital Equipment/Computer Hardware	\$ 12,000			
351-1900-519-22-21		Capital < \$5,000 Computer Equipment	\$ 73,000			
351-0000-490-25-82		Transfer In- Desg Capital Proj Fund	\$ 85,000			
110-0000-351-09-43		Desg Capital Unallocated Tech Funds			85,000	
110-9100-591-81-51		Transfer Out- Desg Capital Proj Funds	85,000			

110-1940-519-62-28	101272	Capital Equipment / PEG	\$ 24,100			
110-0000-315-19-00		Reserved for Public Education Channel			24,100	
		<b>Do Not Post</b>				
<b>TOTAL.....</b>			\$ 279,100		\$ 109,100	

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

Replacement Servers, PC's, Laptops, Storage Program for Fiscal Year 2015.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

1/15/2015

WITH AGENDA ITEM?

☒

Yes

☐

No

*Alan DeLoera*

Department Head/Division Director

12/22/2014

Date

☒

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2015-7593-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF COMPUTER HARDWARE DURING FISCAL YEAR 2015 FROM DELL MARKETING, LP OF ROUND ROCK, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$109,100; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Information Technology Department currently has a PC, laptop and server replacement program that is funded through the Information Technology CIP funding to replace obsolete computer systems - this cycle is based on the type of use (computing power needed) and overall age of the system;

**Whereas**, this replacement program was started in 2002 to ensure that the City was running applications efficiently and effectively while also ensuring desktop and software applications were being supported under maintenance contracts - the Desktop PC Replacement Program only covers current in-service PC's;

**Whereas**, the City of Temple has chosen to standardize all hardware purchases with Dell PCs, laptops, storage and servers - it is anticipated that 60 desktop computers, 10 laptops, and 2 servers will be purchased in fiscal year 2015;

**Whereas**, Dell Marketing LP has been awarded a State of Texas Department of Information Resources (DIR) contract utilizing a State of Texas Department of Information Resources, City of Temple (DIR) contract 42AFU;

**Whereas**, staff recommends the purchase of computer hardware from Dell Marketing, LP of Round Rock, Texas, during fiscal year 2015, utilizing a State of Texas Department of Information Resource contract, in the amount of \$109,100;

**Whereas**, funds are available for this purchase but an amendment to the fiscal year 2015 budget needs to be approved to transfer the funds to Account No. 351-1900-519-62-18, Project No. 101271, Account No. 10-1940-519-62-28, Project No. 101272, and Account No. 351-1900-519-22-21; 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 computer hardware from Dell Marketing, LP of Round Rock, Texas, during fiscal year 2015, utilizing a State of Texas Department of Information Resource contract, in the amount of \$109,100.

**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 these purchases.

**Part 3:** The City Council authorizes an amendment to the fiscal year 2015 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 **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(E)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Public Works Director  
Damon Boniface, Utility Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing staff to adjust charges for various services and products offered at the City's wastewater treatment plants to reflect market conditions.

**STAFF RECOMMENDATION:** Recommend authorizing staff to adjust product and service prices to reflect market conditions.

**ITEM SUMMARY:** The Cities of Temple and Belton jointly own and operate (through contract with the Brazos River Authority) the Temple Belton Wastewater Treatment Plant, which includes operations of a composting facility. The composting facility makes beneficial use of what would otherwise be waste products, including wastewater sludge and available brush, producing a useable and robust product available to the public.

The current charge for compost at the Temple Belton Wastewater Treatment Plant is \$10 per cubic yard. Brush drop off is available at a current rate of \$1 per cubic yard. The wastewater treatment plant also allows for disposal of septic hauler discharge at a fee of \$0.050/gallon. A market survey and comparison of bio-solid compost prices, brush and septic hauler discharge fees across the state shows that these costs are well below average, and have not been adjusted for many years.

This item recommends authorizing staff to adjust product and service prices periodically, as warranted, to reflect market conditions.

**FISCAL IMPACT:** The net revenue from the composting operation was approximately \$200,000 in FY 2014. This revenue offsets operational costs of the Temple-Belton Waste Water Treatment Plant. Adjustments to the charges will increase net revenues of the composting operations.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2015-7594-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ADJUST CHARGES FOR VARIOUS SERVICES AND PRODUCTS OFFERED AT THE CITY'S WASTEWATER TREATMENT PLANTS TO REFLECT MARKET CHANGES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Cities of Temple and Belton jointly own and operate the Temple Belton Wastewater Treatment Plant, which includes operations of a composting facility;

**Whereas**, the composting facility makes beneficial use of what would otherwise be waste products, including wastewater sludge and available brush, producing a useable and robust product available to the public;

**Whereas**, a current market survey of bio-solid compost prices, brush and septic hauler discharge fees across the state shows that the City of Temple's current prices for these products and services are well below average, and have not been adjusted for many years;

**Whereas**, staff requests authorization to adjust product and service prices periodically, as warranted, to reflect market conditions; 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, full authority to periodically adjust charges for various services and products offered at the City's wastewater treatment plants to reflect market changes.

**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 **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(F)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva P.E., Public Works Director  
Damon B. Boniface, Utility Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Sewer Services of Texas, Inc., for the inspection, testing, and manhole repair of a portion of the sewer system located in the Bird Creek Basin in the amount of \$160,815.

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

**ITEM SUMMARY:** The Bird Creek Basin has seen a large number of wastewater overflows as a result of inflow and infiltration during rain events through the years. As sewer systems age, lines and manholes begin to develop cracks and holes that allow ground water to enter the system. This additional water then places a greater burden on the ensuing lift stations and treatment plants as it moves through the collection system.

The targeted area for the project is identified on the attached Project Area Map. Approximately 38,000 linear feet of sewer line and 100 manholes will be inspected and tested to identify infrastructure that should be targeted for future repair and rehabilitation. This work will also identify any major issues that may exist in the field which might not be known through routine daily work. In addition, the work will include the raising of approximately 40 manholes to ground level.

On December 3, 2014, two bids were received for the project. Per the attached Letter of Recommendation and Bid Tabulation prepared by the consulting engineer, Sewer Services of Texas, Inc., of Conroe, Texas, submitted the low bid on the project in the amount of \$160,815. The engineer's opinion of probable cost for the work was \$158,000. The engineering consultant is familiar with Sewer Services of Texas, Inc., and recommends contract award to this contractor.

**FISCAL IMPACT:** Currently, funding in the amount of \$175,000 is available in account 520-5440-535-26-23 to fund this contract with Sewer Services of Texas, Inc., which was adopted in the FY '15 budget.

**ATTACHMENTS:**

[Project Area Map](#)  
[Engineer's Letter of Recommendation & Bid Tabulation Resolution](#)

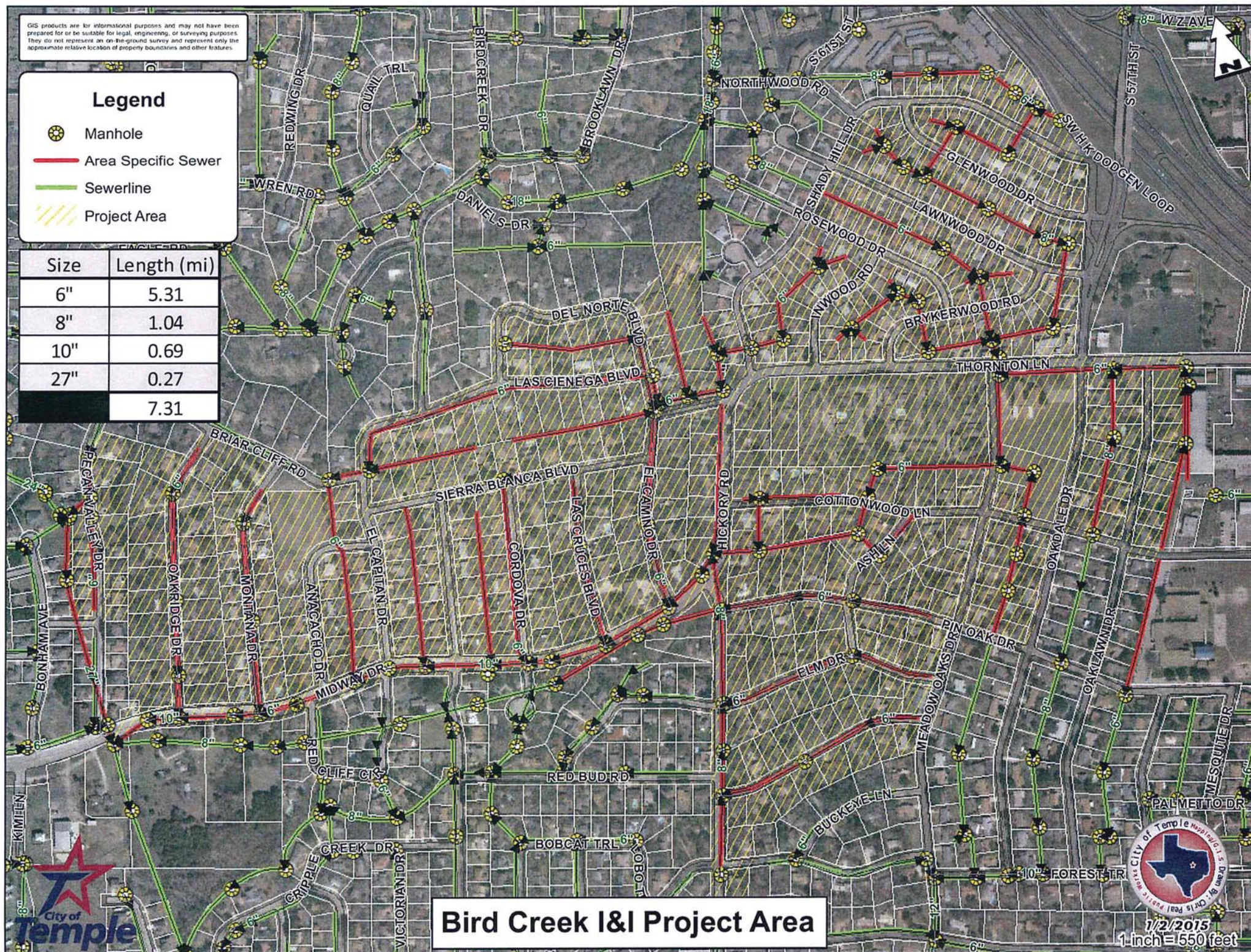


GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

## Legend

-  Manhole
-  Area Specific Sewer
-  Sewerline
-  Project Area

Size	Length (mi)
6"	5.31
8"	1.04
10"	0.69
27"	0.27
	7.31



## Bird Creek I&I Project Area





**Lockwood, Andrews  
& Newnam, Inc.**  
A LEO A DALY COMPANY

December 5, 2014

Mr. Chris Peal  
City of Temple  
3210 East Avenue H  
Building A, Suite 101  
Temple, Texas 76501

Via email: [cpeal@templetx.gov](mailto:cpeal@templetx.gov)

**RE: Sanitary Sewer Inspection, Bird Creek – Recommendation of Award**

Mr. Peal:

On December 3, 2014, the City received two (2) sealed bids for construction of the Bird Creek Sanitary Sewer Inspection project. LAN has performed a due diligence review of the bids. Enclosed is a Certified Bid Tab, which includes bid item pricing and overall costs submitted by all responsive bidders. The lowest responsive bidder is Sewer Services of Texas, Inc. of Conroe, Texas. References were provided by the low bidder and are enclosed. Based on information provided by references, the low bidder has completed similar projects and appears to be capable of successfully performing the Work. Therefore, we recommend that the contract for construction and inspection of the Bird Creek Sanitary Sewer Inspection project be awarded to Sewer Services of Texas, Inc. Please contact me at (512) 338-2722 or [tmmichel@lan-inc.com](mailto:tmmichel@lan-inc.com) should you have any further questions.

Sincerely,

A handwritten signature in blue ink that reads 'Travis Michel'.

Travis Michel, P.E.  
*Sr. Project Manager*

Enclosures

Cc: Tera Villaret (LAN)  
LAN Project file (160-10705-000)

# CERTIFIED BID TAB

CITY OF TEMPLE	PROJECT SPONSOR: CITY OF TEMPLE PROJECT MANAGER: CHRIS PEAL ENGINEER: LOCKWOOD, ANDREWS & NEWNAM, INC TRAVIS MICHEL, P.E.	BID OPENING DATE: 12/3/2014 TIME: 3:00 PM LOCATION: 3210 E. AVENUE H, BUILDING C
BID TABULATION		

## SANITARY SEWER INSPECTION - BIRD CREEK

BIDDER (S):				Sewer Services of Texas, Inc.		Chief Solutions, Inc.	
LOCATION:				CONROE, TX		HOUSTON, TX	
LINE ITEM	QTY	UNIT	ITEM DESCRIPTION	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	1	LS	Mobilization	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00
2	2	MO	Traffic Control	\$ 1,250.00	\$ 2,500.00	\$ 2,000.00	\$ 4,000.00
3	44	EA.	Locate Sanitary Sewer Manhole, as Directed by Engineer	\$ 100.00	\$ 4,400.00	\$ 500.00	\$ 22,000.00
4	40	EA	Raise Sanitary Sewer Manhole to 1-inch Above Existing Ground Level (up to 1 vertical linear foot), Complete in Place	\$ 1,300.00	\$ 52,000.00	\$ 650.00	\$ 26,000.00
5	4	EA	Raise Sanitary Sewer Manhole to 1-inch Above Existing Ground Level (beyond 1 vertical linear foot), Complete in Place	\$ 150.00	\$ 600.00	\$ 10.00	\$ 40.00
6	16,000	LF	TV Inspection of Sanitary Sewers, All Diameters	\$ 1.00	\$ 16,000.00	\$ 3.00	\$ 48,000.00
7	36,315	LF	Smoke Test Sanitary Sewer Lines, All Diameters	\$ 1.00	\$ 36,315.00	\$ 0.75	\$ 27,236.25
8	100	EA	Sanitary Manhole Inspection, All Depths	\$ 200.00	\$ 20,000.00	\$ 100.00	\$ 10,000.00
<b>TOTAL BASE BID</b>				<b>\$</b>	<b>141,815.00</b>	<b>\$</b>	<b>142,276.25</b>
C-1	10,000	LF	TV Inspection of Sanitary Sewers, All Diameters Beyond Bid Item 4, Not Exceeding a Quantity of 20,315	\$ 1.00	\$ 10,000.00	\$ 3.00	\$ 30,000.00
C-2	10	EA	Manhole Dye Testing	\$ 100.00	\$ 1,000.00	\$ 400.00	\$ 4,000.00
C-3	20	EA	Remove and Replace Frame and Cover, Complete in Place - For All Size Manhole Lids	\$ 400.00	\$ 8,000.00	\$ 1,150.00	\$ 23,000.00
<b>TOTAL BID (BASE BID + CONTINGENT)</b>				<b>\$</b>	<b>160,815.00</b>	<b>\$</b>	<b>199,276.25</b>

RESOLUTION NO. 2015-7595-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SEWER SERVICES OF TEXAS, INC., OF CONROE, TEXAS, FOR THE INSPECTION, TESTING AND MANHOLE REPAIR OF A PORTION OF THE SEWER SYSTEM LOCATED IN THE BIRD CREEK BASIN, IN THE AMOUNT OF \$160,815; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Bird Creek Basin has seen a large number of wastewater overflows as a result of inflow and infiltration during rain events through the years;

**Whereas**, as sewer systems age, lines and manholes begin to develop cracks and holes that allow ground water to enter the system which then places a greater burden on the ensuing lift stations and treatment plants as it moves through the collection system;

**Whereas**, approximately 38,000 linear feet of sewer line and 100 manholes will be inspected and tested to identify infrastructure that should be targeted for future repair and rehabilitation - this work will identify any major issues that may exist in the field which might not be known through routine daily work and will include the raising of approximately 40 manholes to ground level;

**Whereas**, on December 3, 2014 two (2) bids were received for the project and Sewer Services of Texas, Inc. of Conroe, Texas submitted the low bid for the project - the engineering consultant is familiar with the contractor and recommends award of this contract to Sewer Service of Texas, Inc., in the amount of \$160,815;

**Whereas**, funding for this contract is available in Account No. 520-5440-535-2623, which was adopted in the fiscal year 2015 budget; 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 Sewer Services of Texas, Inc. of Conroe, Texas, after approval as to form by the City Attorney, for the inspection, testing and manhole repair of a portion of the sewer system located in the Bird Creek Basin, in the amount of \$160,815.

**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 **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(G)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to enter into a Texas Emergency Medical Task Force Resource Memorandum of Agreement with the Department of State Health Services to allow the City to provide emergency medical resources and assets throughout the State in the event of an emergency or disaster.

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

**ITEM SUMMARY:** Temple Fire & Rescue wishes to enter into a "Texas Emergency Medical Task Force Resource Memorandum of Agreement" with the Department of State Health Services, Lead Regional Advisory Council ("Lead RAC"). Pursuant to the Agreement, Temple Fire & Rescue would provide, upon request by the Lead RAC, emergency medical resources and assets in the event on an emergency, disaster or for training purposes. Temple Fire & Rescue can accept or reject any request for assistance. If resources are provided by Temple Fire & Rescue, Lead RAC will reimburse the City for actual costs incurred in order to make the resources available.

The term of the agreement is ongoing, but allows either party to terminate the agreement with 30 days written notice of termination.

**FISCAL IMPACT:** The Department of Health Services will reimburse the City for actual costs incurred while providing emergency medical resources in the event of an emergency or disaster.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2015-7596-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A TEXAS EMERGENCY MEDICAL TASK FORCE RESOURCE MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF STATE HEALTH SERVICES TO ALLOW THE CITY THE ABILITY TO PROVIDE EMERGENCY MEDICAL RESOURCES AND ASSETS THROUGHOUT THE STATE IN THE EVENT OF AN EMERGENCY OR DISASTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Temple Fire & Rescue desires to enter into a "Texas Emergency Medical Task Force Resource Memorandum of Agreement" with the Department of State Health Services, Lead Regional Advisory Council ("Lead RAC");

**Whereas**, pursuant to the agreement, Temple Fire & Rescue would provide, upon request by the Lead RAC, emergency medical resources and assets in the event on an emergency, disaster, or for training purposes;

**Whereas**, the City will have the ability to accept or reject any request for assistance - if resources are provided by the City, Lead RAC will reimburse the City for actual costs incurred in order to make the resources available;

**Whereas**, the term of the agreement is ongoing, but allows either party to terminate the agreement with 30 days written notice of termination; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to enter into a Texas Emergency Medical Task Force Resource Memorandum of Agreement with the Department of State Health Services to allow the City to provide emergency medical resources and assets throughout the State in the event of an emergency or disaster.

**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 **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson

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Kayla Landeros

City Secretary

City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(H)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a 24 month lease agreement with Edward Brenek for lease of approximately 18.76 acres of City-owned land located near the City of Temple's landfill.

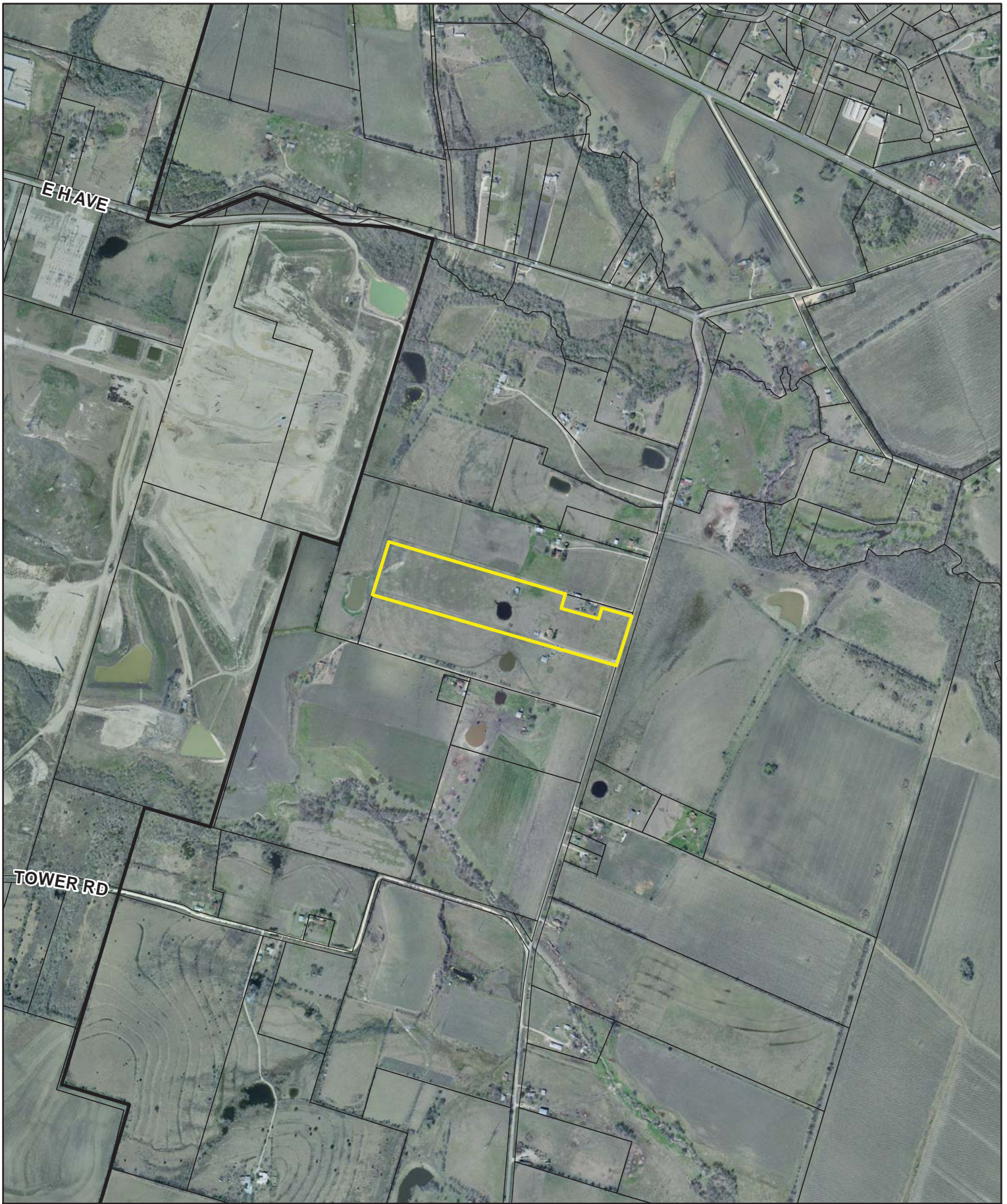
**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** Edward Brenek has requested to lease approximately 18.76 acres of City-owned property located off of Bob White Road, near the City of Temple's landfill, and as depicted in the attached map. Mr. Brenek will use the property for farming and grazing. The lease term will run from February 1, 2015 to January 31, 2017. Mr. Brenek will pay \$51 per acre, per year for a total rent payment of \$1,913.52 for the 24 month period.

**FISCAL IMPACT:** Total lease payments over the life of the two year lease agreement are \$1,913.52. The lease payments will be deposited into account 110-0000-461-0253.

### **ATTACHMENTS:**

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



**1440 Bob White Rd**

County Property ID: 22732



1 inch = 1,000 feet

**DISCLAIMER:**

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.



RESOLUTION NO. 2015-7597-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A 24 MONTH LEASE AGREEMENT WITH EDWARD BRENEK FOR LEASE OF APPROXIMATELY 18.76 ACRES OF CITY-OWNED LAND LOCATED NEAR THE CITY OF TEMPLE'S LANDFILL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Edward Brenek has requested to lease approximately 18.76 acres of City-owned property located off of Bob White Road, near the City of Temple's landfill;

**Whereas**, Mr. Brenek will use the property for farming and grazing and the lease term will run from February 1, 2015 to January 31, 2017;

**Whereas**, Mr. Brenek will pay \$51.00 per acre, per year for a total rent payment of \$1,913.52 for the 24 month period;

**Whereas**, staff recommends authorizing a 24 month lease of approximately 18.76 acres of City-owned property located off of Bob White Road, near the City of Temple's landfill to Mr. Edward Brenek;

**Whereas**, total lease payments over the life of the lease agreement will be deposited into Account No. 110-0000-461-0253; 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 twenty-four month lease agreement between the City of Temple and Edward Brenek for approximately 18.76 acres of City-owned land located off of Bob White Road, near the City of Temple's landfill.

**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 15<sup>th</sup> day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(I)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a lease renewal with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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

**ITEM SUMMARY:** The Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC, current tenants at the Temple Public Library, have requested to renew their lease of Suite 323 for a period of one year. The Lease will run from February 1, 2015 to January 31, 2016. Tenants will pay \$548 per month in rent to the City.

**FISCAL IMPACT:** Annual lease revenue of \$6,576 will be deposited into account 110-000-461-0937, Library Building Rental.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2015-7598-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A 12-MONTH LEASE RENEWAL WITH THE LAW OFFICE OF GINESE SIMMONS-GILBERT, PLLC AND THE LAW OFFICE OF ATONYA MCCLAIN, PLLC, FOR SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING (TEMPLE PUBLIC LIBRARY) AT A LEASE RATE OF \$548 PER MONTH; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City currently owns and leases offices in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library);

**Whereas**, the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC currently lease Suite 323 in the Temple Public Library and have requested to renew their lease for a 12 month term, from February 1, 2015 to January 31, 2016, at the lease rate of \$548 per month;

**Whereas**, staff recommends entering into a 12 month lease with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC for space in the Temple Public Library, which will expire on January 31, 2016;

**Whereas**, the lease agreement allows for a 30-day termination clause should the lessee or the City desire to terminate the lease - the City has previously leased property to these tenants and finds the tenants to be reasonable lessees; 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 12 month lease renewal, after approval as to form by the City Attorney, with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC for the lease of Suite 323 in the E. Rhodes and Carpenter Foundation Building (Temple Public Library) at the rate of \$548 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 **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(J)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying a Chapter 380 Development Agreement with Primus/Bird Creek Partners, LP for the construction of a sanitary sewer line in the Bird Creek Crossing shopping center in an amount not to exceed \$20,430.

**STAFF RECOMMENDATION:** Adopt resolution as provided in item description.

**ITEM SUMMARY:** Primus/Bird Creek Partners, LP ("Primus") has developed the last available site in the Bird Creek Crossing shopping center. The site will be the home of a new Mattress Firm store. As part of the development, Primus constructed a sanitary sewer line. The sewer line will serve as a public improvement and be maintained by the City. In order to encourage development of the site, Primus asked the City to participate in the cost of the sewer line construction. Primus asked for 50% participation by the City. The total cost of construction of the sewer line was estimated to be \$40,860, therefore the City agreed to contribute no more than \$20,430. Under the Chapter 380 Agreement, the City will contribute 50% of the actual cost of constructing the sewer line or the not to exceed amount of \$20,430, whichever is less.

Pursuant to the City's Economic Development Policy found in Ordinance No. 2014-4673, the City Council must approve a Chapter 380 Agreement involving the grant of public funds over \$7,500. Staff recommends ratification of this agreement.

**FISCAL IMPACT:** Current funding of \$20,430 is available in account 520-5460-535-6361, project #101275, to fund the Chapter 380 Development Agreement with Primus/Bird Creek Partners, LP, in the amount of \$20,430.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2015-7599-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH PRIMUS/BIRD CREEK PARTNERS, LP FOR THE CONSTRUCTION OF A SANITARY SEWER LINE IN THE BIRD CREEK CROSSING SHOPPING CENTER, IN AN AMOUNT NOT TO EXCEED \$20,430; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Primus/Bird Creek Partners, LP (“Primus”) has developed the last available site in the Bird Creek Crossing shopping center - the site will be the home of a new Mattress Firm store;

**Whereas**, as part of the development, Primus constructed a sanitary sewer line which will serve as a public improvement and be maintained by the City - in order to encourage development of the site, Primus asked for 50% participation by the City in the cost of the sewer line construction;

**Whereas**, the total cost of construction of the sewer line was estimated to be \$40,860, therefore the City agreed to contribute no more than \$20,430 - under the Chapter 380 Agreement, the City will contribute 50% of the actual cost of constructing the sewer line or the not to exceed amount of \$20,430, whichever is less;

**Whereas**, pursuant to the City’s Economic Development Policy found in Ordinance No. 2014-4673, the City Council must approve a Chapter 380 Agreement involving the grant of public funds over \$7,500;

**Whereas**, staff recommends ratification of this agreement with Primus/Bird Creek Partners, LP;

**Whereas**, funding is available in Account No. 520-5460-535-6361, Project No.101275, to fund the Chapter 380 Development Agreement; 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 ratifies a Chapter 380 Development Agreement with Primus/Bird Creek Partners, LP for the construction of a sanitary sewer line in the Bird Creek Crossing shopping center in an amount not to exceed \$20,430.

**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 **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(K)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to execute an Advance Funding Agreement with TXDOT related to landscaping costs for the proposed gateway to the Temple Medical Education District along Spur 290 at Loop 363 and associated frontage road improvements.

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

**ITEM SUMMARY:** A gateway to the TMED along Spur 290 (Veterans Memorial Boulevard) at Loop 363 is currently scheduled to let in 2015. The project involves alteration of the existing road profile to match a future grade-separated crossing of Loop 363, associated improvements to the eastbound Loop 363 frontage road, landscaping, signage, and lighting. The attached Map highlights the landscaping features of the project.

On March 3, 2011, Council authorized a professional services contract with Kasberg, Patrick & Associates, LP, (KPA) for survey and design services for the First Street Gateway Improvements at Loop 363 in an amount not to exceed \$185,000. On June 7, 2012, Council authorized a professional services contract with KPA for survey and design services for the Loop 363/First Street Frontage Road in an amount not to exceed \$288,800. On July 18, 2013, Council authorized an amendment to a professional services contract with KPA for survey and design services for the eastbound Loop 363 frontage road in an amount not to exceed \$325,090.

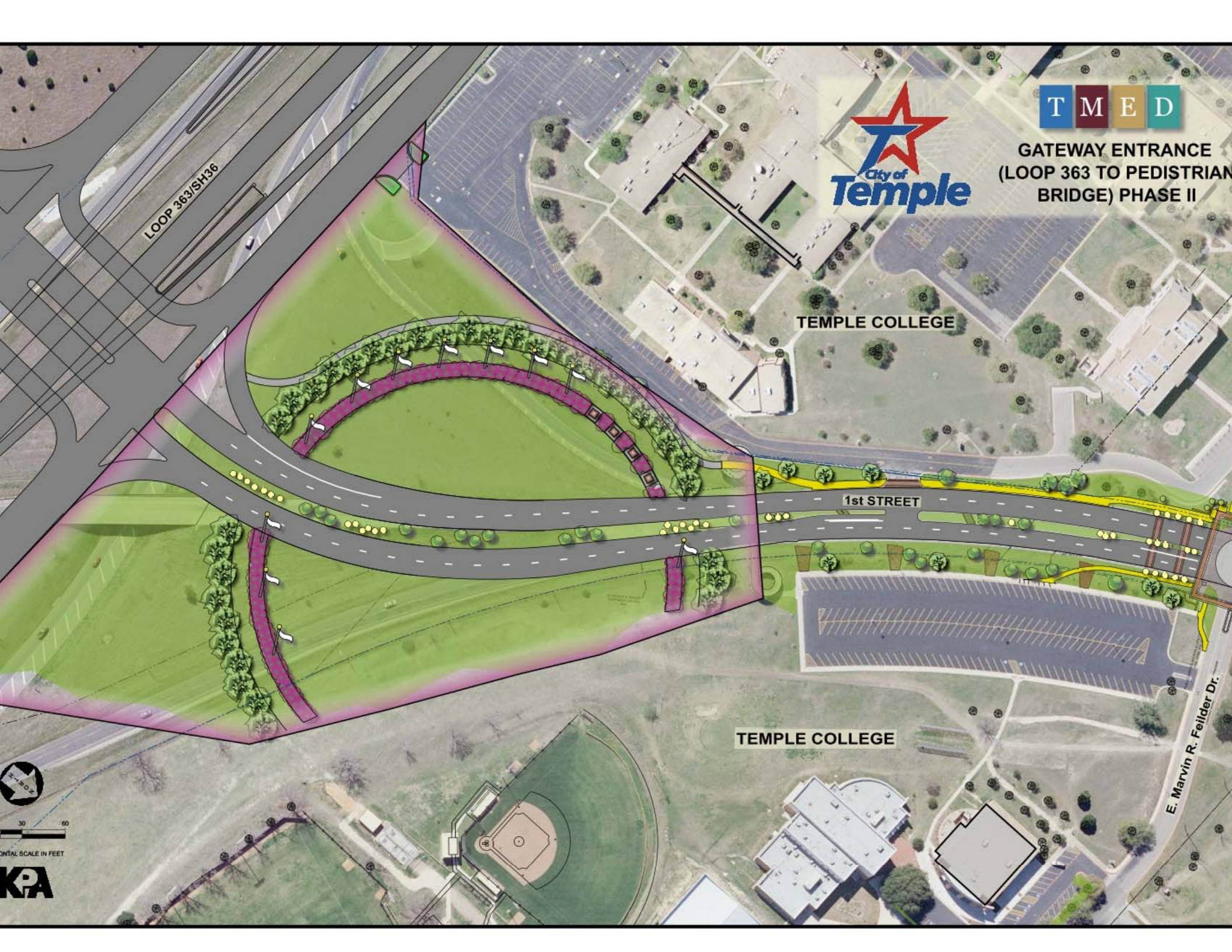
On November 21, 2013, Council authorized a 50/50 cost-sharing AFA with TXDOT for the non-landscaping construction costs. Construction costs were estimated at \$10,600,000 resulting in an estimated City share of \$4,820,000. On December 1, 2014, Keep Temple Beautiful indicated their support for the improvements in the attached letter. This Landscaping AFA (attached) proposes 100% of landscaping costs to be borne by the City, currently estimated at \$900,000.

**FISCAL IMPACT:** The landscaping costs of \$900,000 will be partially funded with the Keep Temple Beautiful Governor's Award Grant in the amount of \$60,000. A budget adjustment is attached to recognize the revenue and expenditure from the grant. Funding for the remaining amount of \$840,000 is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 458, account 795-9800-531-6872, project 101010.

**ATTACHMENTS:**

[Map](#)  
[KTB Support Letter](#)  
[AFA](#)  
[Budget Adjustment](#)  
[Resolution](#)





LOOP 363/SH36



T M E D

GATEWAY ENTRANCE  
(LOOP 363 TO PEDESTRIAN  
BRIDGE) PHASE II

TEMPLE COLLEGE

1st STREET

TEMPLE COLLEGE

E. Marvin R. Felder Dr.



KPA





Winners of the 2006 Governor's Community Achievement Award

RECEIVED  
DEC 01 2014  
City Manager's Office

js  
→  
Brynn  
→  
file

December 1, 2014

Jonathan Graham, City Manager  
City of Temple  
2 North Main Street  
Temple, Texas 76501

Re: Governor's Award Grant

Dear Jonathan:

On behalf of Keep Temple Beautiful, I authorize the use of remaining funds in the Temple Governor's Award Grant for the landscaping portion of the Loop 363 Project. This project will complete the enhancement of the southern gateway to the City of Temple at Veteran's Memorial Drive near Temple College.

Please do not hesitate to contact me if you have any questions regarding this request.

Sincerely,

Keep Temple Beautiful

Thomas C. Baird, President

cc: Tanya Gray  
Zoe Rascoe  
R. David Patrick, PE CFM

STATE OF TEXAS       §  
COUNTY OF TRAVIS   §

**ORIGINAL**

**ADVANCE FUNDING AGREEMENT FOR VOLUNTARY  
LOCAL GOVERNMENT CONTRIBUTIONS  
TO TRANSPORTATION IMPROVEMENT  
PROJECTS WITH NO REQUIRED MATCH**

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, called the "State", and the City of Temple, acting by and through its duly authorized officials, called the "Local Government."

**WITNESSETH**

**WHEREAS**, Transportation Code, Chapters 201, 221, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads, and highways that comprise the State Highway System; and,

**WHEREAS**, Government Code, Chapter 791, and Transportation Code, §201.209 and Chapter 221, authorize the State to contract with municipalities and political subdivisions; and,

**WHEREAS**, Commission Minute Order Number 114027 authorizes the State to undertake and complete a highway improvement generally described as landscape development of roadway border areas; and,

**WHEREAS**, the Local Government has requested that the State allow the Local Government to participate in said improvement by funding that portion of the improvement described as improving the roadway aesthetics by adding landscaping and pedestrian infrastructure, called the "Project"; and,

**WHEREAS**, the State has determined that such participation is in the best interest of the citizens of the State;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, the State and the Local Government do agree as follows:

**AGREEMENT**

**1. Time Period Covered**

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed, and the State and the Local Government will consider it to be in full force and effect until the Project described in this agreement has been completed and accepted by all parties or unless terminated, as provided for by this agreement.



**2. Project Funding and Work Responsibilities**

- A. The State will authorize the performance of only those Project items of work which the Local Government has requested and has agreed to pay for as described in Attachment A, Payment Provision and Work Responsibilities which is attached to and made a part of this contract. In addition to identifying those items of work paid for by payments to the State, Attachment A, Payment Provision and Work Responsibilities, also specifies those Project items of work that are the responsibility of the Local Government and will be carried out and completed by the Local Government, at no cost to the State.
- B. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs.
- C. In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.
- D. Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied by the State to the Project. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.

**3. Right of Access**

If the Local Government is the owner of any part of the Project site, the Local Government shall permit the State or its authorized representative access to the site to perform any activities required to execute the work.

**4. Adjustments Outside the Project Site**

The Local Government will provide for all necessary right of way and utility adjustments needed for performance of the work on sites not owned or to be acquired by the State.

**5. Responsibilities of the Parties**

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

**6. Document and Information Exchange**

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the local government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local



Government shall submit any information required by the State in the format directed by the State.

**7. Interest**

The State will not pay interest on funds provided by the Local Government. Funds provided by the Local Government will be deposited into, and retained in, the State Treasury.

**8. Inspection and Conduct of Work**

Unless otherwise specifically stated in Attachment A, Payment Provision and Work Responsibilities, to this contract, the State will supervise and inspect all work performed hereunder and provide such engineering inspection and testing services as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications. All correspondence and instructions to the contractor performing the work will be the sole responsibility of the State. Unless otherwise specifically stated in Attachment A to this contract, all work will be performed in accordance with the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges adopted by the State and incorporated in this agreement by reference, or special specifications approved by the State.

**9. Increased Costs**

- A.** If the Local Government's financial responsibility is a specified percentage as reflected in Attachment A, Payment Provision and Work Responsibilities, and changed site conditions are discovered that result in the Local Government's funding being insufficient to cover the State's cost for performance of the Local Government's requested work, the Local Government will pay to the State the additional funds necessary to cover the additional cost. The State shall send the Local Government a written notification stating the amount of additional funding needed and stating the reasons for the additional funds. The Local Government shall pay the funds to the State within thirty (30) days of the written notification, unless otherwise agreed to by the parties to this agreement. Should the Local Government fail to pay the additional funds, this agreement shall be mutually terminated in accordance with Article 11 – Termination.
- B.** If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased cost to the department for a highway improvement project, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

**10. Maintenance**

Upon completion of the Project, the State will assume responsibility for the maintenance of the completed Project unless otherwise specified in Attachment A to this agreement.



## 11. Termination

- A. This agreement may be terminated in the following manner:
1. By mutual written agreement and consent of both parties;
  2. By either party upon the failure of the other party to fulfill the obligations set forth in this agreement; or
  3. By the State if it determines that the performance of the Project is not in the best interest of the State.
- B. If the agreement is terminated in accordance with the above provisions, the Local Government will be responsible for the payment of Project costs incurred by the State on behalf of the Local Government up to the time of termination.
- C. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due to the Local Government, the State, or the Federal Government will be promptly paid by the owing party.

## 12. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

Local Government:	State:
City Manager	Director of Contract Services Office
City of Temple	Texas Department of Transportation
2 North Main Street	125 E. 11 <sup>th</sup> Street
Temple, Texas 76501	Austin, Texas 78701

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided in this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

## 13. Sole Agreement

In the event the terms of the agreement are in conflict with the provisions of any other existing agreements between the Local Government and the State, the latest agreement shall take precedence over the other agreements in matters related to the Project.

## 14. Successors and Assigns

The State and the Local Government each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement.

**15. Amendments**

By mutual written consent of the parties, this agreement may be amended prior to its expiration.

**16. State Auditor**

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

**17. Insurance**

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately and the State may recover damages and all costs of completing the work.

**18. Signatory Warranty**

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

**THIS AGREEMENT IS EXECUTED** by the State and the Local Government in duplicate.

**THE LOCAL GOVERNMENT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**THE STATE OF TEXAS**

\_\_\_\_\_  
District Engineer

\_\_\_\_\_  
Date

Approved As To Form

  
\_\_\_\_\_  
City Attorney's Office



## **ATTACHMENT A**

### **PAYMENT PROVISION AND WORK RESPONSIBILITIES**

#### **Description of the Work Items**

The scope of this project shall offer a means to fund and install landscaping (plant material, continuous lighting, and irrigation) and sidewalks within the roadway border area along SP 290 (1<sup>st</sup> Street) that will enhance the movement of both traffic and pedestrians.

#### **Architectural and Engineering Services**

The Local Government has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges and the special specifications and special provisions related to it. For projects on the state highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the state highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials design standards. In procuring professional services, the parties to this agreement must comply with federal requirements cited in 23 CFR Part 172 if the project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters.

#### **Environmental Assessment and Mitigation**

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

- A.** The Local Government is responsible for the identification and assessment of any environmental problems associated with the development of a local project governed by this agreement.
- B.** The Local Government is responsible for the cost of any environmental problem's mitigation and remediation.
- C.** The Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment. Public hearings will not be held prior to the approval of project schematic.
- D.** The Local Government is responsible for the preparation of the NEPA documents required for the environmental clearance of this Project.
- E.** Before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

#### **Compliance with Texas Accessibility Standards and ADA**

All parties to this agreement shall ensure that the plans for and the construction of all projects subject to this agreement are in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102,



Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

### **Construction Responsibilities**

- A. The State shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. The State will use its approved contract letting and award procedures to let and award the construction contract.
- C. Prior to their execution, the Local Government will be given the opportunity to review contract change orders that will result in an increase in cost to the Local Government.
- D. Upon completion of the Project, the party constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion.
- E. For federally funded contracts, the parties to this agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

### **Actual Costs Agreement**

The Local Government will be responsible for paying for all costs associated with the construction of the Project. Preliminary estimates indicate construction costs equaling \$788,000.

Any direct or indirect cost charges associated with the State's participation in the Project will be the responsibility of the State.

The Local Government is responsible for 100% of any overruns.

### **Schedule of Payments**

The Local Government will submit payment in the amount of \$788,000 to the State for its participation in the construction of this project sixty (60) days prior to the letting of the construction contract.

FY **2015****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
110-0000-431-02-61		State Grants	\$ 60,000	
110-3432-531-63-10	101010	Capital Building & Grounds	60,000	
<b>TOTAL.....</b>			<b>\$ 120,000</b>	<b>\$ -</b>

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

To appropriate grant revenue from Keep Temple Beautiful Governor's Award Grant and expenditures between the State of Texas and the City of Temple in conjunction with the 290 Spur/Loop 363 project. Funds will be used toward the expenditures of the landscaping for this project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

1/15/2015

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2015-7600-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION RELATED TO LANDSCAPING COSTS FOR THE PROPOSED GATEWAY TO THE TEMPLE MEDICAL EDUCATION DISTRICT ALONG SPUR 290 AT LOOP 363 AND ASSOCIATED FRONTAGE ROAD IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, a gateway to the Temple Medical Education District ('TMED') along Spur 290 (Veterans Memorial Blvd) at Loop 363 is currently scheduled to let in 2015 - the project involves alteration of the existing road to match a future grade-separated crossing of Loop 363 and associated improvements to the eastbound Loop 363 frontage road, landscaping, signage, and lighting;

**Whereas**, on March 3, 2011, Council authorized a professional services contract with Kasberg, Patrick & Associates, LP, (KPA) for survey and design services for the First Street Gateway Improvements at Loop 363 - on June 7, 2012, Council authorized a professional services contract with KPA for survey and design services for the Loop 363/First Street Frontage Road;

**Whereas**, on November 21, 2013, Council authorized a 50/50 cost-sharing Advance Funding Agreement ('AFA') with TxDOT for the non-landscaping construction costs – construction costs were estimated at \$10,600,000 resulting in an estimated \$4,820,000 City share;

**Whereas**, on December 1, 2014, Keep Temple Beautiful indicated their support for the improvements – the landscaping AFA proposes 100% of landscaping costs to be borne by the City, currently estimated at \$900,000;

**Whereas**, the landscaping costs of \$900,000 will be partially funded with the Keep Temple Beautiful Governor's Award Grant, however a budget amendment is attached to recognize the revenue and expenditure from the grant - funding for the remaining amount of the agreement is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 458, Account No. 795-9800-531-6872, Project No. 101010; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to enter into an Advance Funding Agreement with the Texas Department of Transportation, after approval as to form by the City Attorney, related to landscaping costs associated with the proposed gateway to the Temple Medical Education District along Spur 290 at Loop 363 and associated frontage road improvements.

**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 **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(L)  
Consent Agenda  
Page 1 of 6

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Mark Baker, Planner

**ITEM DESCRIPTION:** FIRST READING - Z-FY-15-04 – Consider adopting an Ordinance authorizing a zoning change from Planned Development Office 1 District (PD-O-1) to Office 2 District (O-2) on 3.519 +/- acres known as Waterford Professional Park, located on the north side of South 31st Street, east of Warwick Drive.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its January 5, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the requested rezone from PD-O-1 to O-2 for Lots “A” through “H” with the stipulation that the applicant can provide rezone authorization from the owners of Lots “D” & “F”.

Planning and Zoning Commission discussion included clarification that some of the allowed uses in the Office 2 (O-2) district included restaurants with and without drive-thru facilities.

Additionally, staff clarified that while the applicant, John Kiella, is requesting all eight lots to be rezoned to O-2, the two developed lots (Lots “D” & “F”) are no longer owned by the applicant. The applicant has been working with the other lot owners within the Waterford Professional Park but as of the Planning & Zoning Commission meeting had not secured authorization. Discussion and the motion for recommendation directed the applicant to provide the remaining authorizations in a timely manner for City Council consideration. The applicant is in agreement with the recommendation. If the applicant is unable to obtain authorized signatures from the other two property owners by City Council, he has indicated that he may want to request scaling back his rezoning request to include fewer lots.

To date, the applicant has decided to scale-back the request from Lots “A” through “H” to just include the four fronting lots of “A”, “B”, “C” and “D”. Lot “D” is no longer owned by the applicant and a separate authorization from the owner of Lot “D” has been received by staff as well as a written request from the applicant modifying the original application. Staff concurs and recommends approval of the modification of the request for Lots “A”, “B”, “C” and “D” to be rezoned based on the following staff recommendation.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval of first reading for a zoning change from Planned Development Office 1 (PD-O-1) to Office 2 (O-2); with the second reading and public hearing set for February 5, 2014, for the following reasons:

1. Although the proposed rezone is in partial compliance with the Future Land Use Plan (FLUP), it meets the intent of the FLUP's Suburban Commercial District;
2. The proposed zoning is compatible with surrounding zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

**ITEM SUMMARY:** In 2004, the property, see Exhibit A, was platted as the Waterford Professional Park consisting of 8-lots and identified as Lots "A"- "H". The property has been developing ever since however, there is a current Construction Plan permit for a finish-out being reviewed for a Barber Shop/Beauty Salon. This proposed use is prohibited in the underlying O-1 base-zoning district of the Planned Development. As a result, the rezone is being triggered by the proposed use as well as the applicant's overall desire for additional land-use flexibility for the entire Waterford Professional Park.

The subject property is located within both the Suburban Commercial and the Neighborhood Conservation Districts according to the Future Land Use Plan (FLUP).

The Suburban-Commercial district is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. The Suburban Commercial district typically supports the Office 1 & Office 2 (O-1 & O-2) and Neighborhood Service (NS) zoning districts. Lots "B" through "H" of the platted Waterford Professional Park are within the Suburban Commercial District and are consistent with the FLUP.

In contrast, Lot "A" of the platted Waterford Professional Park is within the Neighborhood Conservation District. The Neighborhood Conservation District is related to existing residential neighborhoods with a corresponding description as to the prevailing lot size or mixture of uses in each case. The purpose of this district is to establish consistent standards (such as lot size and setbacks) with those established at the time of development. The Neighborhood Conservation District may include non-residential properties and may include delineation as to whether such uses contribute to the local character and should be maintained (and possibly allowed to occur on other vacant or redeveloping properties) or whether such uses should be curtailed in the area overtime. Lot "A" is the only portion of the subject property that is not consistent with the requested rezone. The inconsistency may have inadvertently occurred at the time the Neighborhood Conservation FLUP District boundary was created in 2008. The scale and design of the existing buildings within the development are compatible with single-family uses.

The current Planned Development Office-1 (PD-O-1) zoning was approved by City Council in 2003 (Ord. 2003-3929). As a Planned Development an exception to the buffering and screening standards was approved specifically for the northern boundary. Under the O-2 zoning, the western property boundary adjacent to the Waterford Village I subdivision, zoned Single Family 2 (SF-2), would also be subject to the buffer and screening standards. The exception did not include the western boundary. Compliance to those standards, discussed later in this report, would be confirmed during Construction Plan review. However, it appears that the buffer and screening requirements have already been met.

In addition, although not developed, the more intensive General Retail (GR) has been established immediately to the east of the subject property as well as to the south east of the property. Further east and northeast along South 31<sup>st</sup>, GR is been established and developed entirely along the eastern side of the roadway.

Therefore, while the requested rezoning to O-2 is only partially consistent with the FLUP, staff supports the requested rezone to O-2, since the request is consistent with surrounding zoning and uses, and the intent of the Commercial Suburban District. The Neighborhood Conservation portion of this request however, will need to be updated to Suburban Commercial, if City Council approves the requested rezone.

While it is anticipated the property will be developed with retail & service uses, which include the beauty salon, there are a number of residential and non-residential uses that are permitted by right in the O-2 zoning district. The chief difference between the O-1 and O-2 are between the non-residential uses. Overall, the uses allowed in the O-2, include but are not limited to:

Residential uses

Detached/Attached SF Homes  
Duplex homes  
Home for the aged  
Industrialized housing

Nonresidential uses

Hotel / Motel  
Barber / Beauty Shop  
Drug Store  
Gift or Apparel Shop (Retail)  
Office Supply Store  
Laundry or Cleaning (Self Service)  
Bakery or Confectionary  
Restaurant (with & without drive-thru)

**Prohibited uses** include HUD-Code manufactured homes and land lease communities, apartments, commercial and industrial uses. A number of uses are allowed by an approved conditional use permit. The conditional uses include but are not limited to: temporary asphalt concrete batching plants, sewage treatment plant or wrecking or salvage yard. Additionally, the sale of all alcoholic beverages with on-site consumption, where revenue from the sale of such beverages ranges from 100% or less, requires a conditional use permit.

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial & Neighborhood Conservation	PD-O-1	Dental Office & Undeveloped Platted Lots
North	Suburban Commercial & Park / Open Space	SFA-2	Undeveloped Parkland (Waterford Park)
South	Suburban Commercial	AG	SF Residence on Acreage & Agricultural Uses

East	Suburban Commercial	GR	Undeveloped & Scattered Service Uses
West	Neighborhood Conservation	SF-2	SF Residential Uses (Waterford Village I)

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

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

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

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

The property is within the Suburban Commercial and the Neighborhood Conservation land use district. While the requested Office-2 (O-2) zoning district is in full compliance, Lot "A" is within with the Neighborhood Conservation District and is not in compliance with the FLUP district of Suburban Commercial. The FLUP will need to be updated for Lot "A", if the O-2 district is approved by City Council.

**Thoroughfare Plan (CP Map 5.2)**

The requested property has frontage along South 31<sup>st</sup> Street, which has been identified as a major arterial. As a major arterial, a 6-foot minimum sidewalk is required and would normally be addressed through the platting process. This request however, does not have a subsequent plat anticipated since platting was accomplished in 2004 per case file Number P-2004-08. As a result, building permits are still being requested under the 2004 plat configuration. A concrete sidewalk is currently in-place and any additional sidewalk improvements will be addressed at the review of Construction Documents of the applicable lot(s).

**Availability of Public Facilities (CP Goal 4.1)**

Sewer is available to the subject property through an existing 6" sewer line in South 31<sup>st</sup> Street. Water is available through an existing 12" water line in South 31<sup>st</sup> Street.

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

The Trails Master Plan identifies a proposed local connector trail running north to south through the property. In addition, to the east of the property, the Master Trails Map identifies, a proposed Community-Wide Connector Trail. The proposed Community-Wide Connector Trail however, is not

within the project's boundary and would not be impacted by development of the Waterford Professional Park. Similar to sidewalk improvements, for this project, applicable trail improvements for the local connector trail would be addressed during the Construction Plan review.

**DEVELOPMENT REGULATIONS:** Standard non-residential setbacks for buildings under forty feet in height in the O-2 district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	25'
Side	5' (Additional setbacks apply if building is higher than forty feet.)
Side (corner)	10' (Additional setbacks apply if adjacent to a residential district)
Rear	0' (10' adjacent to or abutting residential use or zoning district)
Max Height	Any legal height not prohibited by other laws.

Since the proposed O-2 zoning is adjacent to a residential use, additional Development Regulations include but not limited to:

- \* A minimum 10' rear setback is required where a non-residential use abuts a residential zoning district or use (UDC Section 4.4.4.F3) and,

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

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

It should be noted that compliance to additional setbacks are being addressed with the review of the current as well as any subsequent Construction Permits.

**PUBLIC NOTICE:** Twenty-three notices, representing eighteen property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. While staff has received a couple of phone calls about O-2 uses and the impact to assessed property

value and taxes. As of Thursday January 8, 2015 at 9:00 AM, ten notices for approval and one notice for denial have been received. A twelfth notice from the property owner of Lot F of the Waterford Professional Park, provides a response indicating that he believes that rezoning the entire eight lots would have a negative impact on his future property value.

The newspaper printed notice of the public hearing on December 25, 2014, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos  
Recorded Final Plat for Waterford Professional Park (Exhibit A)  
Vicinity Map  
Zoning & Location Map  
Future Land Use and Character Map  
Thoroughfare Plan  
Trails Master Plan  
Utility Map  
Notification Map  
Returned Property Notices  
Ordinance



# Site & Surrounding Property Photos



**Site: Dental Office & Undeveloped Platted Lots (PD-O-1)**



**Site: View of Front Entry (PD-O-1)**



**Site: Existing Fencing along Western Boundary (Buffer & Screening)(PD-O-1)**



**East: Undeveloped & Scattered Service Uses (GR)**



**East: Undeveloped (GR)**



**West: SF Residential Uses (Waterford Village 1 Subdivision (SF-2))**





**North: Undeveloped Parkland – Waterford Park (SFA-2)**



**South: SF Residential on Acreage & Agricultural Uses (AG)**



TURLEY ASSOCIATES, INC.  
ENGINEERING • PLANNING • SURVEYING  
CONSTRUCTION MANAGEMENT  
301 N. 3rd ST.  
TEMPLE, TEXAS 76701  
(254) 773-2400  
FAX NO. (254) 773-3998  
E-MAIL: VOTURLEY@AOL.COM

FINAL PLAT FOR  
WATERFORD PROFESSIONAL PARK  
REDDING ROBERTS SURVEY, ABSTRACT NO. 692  
CITY OF TEMPLE, BELL COUNTY, TEXAS  
FOR:  
KIELLA FAMILY, LTD.  
P.O. BOX 1344  
TEMPLE, TEXAS 76703

REVISIONS	DATE	BY	REASON
3/17	3/10/04	comment	AI
DATE:	March 1, 2004		
DRN. BY:	A. JACKSON		
F.B.A.R.	DATA COL.		
REF:	Topo Map No. 219-158		
JOB NO.:	03-097		
SHEET	1 OF 7		
COUNTY:	03397-00-00		
DATE	03/31/04		
DRAWING NUMBER	11176-D		

STATE OF TEXAS  
COUNTY OF BELL

KIELLA FAMILY, LTD., A TEXAS LIMITED PARTNERSHIP, OWNER OF THE LAND SHOWN ON THIS PLAT AND ASSIGNED HEREIN AS WATERFORD PROFESSIONAL PARK, HAS CAUSED THE PREPARED PLAT TO BE PREPARED BY ME, A LICENSED SURVEYOR, IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS SURVEYING ACT, CHAPTER 201, ACTS 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, AND 2005, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, A TEXAS LIMITED PARTNERSHIP.

KIELLA FAMILY, LTD.  
A TEXAS LIMITED PARTNERSHIP  
JOHN KIELLA, PRESIDENT

STATE OF TEXAS  
COUNTY OF BELL

THE INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON the 1st day of March, 2004 BY JOHN KIELLA, PRESIDENT OF KIELLA FAMILY, LTD., A TEXAS LIMITED PARTNERSHIP.

Shirley Cantel  
NOTARY PUBLIC

STATE OF TEXAS  
COUNTY OF BELL

I, THE UNDERSIGNED, CITY CLERK OF THE CITY OF TEMPLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONTAINS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AND HEREBY RECOMMEND APPROVAL.

David C. Clark  
CITY CLERK

I, THE UNDERSIGNED, DIRECTOR OF LANDS OF THE CITY OF TEMPLE, DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONTAINS TO THE WATER AND SEWERAGE MASTER PLANS AND APPLICABLE ORDINANCES AND HEREBY RECOMMEND APPROVAL.

Jeffrey B. Bland  
DIRECTOR OF LANDS

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

DATE: 3-29-04  
DATE: 3-29-04

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE, THIS 29th day of March, 2004.

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

DATE: 3-29-04  
DATE: 3-29-04

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE, THIS 29th day of March, 2004.

THE BELL COUNTY TAX APPRAISAL DISTRICT

DATE: 3-29-04  
DATE: 3-29-04

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE, THIS 29th day of March, 2004.

THE BELL COUNTY TAX APPRAISAL DISTRICT

DATE: 3-29-04  
DATE: 3-29-04

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE, THIS 29th day of March, 2004.

THE BELL COUNTY TAX APPRAISAL DISTRICT

DATE: 3-29-04  
DATE: 3-29-04

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE, THIS 29th day of March, 2004.

THE BELL COUNTY TAX APPRAISAL DISTRICT

Scale: 1" = 50.0'

South Tully Inc., Limited  
Volume 1988, Page 83  
8.370 Acres

City of Temple  
Volume 1988, Page 83  
8.370 Acres

City of Temple  
Volume 1988, Page 83  
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Volume 1988, Page 83  
8.370 Acres

City of Temple  
Volume 1988, Page 83  
8.370 Acres

NUMBER	DIRECTION	CH	LENGTH	ANGLE	LENGTH
CT	INTERSECTION	131.45	750.51	131.45	131.45

STATE OF TEXAS  
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAT HAS BEEN SURVEYED BY ME OR BY A LICENSED SURVEYOR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY CLOSE PERSONAL SUPERVISION AND THAT ALL NECESSARY SURVEY DOCUMENTS ARE ON FILE IN THE OFFICE OF THE COUNTY CLERK OF BELL COUNTY, TEXAS.

Victor E. Tully  
REGISTERED PROFESSIONAL ENGINEER  
NO. 1255

STATE OF TEXAS  
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAT HAS BEEN SURVEYED BY ME OR BY A LICENSED SURVEYOR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY CLOSE PERSONAL SUPERVISION AND THAT ALL NECESSARY SURVEY DOCUMENTS ARE ON FILE IN THE OFFICE OF THE COUNTY CLERK OF BELL COUNTY, TEXAS.

Victor E. Tully  
REGISTERED PROFESSIONAL ENGINEER  
NO. 1255



NOTE: THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COMPREHENSIVE ZONING ORDINANCE, CHAPTER 10, ARTICLE 1, SECTION 10.01, WHICH PROVIDES THAT ALL SUBDIVISIONS SHALL BE PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS SURVEYING ACT, CHAPTER 201, ACTS 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, AND 2005, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, A TEXAS LIMITED PARTNERSHIP.

ALL NECESSARY SURVEY DOCUMENTS ARE ON FILE IN THE OFFICE OF THE COUNTY CLERK OF BELL COUNTY, TEXAS.

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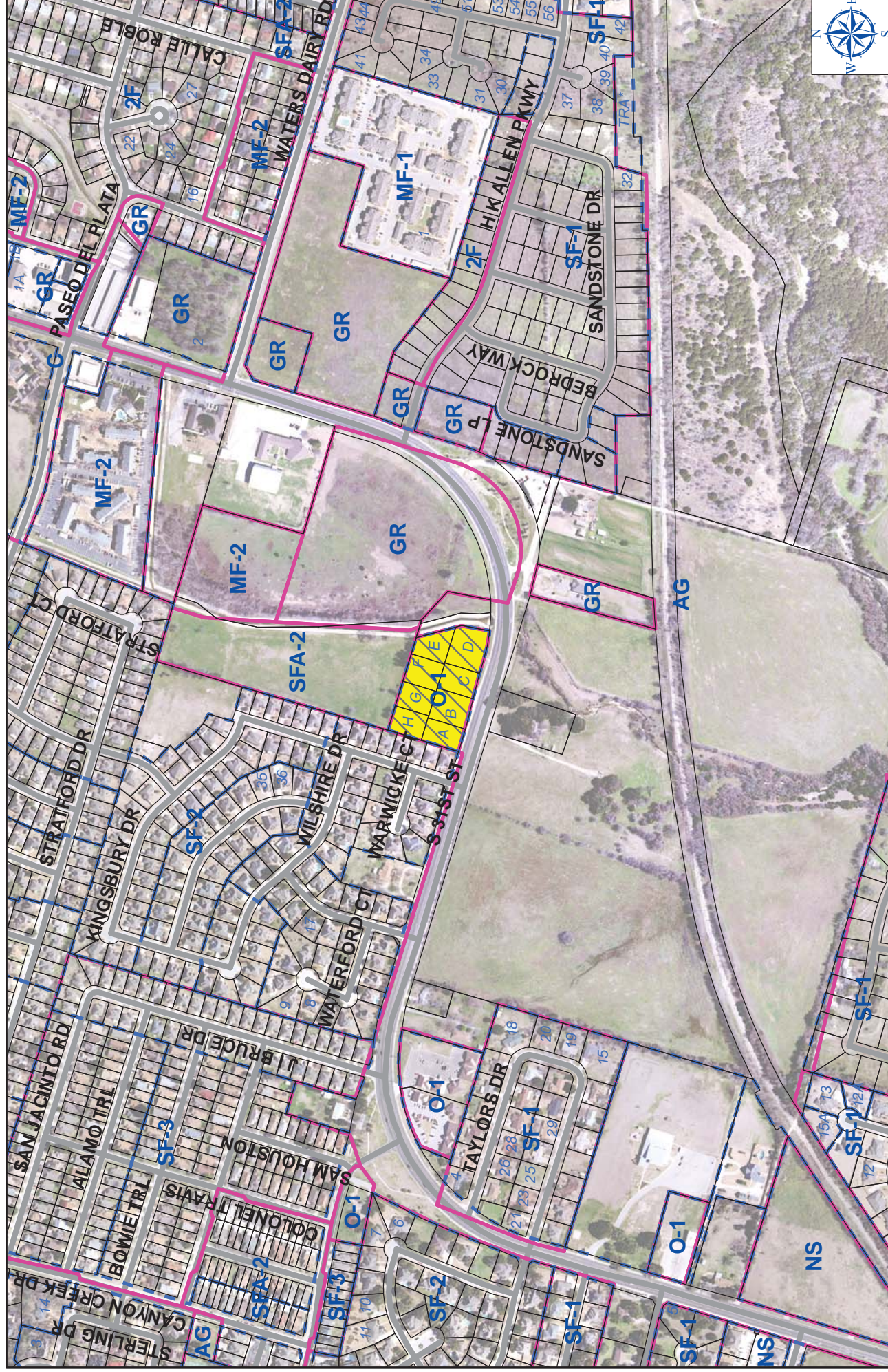
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GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property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

12/5/2014  
City of Temple GIS  
mbaker



Case  Zoning  Subdivision  Lot Number

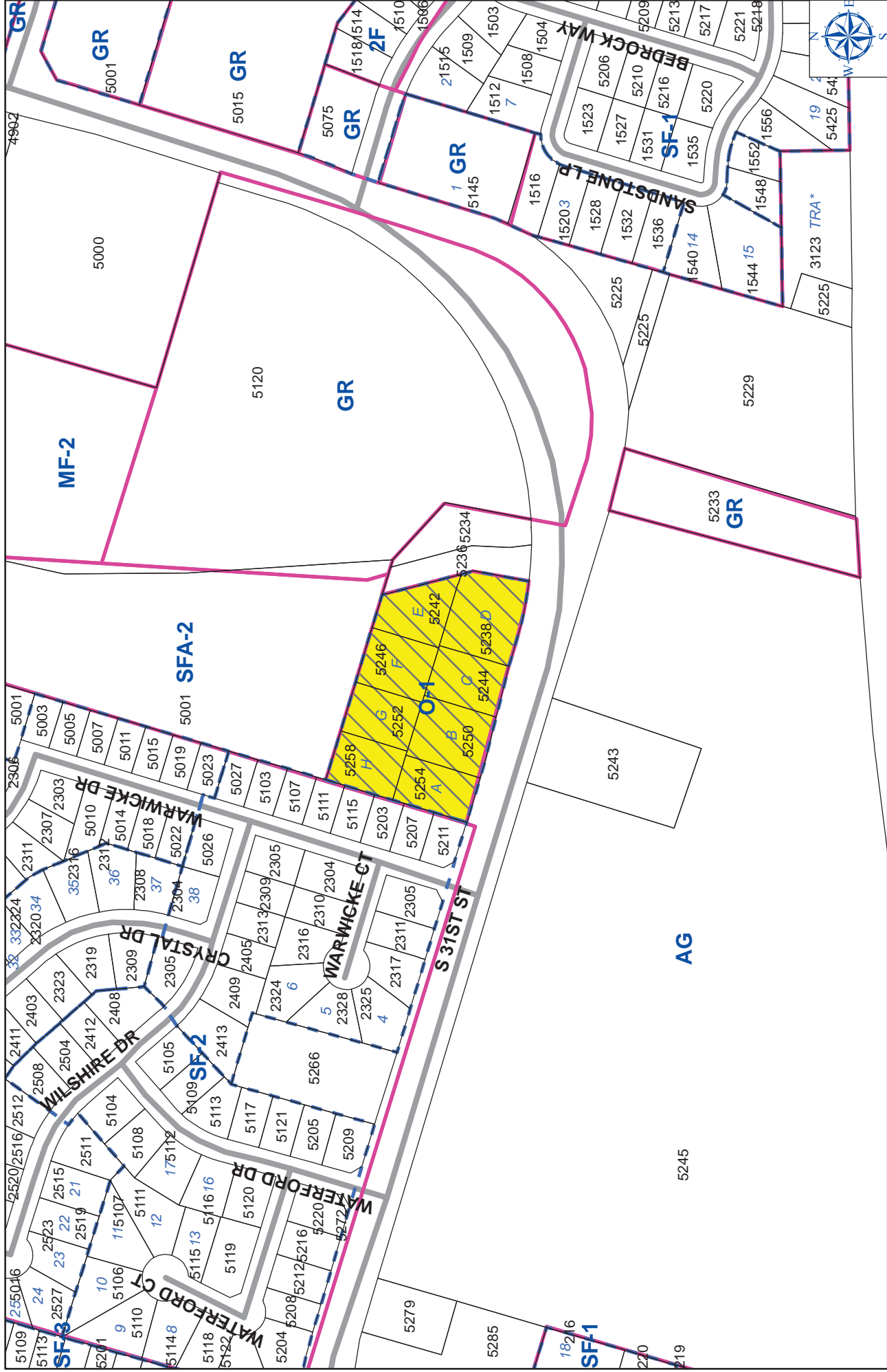




Z-FY-15-04

Waterford Professional Park  
Lots A-H

Zoning & Location Map



**Case**

**Zoning**

**Subdivision**

**Lot Number**

0 500 1,000

Feet

12/5/2014  
City of Temple GIS  
mbaker

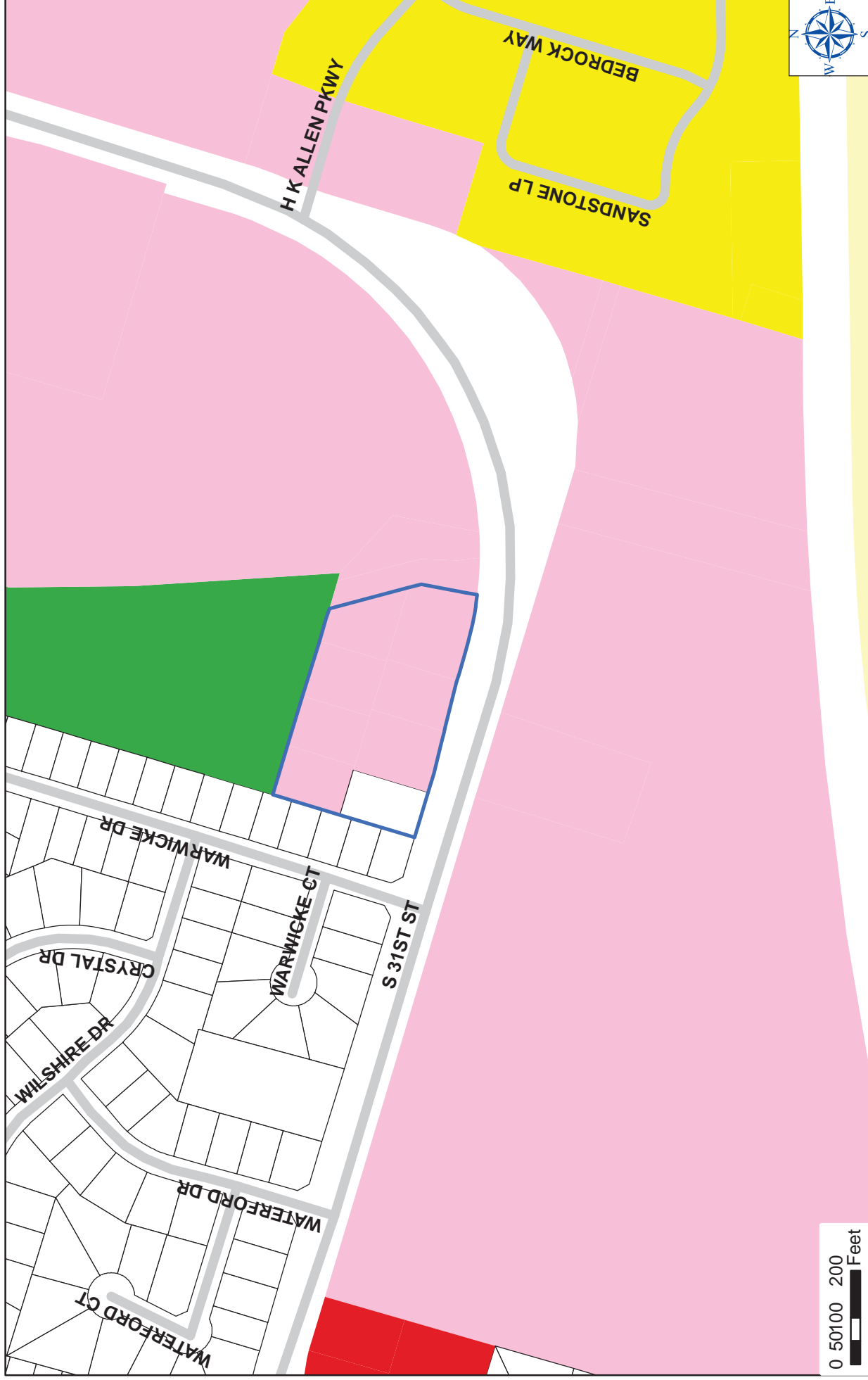
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-15-04

Future Land Use Plan

Waterford Professional Park  
Lots A-H

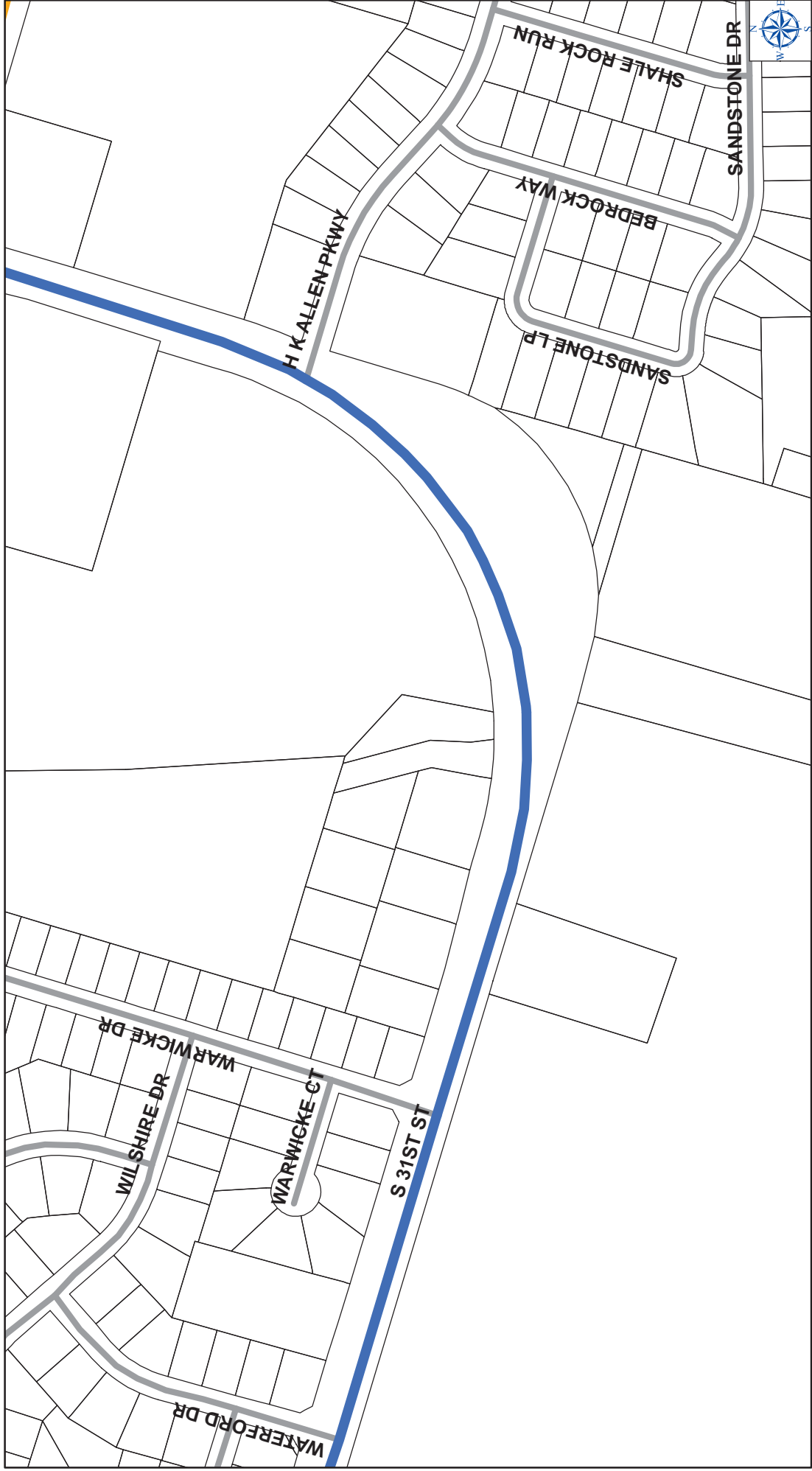


### Future Land Use

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

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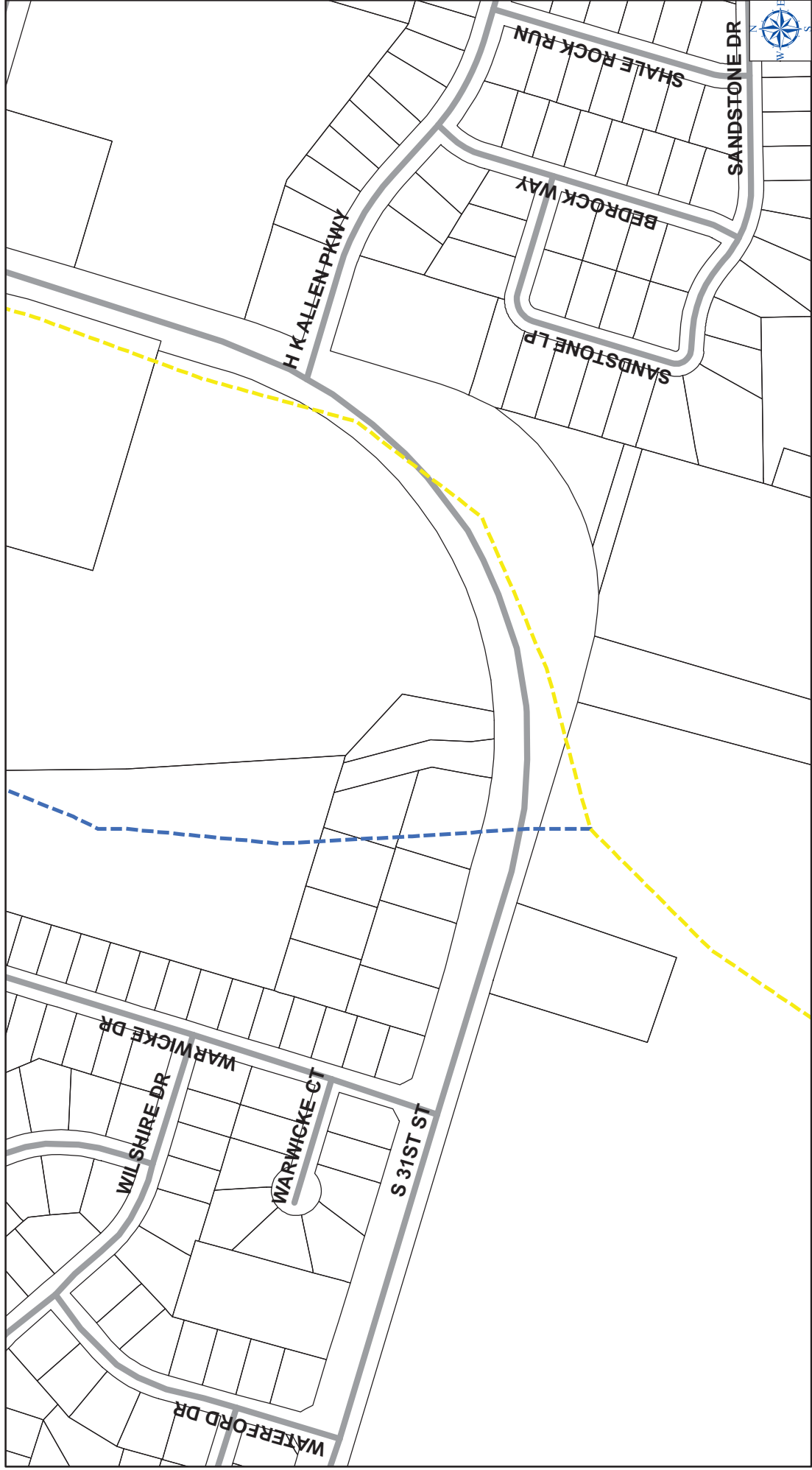
12/5/2014  
City of Temple GIS



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



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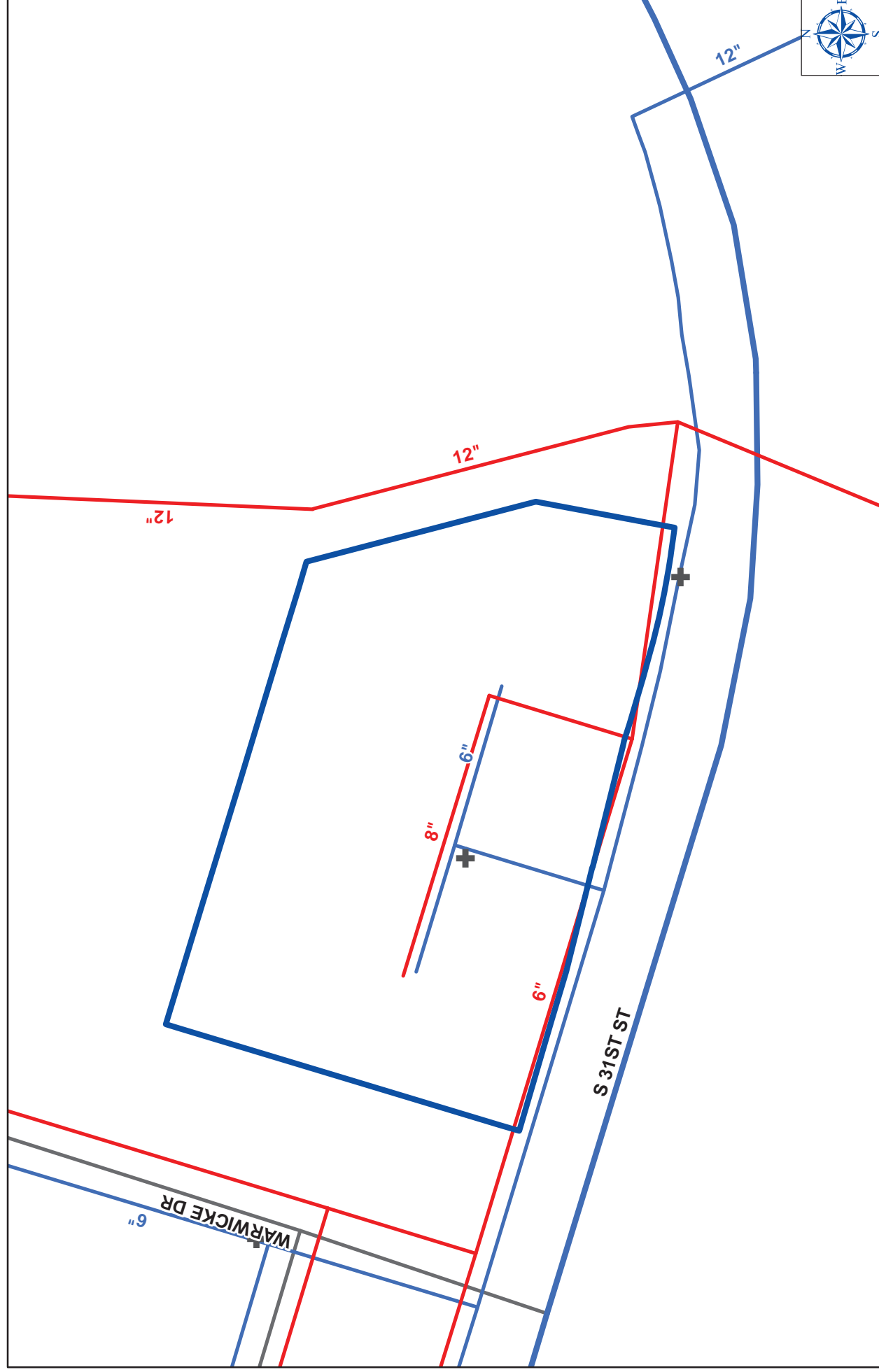
Trails

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

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



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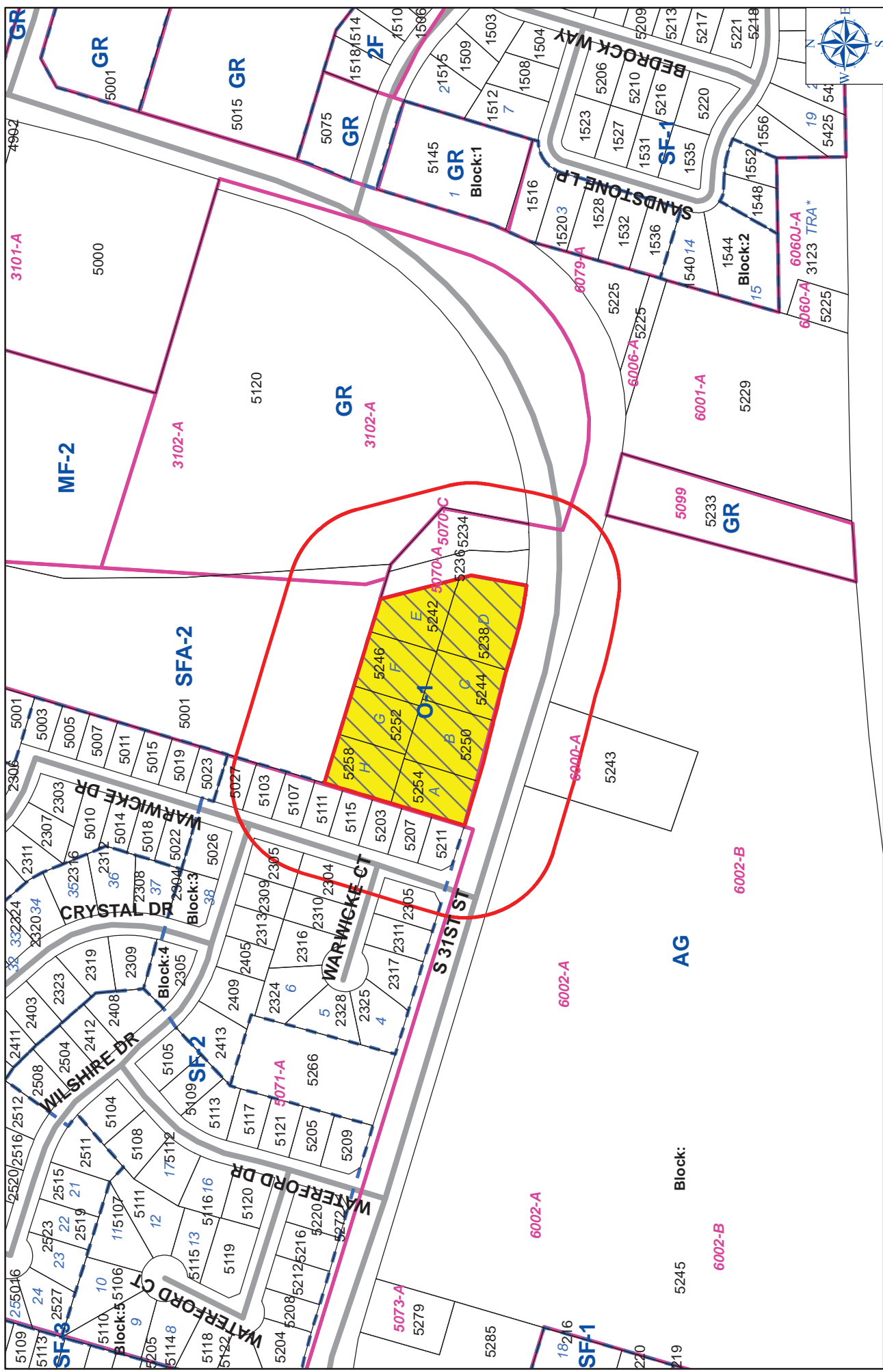




Z-FY-15-04

Notification Map  
O-1 to O-2

Waterford Professional Park  
Lots A-H



**Case**

**200' Buffer**

**Zoning**

**Subdivision**

**Outblock Number**

**Block Number**

**Lot Number**

**1234-A**

**1234**

**0 200 400 Feet**

**N**

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.

12/5/2014  
City of Temple GIS  
mbaker



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

Lavern Etux Sun Kil Laws  
2305 Wilshire Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-04

**Project Manager:** Mark Baker

**Location:** Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwicke Drive

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

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

**Comments:**

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Signature

LAVERN LAWS  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

**RECEIVED**

JAN 02 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 23

Date Mailed: December 26, 2014





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

South Thirty-First Ltd  
c/o Barge Properties  
2005 Birdcreek Drive  
Temple, Texas 76502

**Zoning Application Number: Z-FY-15-04**

**Project Manager: Mark Baker**

Location: Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwicke Drive

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

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

**Comments:**

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Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

**RECEIVED**  
JAN 02 2015  
City of Temple  
Planning & Development

Number of Notices Mailed: 23

Date Mailed: December 26, 2014



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

V W Barge III  
2005 Birdcreek Drive, Suite 211  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-04

**Project Manager:** Mark Baker

**Location:** Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwicke Drive

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I recommend ☒ approval      ( ) denial of this request.

**Comments:**

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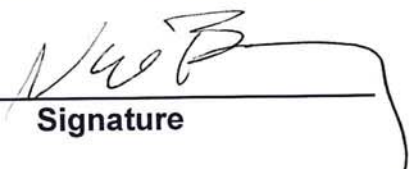
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Signature

V W BARGE III  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

**RECEIVED**

JAN 02 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 23

Date Mailed: December 26, 2014



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

R. Randolph Duff Revocable Trust  
5107 Warwicke Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-04

**Project Manager:** Mark Baker

**Location:** Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwicke Drive

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

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

**Comments:**

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*R. Randolph Duff*

Signature

R. RANDOLPH DUFF

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

**RECEIVED**

JAN 05 2015

City of Temple  
Planning & Development

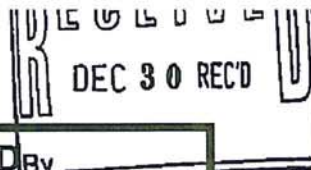
Number of Notices Mailed: 23

Date Mailed: December 26, 2014





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



Tem-Tex Investments Ltd  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-04

**Project Manager:** Mark Baker

**Location:** Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwick Drive

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

I recommend ☒ approval ( ) denial of this request.

**Comments:**

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**Signature**

**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014

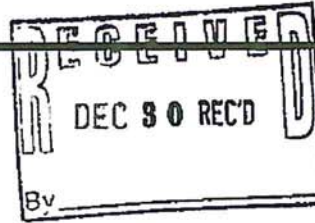
**RECEIVED**

JAN 05 2015

City of Temple  
Planning & Development



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



Kiella Family Ltd  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-04

**Project Manager:** Mark Baker

**Location:** Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwick Drive

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I recommend ☒ approval ( ) denial of this request.

**Comments:**

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Signature

\_\_\_\_\_  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014

**RECEIVED**

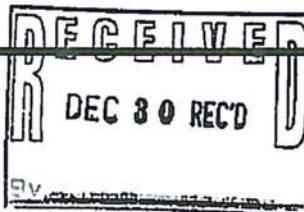
JAN 05 2015

City of Temple  
Planning & Development





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



Kiella Family Ltd  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-04

**Project Manager:** Mark Baker

**Location:** Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwick Drive

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I recommend ☒ approval ( ) denial of this request.

**Comments:**

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Signature

\_\_\_\_\_  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

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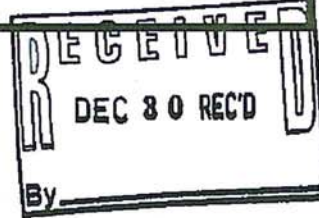
**RECEIVED**

JAN 05 2015

City of Temple  
Planning & Development



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



Kiella Family Ltd  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-04

**Project Manager:** Mark Baker

**Location:** Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwick Drive

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I recommend ☒ approval ( ) denial of this request.

**Comments:**

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Signature

\_\_\_\_\_  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

Number of Notices Mailed: 23  
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Date Mailed: December 26, 2014

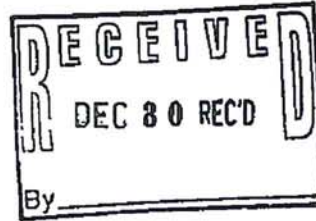
JAN 05 2015

City of Temple  
Planning & Development



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

Kiella Family Ltd  
P.O. Box 1344  
Temple, Texas 76503-1344



**Zoning Application Number:** Z-FY-15-04

**Project Manager:** Mark Baker

**Location:** Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwick Drive

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I recommend ☒ approval      ( ) denial of this request.

**Comments:**

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Signature

\_\_\_\_\_  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015**

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

**Number of Notices Mailed:** 23

**Date Mailed:** December 26, 2014

**RECEIVED**

**JAN 05 2015**

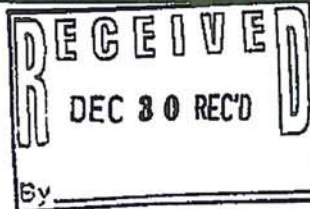
City of Temple  
Planning & Development





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

Kiella Family Ltd  
P.O. Box 1344  
Temple, Texas 76503-1344



**Zoning Application Number:** Z-FY-15-04

**Project Manager:** Mark Baker

**Location:** Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwick Drive

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

I recommend ☒ approval ( ) denial of this request.

**Comments:**

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Signature

\_\_\_\_\_  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014

**RECEIVED**  
JAN 05 2015  
City of Temple  
Planning & Development





RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE

Jimmie Etux Carolyn Coufal  
1001 Salac Lane  
Temple, Texas 76501

Zoning Application Number: Z-FY-15-04

Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwick Drive

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

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

Comments:

I think it should stay residential since it is a nice neighborhood and I always get top dollar rent in that area. I don't want someone who would live in the house - they wouldn't be able to homestead. Please let it stay residential because the Temple schools show poor performance and these neighborhoods need to stay nice in order to keep Carolyn Coufal

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

RECEIVED

JAN 06 2015

City of Temple

Planning & Development

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014



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

Waterford Dental Specialists PLLC  
5246 South 31<sup>st</sup> Street  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-04

**Project Manager:** Mark Baker

**Location:** Waterford Professional Park, North side of South 31<sup>st</sup> Street, East of Warwicke Drive

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

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

**Comments:**

*Would prefer modification of single lot zone change only. As land owner of property, I would prefer input of abpr changes on a case by case basis. Changing the zoning for the entire park could have negative impact on my future property value.*

*Todd Evans*  
**Signature**

**TODD EVANS**  
**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014

**RECEIVED**  
**JAN 06 2015**  
City of Temple  
Planning & Development





**JON A. HOWELL, DDS**

*creating beautiful smiles in a beautiful atmosphere.*

5238 South 31st Street • Temple, Texas 76502 • p. 254.778.4402 • f. 254.778.4402 • [yourtempldentist.com](http://yourtempldentist.com) • [jhoweldds@aol.com](mailto:jhoweldds@aol.com)

January 7, 2015

To Whom It May Concern:

We are okay with the rezoning of the land to zone 0-2.

Thank you,

M. Elizabeth & Jon Howell

Waterford Professional Park

Lot D

**RECEIVED**

JAN 07 2015

City of Temple  
Planning & Development



ORDINANCE NO. 2015-4699

(PLANNING NO. Z-FY-15-04)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT OFFICE 1 DISTRICT (PD-O-1) TO OFFICE 2 DISTRICT (O-2) FOR LOTS A, B, C & D, CONSISTING OF APPROXIMATELY 1.933 ACRES WITHIN THE WATERFORD PROFESSIONAL PARK, LOCATED ON THE NORTH SIDE OF SOUTH 31<sup>ST</sup> STREET, EAST OF WARWICK DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a zoning change from Planned Development Office 1 District (PD-O-1) to Office 2 District (O-2) for Lots A, B, C & D, consisting of approximately 1.933 +/- acres within the Waterford Professional Park, located on the north side of South 31st Street, east of Warwick Drive, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**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 **15<sup>th</sup>** day of **January**, 2015.



PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **February**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(M)  
Consent Agenda  
Page 1 of 2

### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Chuck Ramm, Parks and Recreation Assistant Director

**ITEM DESCRIPTION:** SECOND & FINAL READING - Consider adopting an ordinance accepting the Temple Youth Programs Standards of Care.

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

**ITEM SUMMARY:** On August 19, 2004, City Council adopted the Standards of Care for youth programs sponsored by the Parks and Recreation Department. The standards were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS). One of the requirements of the TDPRS is for Cities that conduct youth programs to adopt a Standards of Care policy. The purpose of the policy is to assure the community that when they place their child/children in one of our programs our facilities are safe, a background check has been conducted on our staff and that they are properly trained for the program they will be conducting.

Some of the key elements of the Temple policy include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- Ensuring that criminal background checks will be conducted on prospective youth program employees
- Stating that as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR).
- Stating that the Parks and Leisure Services Department will provide training and orientation to program employees and that staff will be provided with a program manual specific to each Youth Program.
- Indicating that in a Temple youth recreation program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age.

- Assuring parents that they will be notified immediately if a:
  - (1) participant is injured
  - (2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness)
  - (3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health.
- Confirming that all program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year.
- Requiring the Parks and Leisure Services Director to provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

In 2013, average daily attendance at our afterschool sites dropped from a daily average of 316 children to 311. The summer camp average for 2014 was 236. In 2013, it was 241. All training and inspection requirements were met.

Each year we are required to review the previous year's afterschool and camp programs and develop an annual report, including making any recommendations we believe necessary to change the Child Care Ordinance. City Council is then asked to conduct a public hearing, approve the report and adopt the Standards of Care after conducting a public hearing.

We are not recommending any changes to the current (and proposed) Child Care Ordinance.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[2014 Child Care Standards Report](#)

[2015 Child Care Standards](#)

[Ordinance](#)

Parks and Leisure Services Department  
Child Care Standards Annual Report  
2014

Throughout the 2014 school year, the City of Temple Parks and Leisure Services Department provided after-school programs for boys and girls ages 5-13 at four Temple I.S.D campuses, four Belton I.S.D campuses and St. Mary's Catholic School. The department also organized two summer camps, a spring break camp (Camp Adventure), and a holiday camp (Camp Holidayze) for children ranging from 5 to 13 at the Wilson Recreation Center.

**After School Programs**

The after-school programs run concurrent with each of the schools including holidays and teacher workdays. Children attended the programs from 3:00 p.m. to 6:00 p.m. Monday through Friday. On teacher workdays and school holidays, the program was offered from 7am – 6pm at Wilson Park Recreation Center.

The children are provided with a quality recreation program that includes activities such as tutoring, arts and crafts, athletics, gym games, etc. The children are also provided a healthy snack. The after school programs are staffed with part-time employees but supervised by a full time Program Coordinator and Recreation Specialist.

<b><u>Location</u></b>	<b><u>Attendance (daily average)</u></b>	
	2013	2014
Thornton Elementary	33	30
Western Hills	21	14
Kennedy Powell	43	42
Cater	21	21
Lakewood	39	42
Pirtle	40	48
Tarver	44	41
St. Mary's	33	28
High Point	42	45

**Camps**

Summer camps included Camp Heatwave, which took place at the Wilson Park Recreation Center and Camp Horizon which was held at Tarver Elementary School. Camp Heatwave and Horizon were 11 week programs. Both camps were staffed with part-time recreation leaders and supervised by a full-time Recreation Specialist and a Recreation Coordinator. The same staffing format also occurred at Camp Holidayze and Camp Adventure

The summer camp schedule was 7:00 a.m. to 6:00 p.m. Monday through Friday. The children participated in a variety of activities including arts and crafts, athletics, swimming, field trips, hiking, disc golf, archery, outdoor adventure programs, etc. The children at Camp Heatwave were provided a lunch and an afternoon snack from the Temple I.S.D. summer lunch program.

Each participant submitted a signed waiver, registration form and emergency contact information.



**Camp Name****Attendance (daily average)**

	<u>2013</u>	<u>2014</u>
Camp Holiday (Christmas Break)	38	63
Camp Adventure (Spring Break)	84	93
Camp Heatwave (Summer Camp)	147	153
Camp Horizon (Summer Camp)	94	83

**Scholarships**

Parents who are in need of financial support are provided the opportunity to apply for assistance. Based upon the guidelines adopted by The Parks and Leisure Services Advisory Board, 85 participants received aid in the form of reduced fees.

After School Program

31 – 50% reduced (Parents paid \$20 per child, weekly)

5 – 20% reduced (Parents paid \$32 per child, weekly)

Camp Heatwave, Quest, Horizon

33 – 50% reduced (Parents paid \$35 per child, weekly)

9 – 20% reduced (Parents paid \$56 per child, weekly)

At the beginning of the 2012-2013 school year, the Parks and Leisure Services Advisory Board adopted new guidelines for scholarships.

**Inspection Schedule**

The Wilson Recreation Center and all after school sites were inspected in April, May and December 2014 for any hazards or potential problems by the Recreation Superintendent. None were noted.

The Wilson Recreation Center passed the annual fire inspection in October, 2013

All school sites were inspected by the Fire Marshall.

**Training**

Per the adopted Childcare Standards, all staff are CPR/First Aid trained within one year of their hire date. Training occurs twice each year.

All staff who worked with children attended a minimum of 12 hours of training pertinent to their programming responsibilities.

All staff were given quarterly safety training.

All training requirements were met.

**Recommendations**

No recommendations are requested at this time

## TEMPLE YOUTH PROGRAMS' STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of the City of Temple, Texas to pursuant to with Texas Human Resources Code Section 42.041(14). The Standards of Care are the minimum standards by which the City of Temple Parks and Leisure Department will operate the City's Youth Programs.

### ***General Administration***

#### 1. Organization

- A. The governing body of the City of Temple youth programs is the Temple City Council.
- B. Implementation of the Youth Program Standards of Care is the responsibility of the Superintendent of Recreation.
- C. Youth Programs ("Program") to which these Standards will apply are the programs held at the Wilson Recreation Center and other "Outreach" programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Standards of Care will be made available on the Parks and Leisure Services Website [www.templeparks.com](http://www.templeparks.com).
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
  - (1) felony or a misdemeanor classified as an offense against a person or family;
  - (2) felony or misdemeanor classified as public indecency;
  - (3) felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
  - (4) offense involving moral turpitude;
  - (5) offense that would potentially put the City of Temple at risk.

#### 2. Definitions

- A. City: City of Temple
- B. City Council: City Council of the City of Temple
- C. Department: Recreation Division of the Parks and Leisure Services Department of the City of Temple
- D. Youth Programs or Program: City of Temple youth programs held at the Wilson Recreation Center, and “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Temple Youth Programs
- F. Director: City of Temple Director of Parks and Leisure Services or his or her designee
- G. Recreation Superintendent: person responsible for the overall oversight of the Parks and Leisure Services
- H. Program Coordinator or Coordinator: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned administrative responsibility for a Temple Youth Program
- I. Recreation Specialist: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned day to day responsibilities to implement the City’s Youth Program.
- J. Recreation Leader or Leaders: City of Temple, Parks and Leisure Services Department part-time employee who has been assigned responsibility to conduct the City’s Youth Programs
- K. Program Site: Any area or facility where Temple Youth Programs are held
- L. Participant: A youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- M. Parent(s): This term will be used to represent one or both parent(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in Temple Youth Programs
- N. Employee(s): Term used to describe people who have been hired to work for the City of Temple, Parks and Leisure Services Department and have been assigned responsibility for managing, administering, implementing or conducting some portions of the Temple Youth Programs.

### 3. Inspections/Monitoring/Enforcement

- A. A bi-annual inspection report will be initiated by the Recreation Superintendent to confirm the Standards of Care are being adhered to.
  - (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
  - (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Recreation Superintendent will make visual inspections of the facilities based on the following schedule:
  - (1) pre-summer check in May of each year
  - (2) winter check in January
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to resolve the problems. All complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Coordinator. Unresolved complaints regarding enforcement of the Standards of Care will be addressed by the Recreation Superintendent, and should they still not be resolved, by the Director. The complaint and the resolution will be documented.
- D. The Director will provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

### 4. Enrollment

- A. All children participating in the program must be 5 years of age. Before a child can be enrolled, the parents must sign registration forms that contain the child's:
  - (1) name, address, home telephone number;
  - (2) name and address of parents and telephone during program hours;
  - (3) names and telephone numbers of people to whom the child can be released;
  - (4) statement of the child's special problems or needs;
  - (5) proof of residency when appropriate;



- (6) liability waiver which also includes permission for field trips and emergency medical authorization.
- (7) any medicines the child may be taking

## 5. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code.

## ***Staffing-Responsibilities and Training***

### 6. Youth Program Coordinator Qualifications

- A. Coordinators will be full-time, employees of the Temple Parks and Leisure Services Department and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.
- B. Coordinators must be at least 21 years old.
- C. Coordinators must have two years' experience planning and implementing recreation activities.
- D. Coordinators must be able to pass a background investigation including testing for illegal substances.
- E. As soon as possible after employment with the City of Temple, but within one year, Coordinators must successfully complete a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Coordinators must be able to furnish proof of a clear tuberculosis test within 12 months prior to their employment date.

### 7. Coordinator's Responsibilities

- A. Coordinators are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.

- B. Coordinators are responsible to recommend for hire, supervise, and evaluate Leaders.
- C. Coordinators are responsible to plan, implement, and evaluate programs.

#### 8. Recreation Leader (“Leader”) Qualifications

- A. Leaders will be full-time, part-time or temporary employees of the Parks and Leisure Services Department.
- B. Leaders working with children must be age sixteen (16) or older.
- C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Leaders must relate to children with courtesy, respect, tolerance, and patience.
- E. As soon as possible, but within one year of hiring, all of the Leaders at each site must have successfully completed a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Each Leader applicant must be able to furnish proof of a clear tuberculosis test within the 12 months prior to their employment date.
- G. Leader must pass a background investigation including testing for illegal substances.

#### 9. Leader Responsibilities

- A. Leaders will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Temple Youth Programs.
- C. Leaders will ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.
- D. A leader must be with participants at all times or aware of the participants location.

## 10. Training/Orientation

- A. The Department is responsible to provide training and orientation to Program employees in working with children and for specific job responsibilities. Coordinators will provide each Leader with a Program manual specific to each Youth Program.
- B. Leaders must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. All program employees will receive 10 hours of training annually.
- G. Program employees will be required to sign an acknowledgment that they received the required training.

## *Operations*

### 11. Staff-Participant Ratio

- A. In a Temple Youth Program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 14 years of age.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

### 12. Notification

- A. Parents must be notified immediately if:
  - (1) Participant is injured; or
  - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness).
- B. All parents must be notified if there is an outbreak of any communicable disease that is reportable to the State Department of Health.

### 13. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended from the Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

### 14. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also will be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods to include:
  - (1) alternating active and passive activities,
  - (2) opportunity for individual and group activities, and
  - (3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
  - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
  - (2) Program employees must have a written list of the participants in the group and must check the roll frequently.



- (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent place at each site.

## 15. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
  - (1) Temple ambulance or emergency medical services.
  - (2) Temple Police Department.
  - (3) Temple Fire Department.
  - (4) Poison Control.
  - (5) The telephone number for the site itself.
  - (6) Numbers at which parents may be reached.

## 16. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- C. A notebook containing the names and telephone numbers of Parents and Physicians shall be available in all Program vehicles that transport Participants.

## ***Facility Standards***

## 17. Safety

- A. Program employees will inspect Youth Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A daily inspection

report will be completed by the Program staff and kept on file by the Program Coordinator.

- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participant's use.
- D. Program employees must have first aid supplies available at each site, during transportation, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.
- H. The list of Program sites will be provided to the Bell County Health District-Environmental Health Division so that the Health Division can conduct health inspection(s).

#### 18. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. All Youth Program staff members will be trained in the proper use of fire extinguishers.

#### 19. Health

A. Illness or Injury

- (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
- (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

B. Program employees will administer medication only if:

- (1) Parent(s) or guardian(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program staff members will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

### C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

### D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from sites daily.

- E. The City will contact the Health Department and request an annual health inspection by the Health Department prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.



ORDINANCE NO. 2014-4698

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE TEMPLE YOUTHS' PROGRAM STANDARDS OF CARE POLICY FROM THE PARKS AND LEISURE SERVICES DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in accordance with the requirement of the Texas Department of Protective and Regulatory Services (TDPRS), on November 19, 2004, the City adopted a "Standards of Care" policy to be utilized with youth recreation programs;

**Whereas**, one of the requirements of the TDPRS is for cities that conduct youth programs to adopt a Standards of Care policy annually – the purpose of the guidelines is to assure the community that when they place their children in one of the City's recreation programs the facilities are safe, a background check has been done on staff, and that they are properly trained for the programs they will be conducting;

**Whereas**, in 2013, average daily attendance at the afterschool sites dropped from a daily average of 316 children to 311 in 2014 - summer camp average for 2013 was 241 and 236 in 2014;

**Whereas**, City of Temple's policy requires the Parks and Leisure Services Director to present an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care; and

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

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

**Part 1:** The City Council adopts the Temple Youths' Program Standards of Care Policy from the Parks and Leisure Services Department which is required by the Texas Department of Protective and Regulatory Services (TDPRS) and which assures the community that the City of Temple's facilities are safe, a background check has been conducted on the staff and they are properly trained for any program they conduct, as outlined in Exhibit 'A' attached hereto and incorporated herein for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18<sup>th</sup>** day of **December, 2014.**

PASSED AND APPROVED on Second Reading on the **15<sup>th</sup>** day of **January, 2015.**

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(N)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution confirming the appointment of Charla Thomas as a Deputy City Attorney and setting compensation for the position.

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

**ITEM SUMMARY:** According to the City of Temple Charter, the City Attorney shall have the power to appoint such assistants as may be deemed necessary, subject to the approval of the City Council, and at compensation set by the City Council. The proposed resolution confirms the appointment of Charla Thomas as a Deputy City Attorney and sets her compensation at \$71,000 per year.

Ms. Thomas received a Bachelor's Degree from Austin College. She is also a graduate of Texas Tech School of Law. Ms. Thomas has worked in the City Attorney's office in Abilene and the Taylor County District Attorney's Office. We are excited to welcome Ms. Thomas to the City of Temple.

**FISCAL IMPACT:** Funding of the compensation for this position is available in the FY 2015 Operating Budget.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2015-7601-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CONFIRMING THE APPOINTMENT OF CHARLA THOMAS AS A DEPUTY CITY ATTORNEY AND SETTING HER COMPENSATION FOR THE POSITION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, according to the City of Temple Charter, the City Attorney shall have the power to appoint such assistants as may be deemed necessary, subject to the approval of the City Council;

**Whereas**, after receiving applications and interviewing a number of qualified applicants for the job of deputy city attorney, the City Attorney has extended a job offer to Charla Thomas and sets her compensation at \$71,000 per year;

**Whereas**, Ms. Thomas received her Bachelor's Degree from Austin College and is also a graduate of Texas Tech School of Law – Ms. Thomas has worked in the City Attorney's office in Abilene and the Taylor County District Attorney's Office and we believe she will be a valuable addition to the City Attorney's office;

**Whereas**, funding of the compensation for this position is available in the fiscal year 2015 Operating Budget; 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 confirms the appointment of Charla Thomas as a Deputy City Attorney for the City of Temple, Texas, and sets her annual salary at \$71,000.

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

PASSED AND APPROVED this the **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution confirming the appointment of Megan Davis as a Deputy City Attorney and setting compensation for the position.

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

**ITEM SUMMARY:** According to the City of Temple Charter, the City Attorney shall have the power to appoint such assistants as may be deemed necessary, subject to the approval of the City Council, and at compensation set by the City Council. The proposed resolution confirms the appointment of Megan Davis as a Deputy City Attorney and sets her compensation at \$66,500 per year.

Ms. Davis graduated *cum laude* from the University of Houston Law Center in 2014 and was admitted to the State Bar of Texas this past November. We are excited to welcome Ms. Davis to the City Attorney's Office and the City of Temple.

**FISCAL IMPACT:** Due to savings from personnel changes during the fiscal year, the amount of additional funding needed to fully fund this position is \$26,020. Funds are available in the FY 2015 Operating Budget a budget adjustment is presented for Council's approval appropriating the available funds to the Legal Department's Operating Budget.

### **ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)



FY 2015**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	
110-1600-5xx-1xxx	--	Legal Department Salary/Benefits	\$ 26,020			
110-6030-513-11-12	--	Professional			\$ 26,020	
<b>TOTAL.....</b>			\$ 26,020		\$ 26,020	

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

Budget adjustment to allocate funds needed to full fund the additional Deputy City Attorney position.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

1/15/2015

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved  
☐ Disapproved

Finance

Date

☐ Approved  
☐ Disapproved

City Manager

Date

☐ Approved  
☐ Disapproved

RESOLUTION NO. 2015-7602-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CONFIRMING THE APPOINTMENT OF MEGAN DAVIS AS A DEPUTY CITY ATTORNEY AND SETTING HER COMPENSATION FOR THE POSITION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, according to the City of Temple Charter, the City Attorney shall have the power to appoint such assistants as may be deemed necessary, subject to the approval of the City Council;

**Whereas**, after receiving applications and interviewing a number of qualified applicants for the job of deputy city attorney, the City Attorney has extended a job offer to Megan Davis and sets her compensation at \$66,500 per year;

**Whereas**, Ms. Davis graduated *cum laude* from the University of Houston Law Center in 2014 and was admitted to the State Bar of Texas this past November - we are excited to welcome Ms. Davis to the City Attorney's Office and the City of Temple;

**Whereas**, funding of the compensation for this position is available but an amendment to the fiscal year 2015 budget needs to be approved to transfer the funds to the Legal Department Operating Budget; 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 confirms the appointment of Megan Davis as a Deputy City Attorney for the City of Temple, Texas, and sets her annual salary at \$66,500.

**Part 2:** The City Council authorizes an amendment to the fiscal year 2015 budget, substantially in the form of the copy attached hereto as Exhibit 'A.

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

PASSED AND APPROVED this the **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney  
Gloria Elder, Risk Manager

**ITEM DESCRIPTION:** Consider adopting a resolution accepting the FY2013-2014 Risk Management Report.

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

**ITEM SUMMARY:** Staff is seeking acceptance of the Risk Management Report for FY2013-2014, which includes an overview of the following information:

- the City's overall loss and claim experience for FY2013-2014 including an analysis of claims filed *by* and *against* the City;
- the number and severity of vehicle and equipment accidents;
- the number and type of on-the-job injuries suffered by City employees; and
- the cost to the City of insuring against loss for property, liability and workers' compensation claims.

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

Risk Management 2013-14 Annual Report  
Resolution



# **Fiscal Year 2013-2014 Risk Management Report**

**Prepared by:  
Gloria Elder, Risk Manager**

## Fiscal Year 2013-2014 Risk Management Report

# Summary

This report provides a summary of risk management activities for fiscal year 2013-2014 and contains historical trending loss data for the past three fiscal years. The report also discusses the following topics:

- ◆ Annual Contribution Rates and Experience Modifier
- ◆ Insurance Premiums
- ◆ Claims Filed Against the City vs Claims Filed By the City
- ◆ Vehicle Accident Review Board and Fleet Accidents 3-Year Comparison
- ◆ Workers Compensation Review Board and Injuries 3-Year Comparison
- ◆ Training and Safety





# Fiscal Year 2013-2014 Risk Management Report

## Overview

This Risk Management Report examines the City's loss from October 1, 2013 through September 30, 2014.

Risk Management is the process of planning, organizing, leading and controlling the activities of an organization in order to minimize the adverse effects of accidental losses on the organization at a reasonable cost. Risk Management involves planning for the negative consequences of any decision, process or action by using whatever means feasible to control the chance of financial loss.

Part of the City's process of mitigating risk is to encourage employees to attend regular safety and training programs. By attending regular safety and training programs, the City recognizes less work related exposure and loss.

Several City employees also serve on the Vehicle Accident Review Board (VARB) which reviews all vehicle accidents. The Board makes recommendations to department heads concerning ways employees can prevent the reoccurrence of similar accidents.

Similarly, the Workers' Compensation Review Board reviews all employee work related injuries that occur and works directly with Texas Municipal League-Intergovernmental Risk Pool (TML-IRP) with regard to FMLA, disability, etc.



# Fiscal Year 2013-2014 Risk Management Report

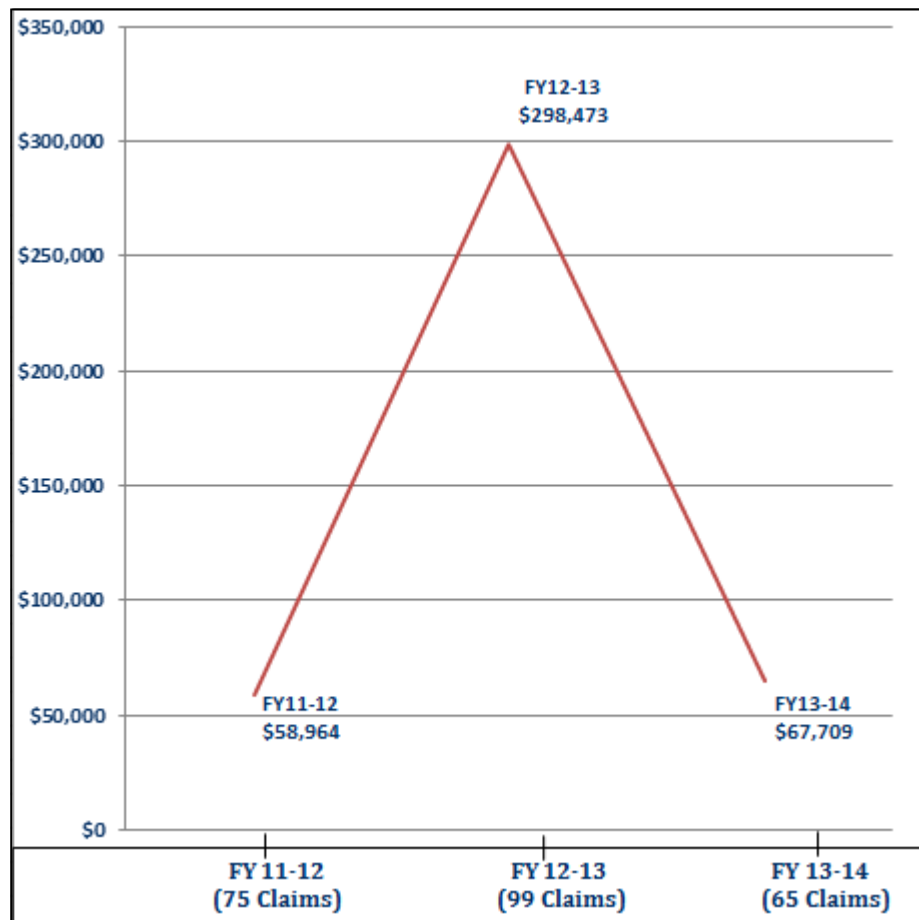
## Insurance Rates & Deductibles 3-Year Comparison

Coverage	FY11-12		FY12-13	
	Premium	Deductible	Premium	Deductible
General Liability	\$27,705	\$5,000	\$30,694	\$0
Auto Liability	\$45,492	\$5,000	\$62,856	\$0
Auto Physical Damage (APD)	\$216	\$500	\$35,547	\$500
Real & Personal Property	\$138,694	\$5,000	\$160,002	\$5,000
Mobile Equipment	\$16,416	\$1,000	\$17,281	\$1,000
Law Enforcement Liability	\$32,895	\$10,000	\$34,558	\$1,000
Airport Liability	\$10,759	\$0	\$8,750	\$0
Public Officials Liability	\$44,669	\$10,000	\$47,916	\$10,000
Employee Dishonesty	\$5,788	\$0	\$5,788	\$0

Coverage	FY13-14	
	Premium	Deductible
General Liability	\$36,996	\$0
Auto Liability	\$59,171	\$0
Auto Physical Damage (APD)	\$86,186	\$500
Real & Personal Property	\$180,411	\$5,000
Mobile Equipment	\$19,368	\$1,000
Law Enforcement Liability	\$36,610	\$1,000
Airport Liability	\$8,510	\$0
Public Officials Liability	\$59,576	\$10,000
Employee Dishonesty	\$2,431	\$500

## Fiscal Year 2013-2014 Risk Management Report

# Liability Claims Filed Against the City

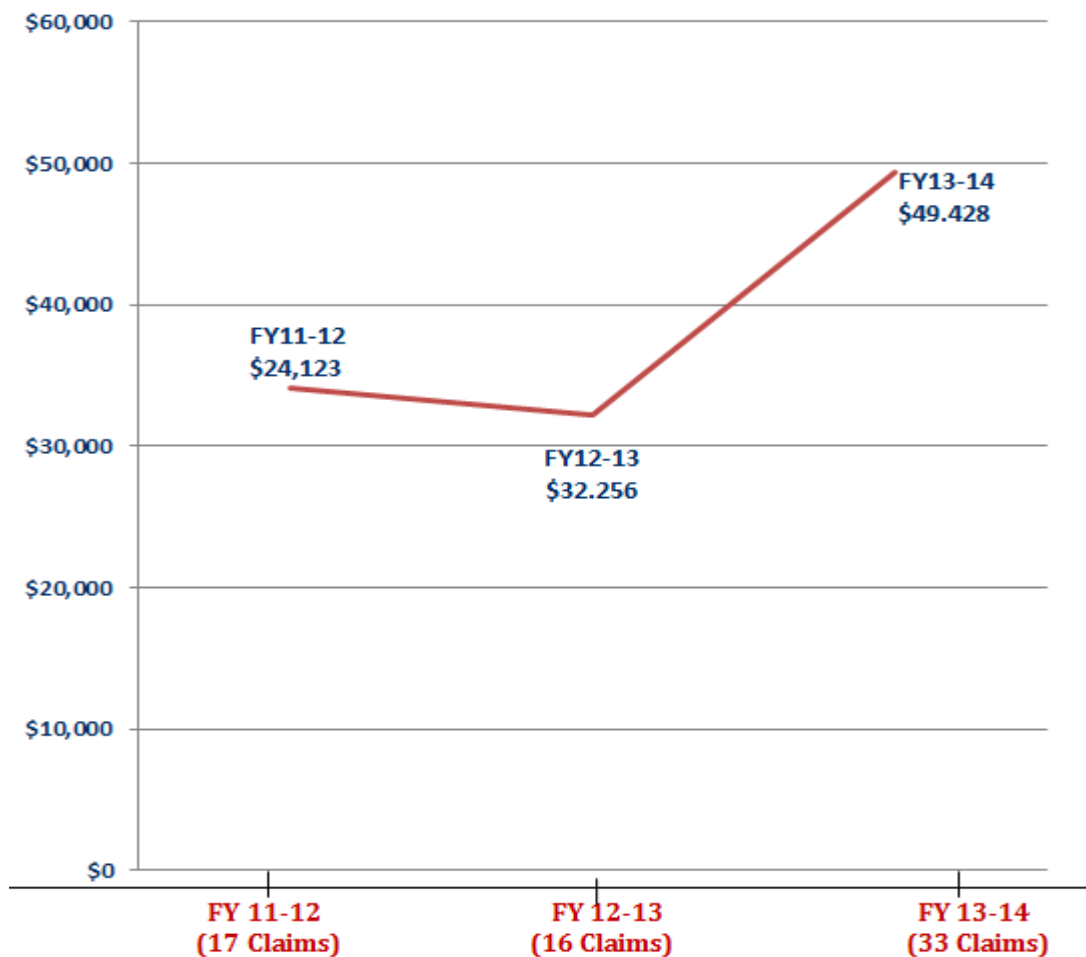


This is an accurate representation of all general liability and auto liability claims filed **against** the City from FY11-12 to FY13-14.



## Fiscal Year 2013-2014 Risk Management Report

# Liability Claims Filed By the City



Claims filed by the City include damage to fleet vehicles caused by other motorists and damage to other City property.



## Fiscal Year 2013-2014 Risk Management Report

# Annual Contribution Rates

TML-IRP bases the City's contribution rates (i.e. premiums) on our experience modifier. An experience modifier is based on a **three-year rolling average** of the claims history of the City of Temple, and that claims history affects the modifier for three years. The basis for the experience modifier comes from several places:

- 1) total claims against the City;
- 2) how much the City paid out in claims;
- 3) how many lawsuits were filed against the City; and
- 4) how many claim reimbursements were received by the City.

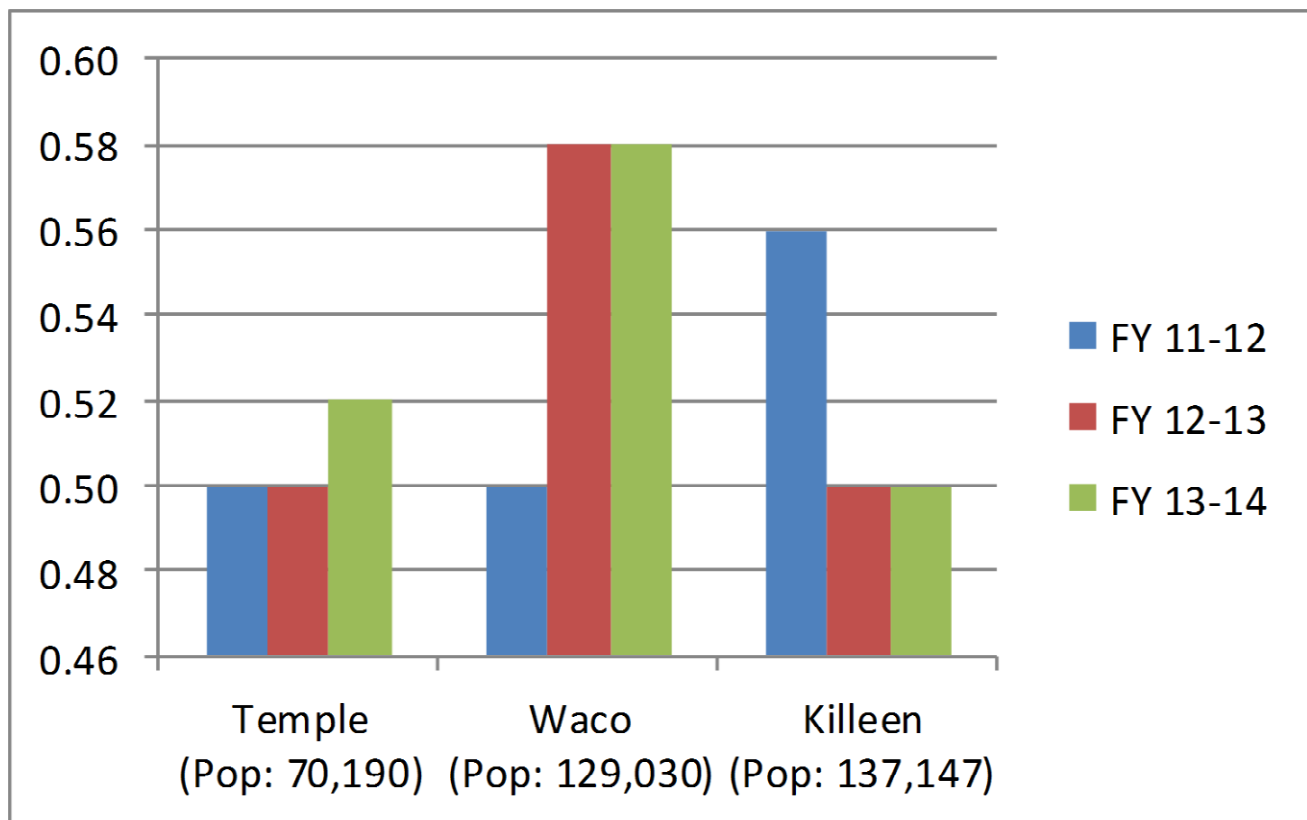
Fiscal Year	Experience Modifier
FY 11-12	0.50
FY 12-13	0.50
FY 13-14	0.52





## Fiscal Year 2013-2014 Risk Management Report

# Comparison of Annual Experience Modifiers



## Fiscal Year 2013-2014 Risk Management Report

# Insurance Premiums 3-Year Comparison

	General	Real Property	Automobile Liability	APD	Mobile Equipment
<b>FY11-12</b>	\$25,705	\$138,030	\$45,492	\$216	\$16,416
<b>FY12-13</b>	\$30,694	\$160,002	\$62,856	\$35,547	\$17,281
<b>FY13-14</b>	\$36,996	\$180,411	\$59,171	\$86,186*	\$19,368

	Airport Liability	Law Enforcement Liability	Employee Dishonesty	Public Officials	Workers' Compensation
<b>FY11-12</b>	\$10,759	\$32,895	\$5,788	\$44,669	\$564,089
<b>FY12-13</b>	\$8,750	\$34,558	\$5,788	\$47,916	\$646,286
<b>FY13-14</b>	\$8,510	\$36,610	\$2,431	\$59,576	\$701,850

\*Auto Physical Damage (APD) rates increased in FY13-14 due to the inclusion of over 100 police fleet vehicles in support of the I-35 Construction project.



## **Fiscal Year 2013-2014 Risk Management Report**

# **Vehicle Accident Review Board (VARB)**

The City's Vehicle Accident Review Board meets monthly to examine the facts and review the causes of fleet accidents. The Board determines if accidents are Chargeable/Preventable (CP), Preventable (P), or Non-Preventable (NP) and makes recommendations to department heads concerning ways employees can prevent or reduce fleet accidents.

## **Members**

Gloria Elder, Chair - Vehicle Accident Review Board and Risk Manager

Sandra Esqueda, Interim Director of Human Resources

Ron Snider, Deputy Fire Chief and Fire Representative

Mike Duppstadt, Police Department Representative

Jeremy Schroeder, Street Department Representative

Chuck Ramm, Parks & Leisure Services Representative

Sylvester Taplin, Solid Waste Division Representative

Aaron Gonzales, Water & Wastewater Department Representative

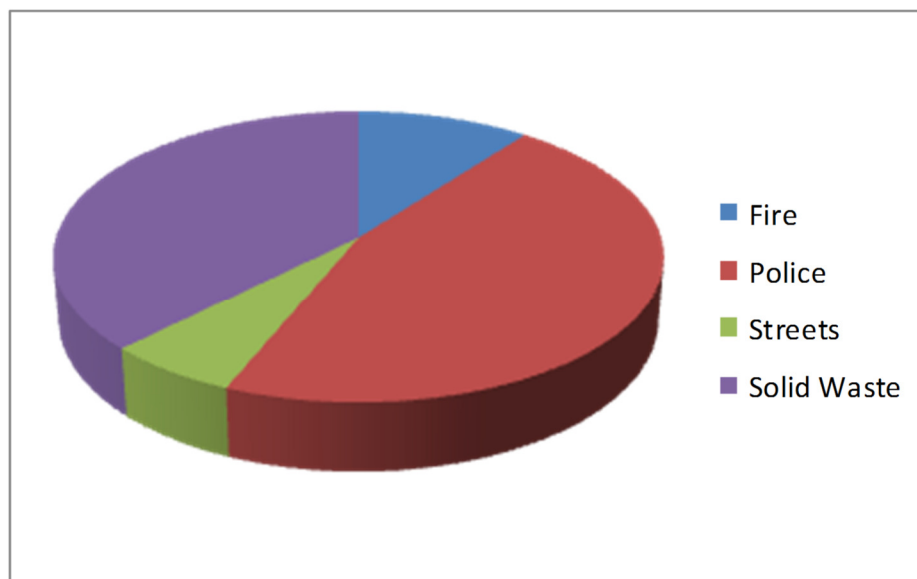


## Fiscal Year 2013-2014 Risk Management Report

# Fleet Vehicle Accidents 3-Year Comparison

The City currently has approximately 500 fleet vehicles traveling on approximately 1,067 miles of paved roadway. Of the below fleet accidents for fiscal year 2013-2014, 30 of the accidents were ruled Chargeable/Preventable or Preventable by the Vehicle Accident Review Board. Those 30 accidents cost the City approximately \$80,399.23.

Department	2011-2012	2012-2013	2013-2014
Fire	5	8	9
Police	22	30	23
Streets	3	4	11
Solid Waste	18	31	19

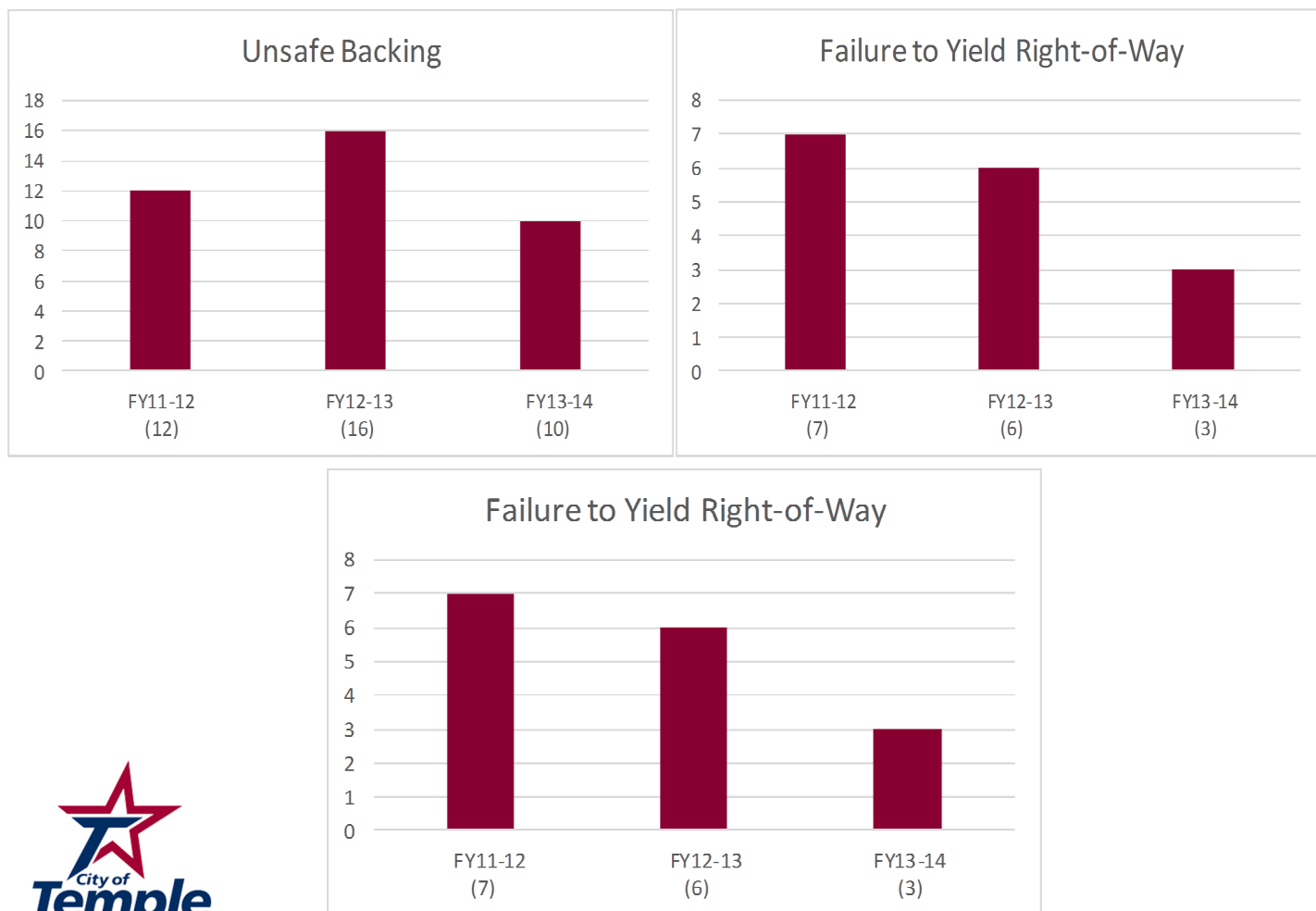


## Fiscal Year 2013-2014 Risk Management Report

# Fleet Vehicle Accidents 3-Year Comparison, Continued

The three largest causes of the City's fleet accidents continue to be:

- 1) Unsafe Backing
- 2) Failure to Keep Proper Clearance
- 3) Failure to Yield Right-of-Way





## **Fiscal Year 2013-2014 Risk Management Report**

# **Workers' Compensation Review Board (WCRB)**

The intent of the City's Workers' Compensation Review Board is to prevent occupational injuries that require medical care or that result in lost employee time. The Board meets monthly to examine the facts and recommend corrective action to prevent future injuries. The Board determines if the injuries are Chargeable/Preventable (CP), Non-Preventable (NP), or First Aid only (FA).

## **Members**

Sandra Esqueda, Interim Director of Human Resources

Gloria Elder, Risk Manager

Ron Snider, Deputy Fire Chief and Fire Representative

Mike Duppstadt, Police Department Representative

Jeremy Schroeder, Street Department Representative

Chuck Ramm, Parks & Leisure Services Representative

Sylvester Taplin, Solid Waste Division Representative

Aaron Gonzales, Water & Wastewater Department Representative



## Fiscal Year 2013-2014 Risk Management Report

# Employee Work Related Injuries

## 3-Year Comparison

In Fiscal Year 13-14, the City employed 1,163 employees. Of those employees, 125 employees, or 10.75% of them, received a work related injury (**up** from 99 last FY). This cost the City approximately 962 days in lost time. Injuries such as sprains, contusions and lacerations are at the top of the list of injuries.

Department	FY11-12	FY12-13	FY13-14
Fire	6	5	9
Police	38	24	41
Streets	6	14	41
Solid Waste	5	5	5

As with liability claims, the experience modifier for Workers' Compensation insurance claims has **increased** over the past three years:

FY 11-12	.47
FY 12-13	.69
FY 13-14	.76

## Fiscal Year 2013-2014 Risk Management Report

# Training and Safety

Sandra Esqueda is the Training and Safety Officer for the City of Temple. She continues to work closely with TML-IRP to bring training and safety classes free of charge to the City. Some classes are mandatory and some are voluntary. If you are interested in seeing if there is a certain type of training or safety class for your department, please contact Sandra at 298-5320 or [sesqueda@templetx.gov](mailto:sesqueda@templetx.gov).



RESOLUTION NO. 2015-7603-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE FISCAL YEAR 2013-2014 RISK MANAGEMENT REPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the fiscal year 2013-2014 Risk Management Report covers the period of October 1, 2013 through September 30, 2014 and outlines the City's overall loss and claim experience, the number and severity of vehicle and equipment accidents, the number and type of on-the-job injuries suffered by City employees, and outlines the costs to the City of insuring against loss for property, liability and workers' compensation claims;

**Whereas**, staff recommends accepting the fiscal year 2013-2014 Risk Management Report as presented and attached hereto as Exhibit A; 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 accepts the fiscal year 2013-2014 Risk Management Report, attached hereto as Exhibit A, which outlines the City's overall loss and claim experience, the number and severity of vehicle and equipment accidents, the number and type of on-the-job injuries suffered by City employees, and outlines the costs to the City of insuring against loss for property, liability and workers' compensation claims.

**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 **15<sup>th</sup>** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #4(Q)  
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 2014-2015.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2014-2015 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$755,869.

### **ATTACHMENTS:**

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



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
**January 15, 2015**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
365-3400-531-6527	<b>100955</b>	Legacy Pavement Preservation Program	\$ 2,000	
365-2800-532-6861	<b>100983</b>	Signal Communication Equipment		\$ 2,000
To allocate funding for the purchase of valves and rise rings related to the milling for the Legacy Pavement Preservation Program.				
110-3500-552-6332	<b>101270</b>	Park Fees - Woodbridge Park	\$ 10,350	
110-0000-461-0830		Developer Fees		\$ 10,350
Allocate funds from the escrowed developer fees from Liberty Hill III Subdivision for the construction of a picnic pergola, two picnic tables and benches.				
110-2011-521-1119		Overtime - Admin	\$ 401,000	
110-0000-442-0718		Police Overtime		\$ 401,000
To recognize revenue to be received from James Construction for the provision of traffic control services and vehicle usage on and around the I-35 Reconstruction Project.				
365-0000-358-1110		Undesignated Fund Balance	\$ 90	
365-0000-490-2582		Transfer In / Transfer In		\$ 90
To correct entry error related to FY 2013-2014 Carry Forward Entry for Transfer In.				
260-3500-552-6316	<b>100629</b>	Hike & Bike Trails		\$ 1,159
260-0000-431-0163		Federal Grant Revenue	\$ 1,159	
260-0000-431-0163		Federal Grant Revenue		\$ 3,000
260-0000-490-2582		Transfer In - Bond Fund	\$ 3,000	
361-9100-591-8160		Transfer Out - Grant Fund		\$ 3,000
361-0000-358-1110		Undesignated Fund Balance	\$ 3,000	
260-3500-552-6316	<b>100629</b>	Hike & Bike Trails		\$ 168
260-0000-431-0163		Federal Grant Revenue	\$ 168	
To adjust amount carried forward from FY 2014 for the STEP Grant.				
110-2033-521-1119		Overtime - POPS	\$ 5,748	
110-2020-521-2115		Fuel - SRO	\$ 552	
110-0000-442-0718		Police Revenue		\$ 6,300
To recognize revenue to be received from a Tobacco Enforcement funding from the Texas School Safety Center. Monies will be used to pay overtime for Officers to conduct inspections at retail stores, follow ups, as well as the operational and fuel costs of police vehicles.				
561-5500-535-6945	<b>100993</b>	Capital - Bonds / WWTP RAS Rplc Pump	\$ 23,581	
<b>561-5000-535-6532</b>		<b>Capital - Special Projects / Contingency</b>		<b>\$ 23,581</b>
To fund change order # 1 with Matous Construction for the Doshier Farm WWTP RAS Pump Rehabilitation Project.				
110-0000-461-0554		Insurance Claims		\$ 39,565
110-0000-461-0554		Insurance Claims		\$ 3,559
110-0000-461-0554		Insurance Claims		\$ 1,323
110-2011-521-2516		Other Services / Judgments & Damages	\$ 2,664	
110-2036-521-6213	<b>101266</b>	Capital Equipment / Automotive	\$ 41,783	
Insurance proceeds received from 3 different claims for Police. Repairs for two units were completed in house or the expenditures to complete repairs were less than proceeds received. One unit was completely totaled and insurance payout was less than what cost to buy a new unit.				

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
January 15, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
10-XXXX-5XX-1XXX <b>110-1500-515-6536</b>		General Fund - Performance Pay <b>Contingency - Compensation</b>	\$ 200,339	<b>\$ 200,339</b>
520-XXXX-535-1XXX <b>520-5000-535-6536</b>		Water Fund - Performance Pay <b>Contingency - Compensation</b>	\$ 45,119	<b>\$ 45,119</b>
292-29XX-534-1XXX <b>292-2910-534-6536</b>		Drainage Fund - Performance Pay <b>Contingency - Compensation</b>	\$ 5,766	<b>\$ 5,766</b>
240-XXXX-551-1XXX <b>240-4400-551-6536</b>		Hotel/Motel Fund - Performance Pay <b>Contingency - Compensation</b>	\$ 9,550	<b>\$ 9,550</b>

To appropriate funds for the 2% Performance Pay for all eligible employees

**TOTAL AMENDMENTS**

**\$ 755,869 \$ 755,869**

**GENERAL FUND**

Beginning <b>Contingency</b> Balance	\$ -
Added to Contingency Sweep Account	-
Carry forward from Prior Year	-
Taken From Contingency	-
Net Balance of Contingency Account	<u>\$ -</u>

Beginning <b>Judgments &amp; Damages</b> Contingency	\$ 40,070
Added to Contingency Judgments & Damages from Council Contingency	-
Taken From Judgments & Damages	-
Net Balance of Judgments & Damages Contingency Account	<u>\$ 40,070</u>

Beginning <b>Compensation</b> Contingency	\$ 988,000
Added to Compensation Contingency	-
Taken From Compensation Contingency	(516,339)
Net Balance of Compensation Contingency Account	<u>\$ 471,661</u>

**Net Balance Council Contingency** **\$ 511,731**

Beginning Balance <b>Budget Sweep</b> Contingency	\$ -
Added to Budget Sweep Contingency	-
Taken From Budget Sweep	-
Net Balance of Budget Sweep Contingency Account	<u>\$ -</u>

**WATER & SEWER FUND**

Beginning <b>Contingency</b> Balance	\$ 50,000
Added to Contingency Sweep Account	-
Taken From Contingency	(21,098)
Net Balance of Contingency Account	<u>\$ 28,902</u>

Beginning <b>Compensation</b> Contingency	\$ 168,000
Added to Compensation Contingency	-
Taken From Compensation Contingency	(73,119)
Net Balance of Compensation Contingency Account	<u>\$ 94,881</u>

**Net Balance Water & Sewer Fund Contingency** **\$ 123,783**

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
January 15, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	27,903
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(1,183)
		Net Balance of Contingency Account	\$	26,720
		Beginning <b>Compensation</b> Contingency	\$	36,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(9,550)
		Net Balance of Compensation Contingency Account	\$	26,450
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	53,170
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	26,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(11,266)
		Net Balance of Compensation Contingency Account	\$	14,734
		<b>Net Balance Drainage Fund Contingency</b>	\$	14,734
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year		89,040
		Added to Contingency Sweep Account		-
		Taken From Contingency		(74,763)
		Net Balance of Contingency Account	\$	14,277

RESOLUTION NO. 2015-7604-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2014-2015 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 28<sup>th</sup> day of August, 2014, the City Council approved a budget for the 2014-2015 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2014-2015 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 2014-2015 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 15<sup>th</sup> day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## CITY COUNCIL ITEM MEMORANDUM

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01/15/15  
Item #5  
Regular Agenda  
Page 1 of 5

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Mark Baker, Planner

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING – Z-FY-15-01: Consider adopting an Ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.00 +/- acres, out of the Nancy Chance Survey, Abstract Number 5, Bell County, Texas, located at 108 & 124 Old Waco Road.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its December 2, 2014 meeting, the Planning & Zoning Commission voted 9 to 0 to recommend approval of the requested rezone from AG to GR.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for a zoning change from AG to GR for the following reasons:

1. The proposed rezone complies with the Future Land Use Plan (FLUP) and is consistent with the anticipated type of growth within the Old Waco Road corridor;
2. The proposed zoning is compatible with surrounding zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

**ITEM SUMMARY:** The subject property, see Exhibit A, is within the Suburban Commercial District according to the Future Land Use Plan (FLUP).

The Suburban-Commercial district is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations.

The Suburban Commercial district typically supports the Office (O-1 & O-2) and Neighborhood Service (NS) zoning districts. However, in the past, staff has supported General Retail (GR) within the Suburban Commercial district on a case by case basis. The applicant has indicated that the GR is being requested since the GR designation gives a broader variety of possible businesses that can be established. The adjacent Extreme Cheer gymnastic facility was rezoned as GR and it is anticipated that the remainder of possible development in the area would be zoned the same. Staff agrees and has found that specifically, along the Old Waco Road / "Outer Loop" corridor, GR is being established



and staff supports the GR zoning due to the nature of the anticipated development along the “Outer Loop”.

Additionally, GR was recently established to the north of the subject property by Ordinance 2013-4597 and subsequent plat, which resulted with the proposed Extreme Cheer gymnastics studio. Directly to the east of the subject property and within the Crescent View Commercial subdivision by Ordinance 2013-4620, with GR which alone encompassed over 29 acres. The Crescent View Commercial subdivision is the location of the approved Walmart Supercenter, which is currently under construction.

Therefore, while the requested rezoning to GR may not be appropriate for all areas with the Suburban Commercial designation, this request is still in full compliance with the FLUP and is consistent with surrounding zoning and the anticipated type of development within the “Outer Loop” corridor.

While it is anticipated the property will be developed with a retail and service uses, which include a chiropractic office, there are a number of residential and non-residential uses that are permitted by right. Those uses include but are not limited to:

<u>Residential uses</u>	<u>Nonresidential uses</u>
Detached/Attached SF Homes	Beer & Wine Sales only - off-site consumption
Duplex homes	Restaurant
Home for the aged	Car Wash
Industrialized housing	Fuel sales

**Prohibited uses** include HUD-Code manufactured homes and land lease communities, apartments, commercial and industrial uses. A number of uses are allowed by an approved conditional use permit (temporary asphalt concrete batching plants, sewage treatment plant or wrecking or salvage yard).

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	Existing Agriculture Uses
North	Suburban Commercial	AG / GR	Extreme Cheer Gymnastic Facility & Undeveloped
South	Suburban Commercial	AG	SF Residence on Acreage & Agricultural Uses
East	Suburban Commercial	GR	Proposed Retail & Service Uses (Walmart)
West	Suburban Commercial	AG / SF-3	Undeveloped & SF Uses (Meadows I subdivision)

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

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

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

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

The property is within the Suburban Commercial land use district. The requested General Retail (GR) zoning district is in compliance with the Suburban Commercial FLUP district.

**Thoroughfare Plan (CP Map 5.2)**

The requested property has frontage along Old Waco Road, the "Outer Loop". The "Outer Loop" has been identified as a major arterial with an anticipated 163-foot wide ROW. While the City is actively acquiring right-of-way (ROW) along this corridor to meet this requirement, the requested rezone boundary takes into account the necessary ROW. No additional ROW along this property frontage is anticipated. In addition, since the "Outer Loop" is a major arterial, sidewalk improvements are required. Sidewalks will be addressed during the platting stage of review.

Development of the "Outer-Loop" is on-going with right-of-way acquisition and expected to be accomplished in multiple phases. Phase III from its intersection with FM 2305 (W. Adams Ave) southward to Jupiter is currently underway with project bidding and final design, which is expected to be complete by January 2015. The anticipated construction period is 8 months and it is estimated that Phase III will be completed around October 2015. A detailed portion of Phase III improvements has been attached.

**Availability of Public Facilities (CP Goal 4.1)**

Sewer is available to the subject property through an existing 10" sewer line on the east side of Old Waco Road. Water is available through an existing 4" water line on the west side of Old Waco Road and a 24" waterline on the east side of Old Waco Road.

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

The Trails Master Plan does identify a proposed City-Wide Spine Trail along the "Outer-Loop". The exact location and size will be determined during the plat process. It should be noted that the attached exhibit represents the proposed city-wide spine trail as going through the middle of the subject property. This representation is not exact and while the final location will be determined later in the platting process, it is anticipated that the alignment will be within the western ROW of Old Waco Road.

**DEVELOPMENT REGULATIONS:** Standard non-residential setbacks in the GR district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	15'
Side	10'
Side (corner)	10'
Rear	10' (0' when adjacent to a non-residential use or zoning district)
Maximum Height:	3 Stories

Since the proposed GR zoning is adjacent to residential and agricultural uses, additional Development Regulations include but not limited to:

- \* A minimum 10' rear setback is required on the western and southern property boundary (UDC Section 4.4.4.F3).

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

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

**PUBLIC NOTICE:** Eight notices of the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Tuesday January 6, 2015 at 9:00 AM, 2 undeliverable notices and 1 notice for approval have been received.

The newspaper printed notice of the public hearing on November 21, 2014, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos  
Surveyor's Sketch (Exhibit A)  
Vicinity Map  
Zoning & Location Map  
Future Land Use and Character Map  
Localized area of the Thoroughfare & Trails Plan (combined)  
Utility Map  
Outer-Loop Improvements – Phase III (Portion)  
Notification Map  
Returned Adjacent Property Owner Notice  
Ordinance

## Site & Surrounding Property Photos



**Site: Existing Agricultural Uses (AG)**



**East: Retail Use & Walmart Super Center under Construction (GR)**

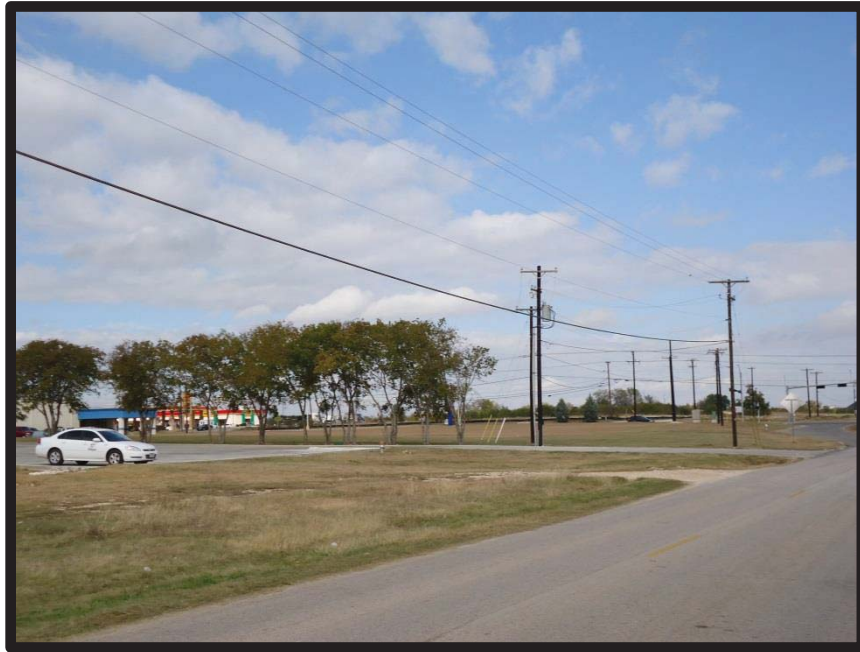




**West: Undeveloped & Agriculture Uses (AG)**  
**Further west is Meadows I subdivision not visible in photo (SF-3)**



**North: Extreme Cheer Gymnastic Facility (GR)**



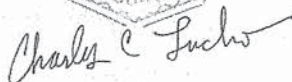
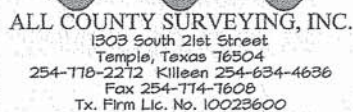
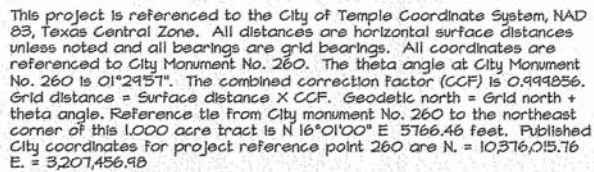
**North: Extreme Cheer & Undeveloped (GR & AG)**



**South: SF Residence on Acreage & Agriculture Uses (AG)**



This sketch to accompany a metes and bounds description of the hereon shown 1.000 Acre.



Copyright 2014 All County Surveying, Inc.

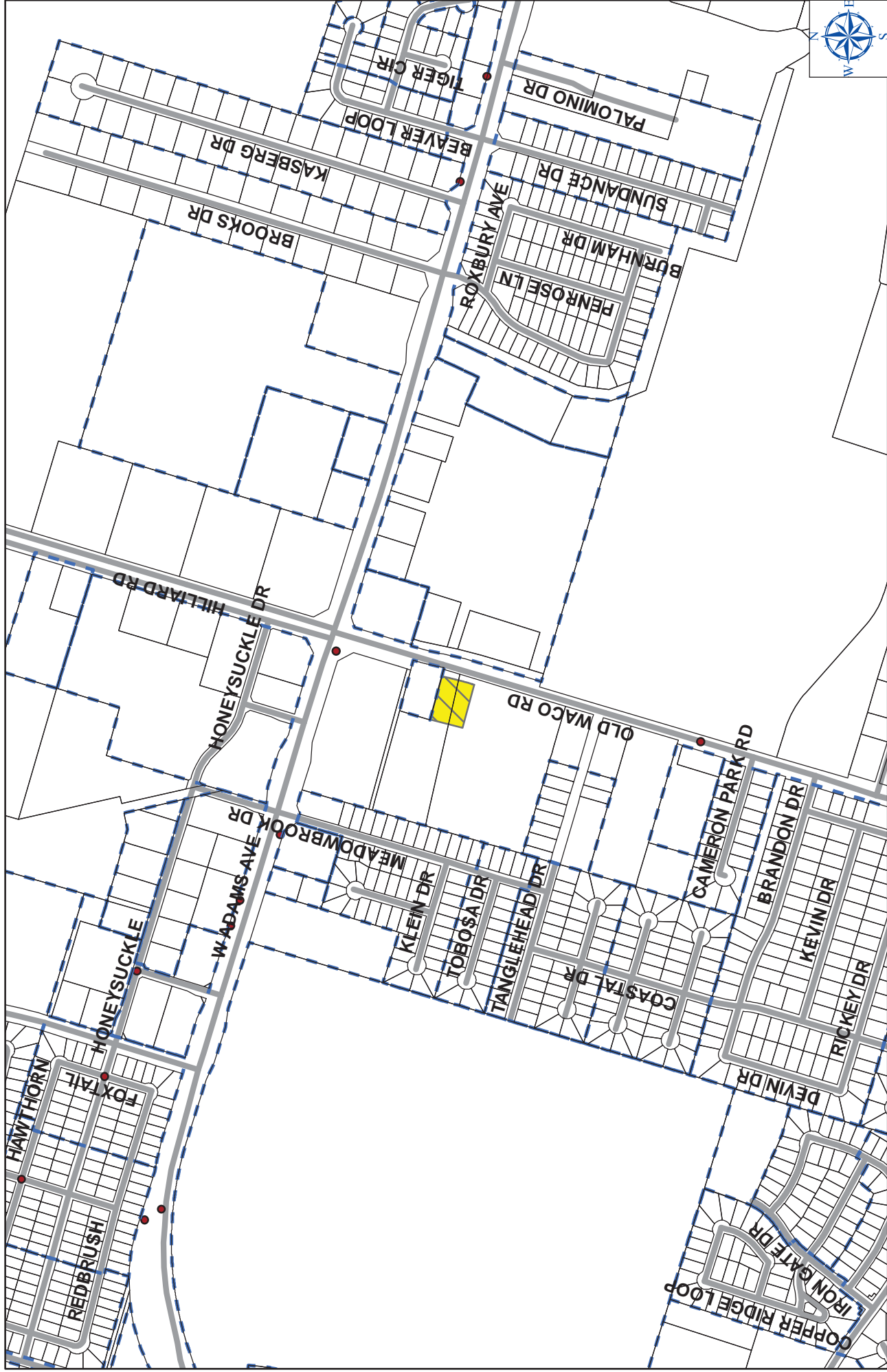
Plot Date: 10-29-2014



Z-FY-15-01

Vicinity Map  
AG to GR

108 & 124 Old Waco Road



Case

Subdivision



11/13/2014  
City of Temple GIS  
mbaker

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

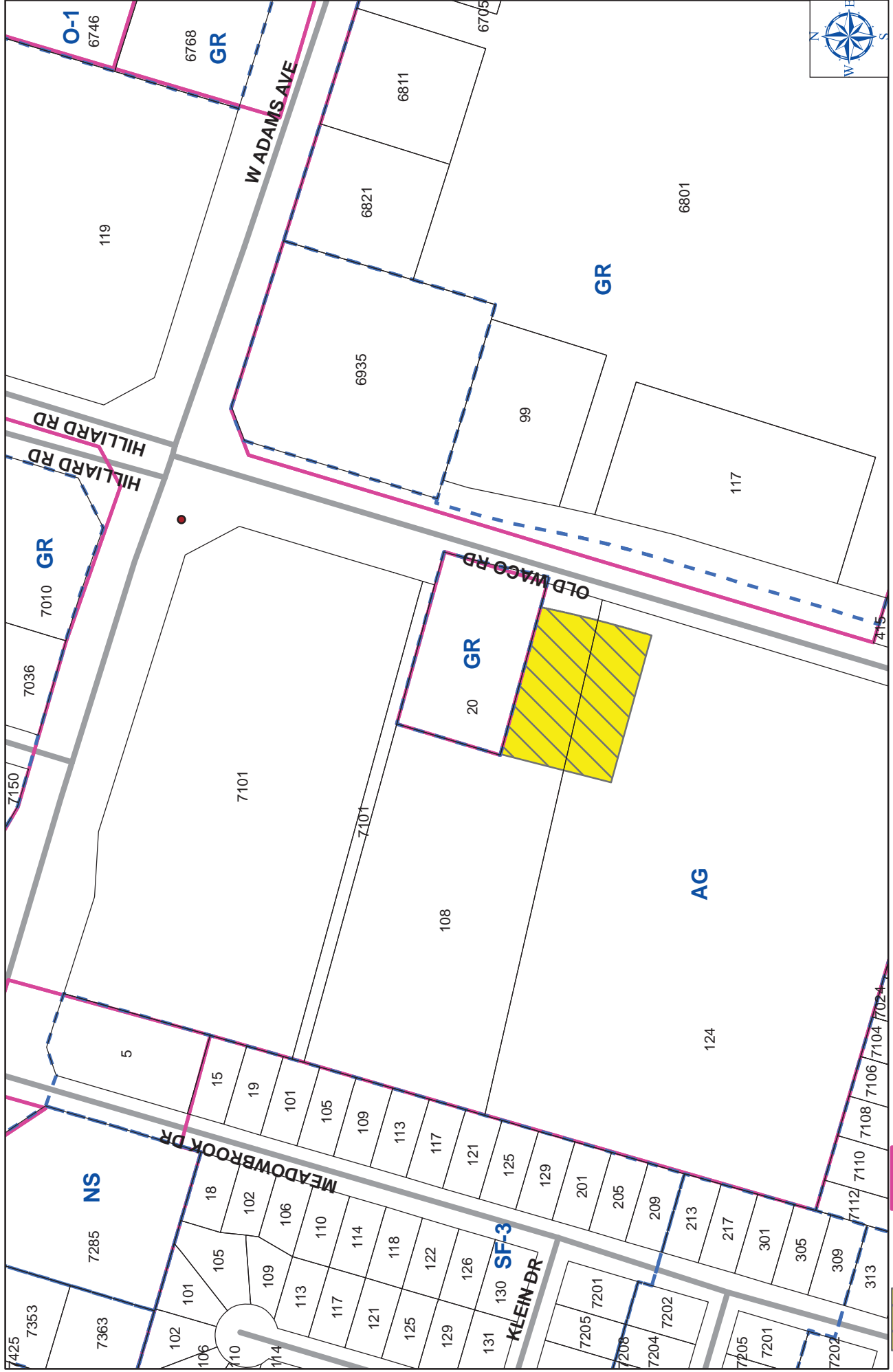






**Z-FY-15-01**


# Zoning & Location Map AG to GR

**108 & 124 Old Waco Road**



**Case**

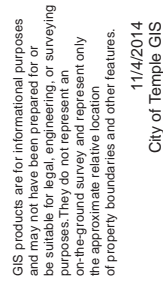
**Zoning**

**Subdivision**

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.

11/21/2014  
City of Temple GIS  
mbaker





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



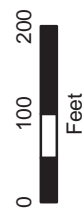
Trails

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

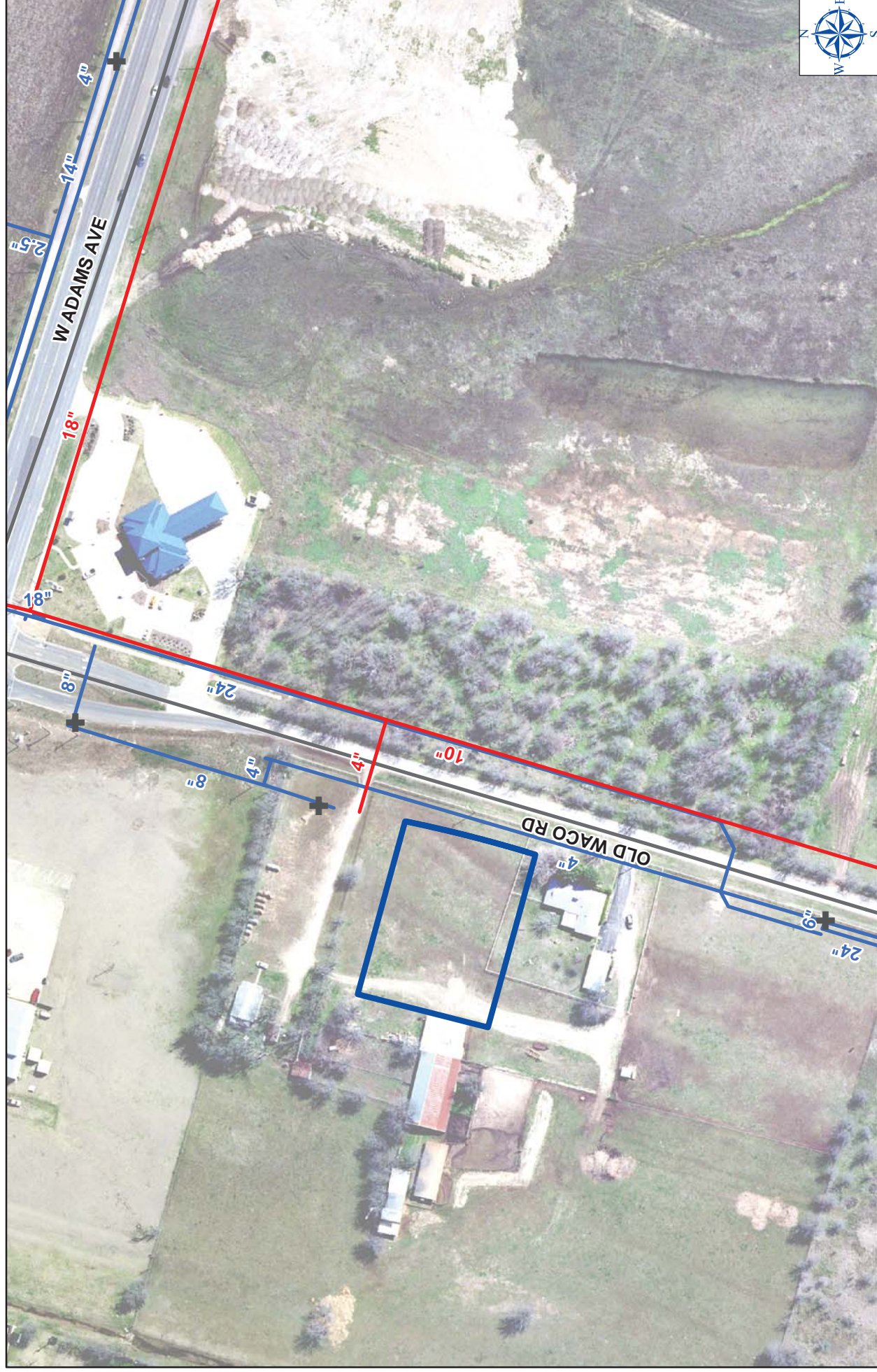
- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

- Thoroughfare
- Major Arterial
- Proposed Major Arterial
- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial

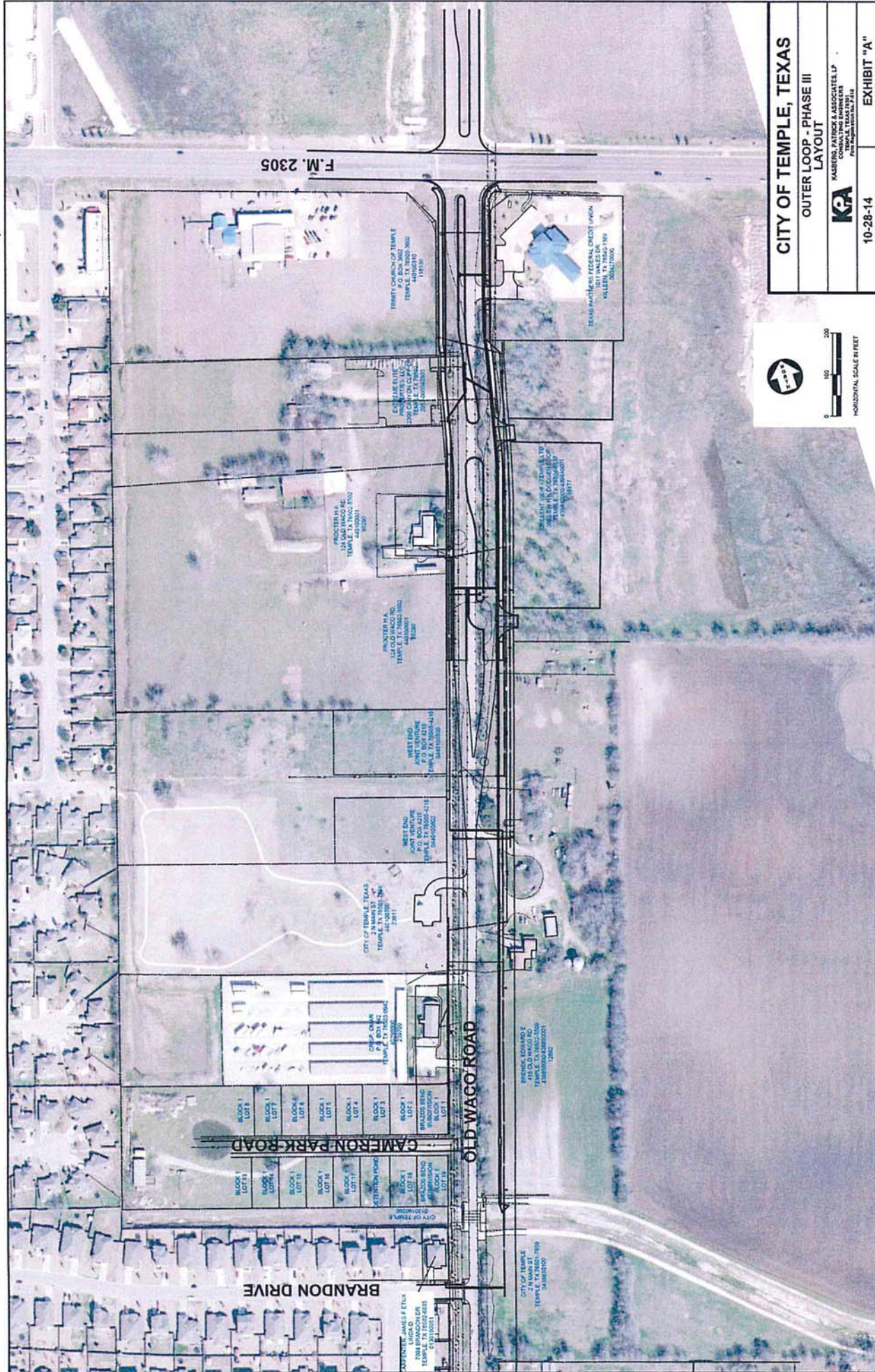
- Collector
- Thoroughfare
- Expressway
- Proposed Collector











## WORKING CAPITAL

CITY OF TEMPLE, TEXAS

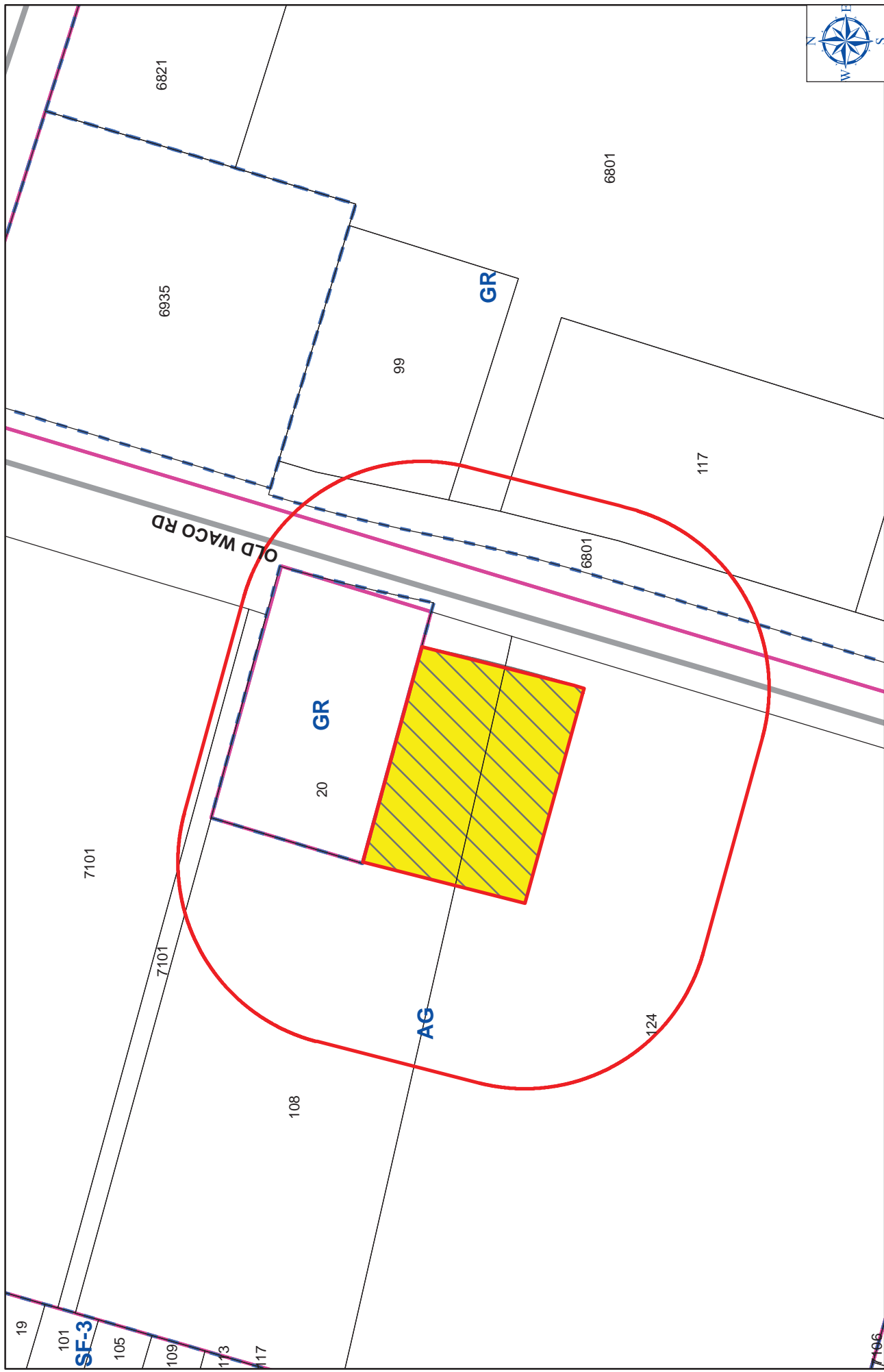
### OUTER LOOP - PHASE III LAYOUT



KASBERG, PATRICK & ASSOCIATES, LP  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76781

**10-28-14**

**EXHIBIT "A"**







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

Extreme Elite Properties LLC  
1402 East Stan Schlueter Loop  
Killeen, Texas 76542

**Zoning Application Number: Z-FY-15-01**

**Project Manager: Mark Baker**

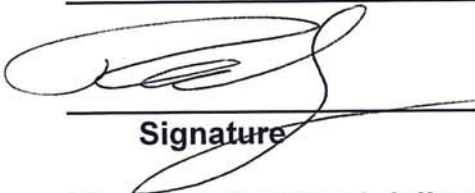
Location: 108 and 124 Old Waco Road, west side of Old Waco Road, south of West Adams Avenue, north of Tanglehead Drive

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

I recommend ☒ approval ( ) denial of this request.

**Comments:**

*IT will be a great Addition to temple.*

  
Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **December 2, 2014**

**RECEIVED**

DEC. 01 2014

City of Temple  
Planning & Development

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

Number of Notices Mailed: 8

Date Mailed: November 20, 2014

ORDINANCE NO. 2015-4700

(PLANNING NO. Z-FY-15-01)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 1.00 ACRE OUT OF THE NANCY CHANCE SURVEY, ABSTRACT NUMBER 5, BELL COUNTY, TEXAS, AND LOCATED AT 108 & 124 OLD WACO ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a zoning change from Agricultural District (AG) to General Retail District (GR) on approximately 1.00 acre, being a tract of land in the Nancy Chance Survey, Abstract Number 5, Bell County, Texas, and located at 108 & 124 Old Waco Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**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 **15<sup>th</sup>** day of **January**, 2015.

PASSED AND APPROVED on Second Reading on the 5<sup>th</sup> day of **February**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/15/15  
Item #6  
Regular Agenda  
Page 1 of 4

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Beverly Zendt, Assistant Planning Director

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-15-03: Consider adopting an Ordinance amending Articles 2, 5, 7 and 11 of the Unified Development Code to identify permitted temporary uses and establish regulations, definitions and procedures for such uses.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its December 15, 2014 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed amendments (Chair Rhoads and Commissioner Sears absent) to the Unified Development Code with the following change:

- That temporary use permits for seasonal product sales are valid for a period of three months rather than six months.
- That temporary use permits for seasonal product sales can be renewed once annually for an additional three consecutive or non-consecutive months.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendments to the Unified Development Code.

**ITEM SUMMARY:** Staff has prepared the following text amendments to define and establish standards for certain temporary uses. In evaluating needed regulations, staff has identified existing regulated and unregulated temporary uses. The attached recommended amendments reflect the most common temporary uses found in the community providing general standards for all such uses and specific conditional standards for certain uses - where additional regulation might be necessary to ensure the use is conducted in a manner that does not negatively affect the public health, safety and welfare. The following temporary uses have been addressed in the proposed UDC code revisions.

- Seasonal Product Sales
- Temporary Field or Construction Office
- Real Estate Sales Office
- Farmers' Market
- Temporary Asphalt or Concrete Batching Plant
- Other comparable temporary uses

Staff is proposing amending the following articles of the UDC.

## Article 5 Use Standards

Staff is proposing amending section 5.1, which currently prohibits temporary sales that are unrelated and accessory to the primary use of the property. This section would now provide an exception to that rule for temporary uses as provided for in Section 5.6 (proposed new section).

## Cross References

Two existing uses are already addressed in the UDC: Temporary Asphalt or Concrete Batching Plans and Temporary Field or Construction Offices. These uses will now be addressed in the proposed Section 5.6 - Temporary Uses, to provide a consistent location for all temporary uses. Cross references have been added to Articles 5 and 6, wherever Asphalt or Concrete Batching Plant or Temporary Field or Construction Offices are referenced – directing the reader to applicable standards in Section 5.6. Both uses would be subject to general requirements proposed in Section 5.6.

### ***New Proposed Section 5.6: Temporary Uses***

The most significant change is the proposed addition of Section 5.6 – Temporary Uses. This section provides the following new temporary use table which identifies new temporary uses, identifies the districts in which they are permitted and references specific required conditions.

**P= Permitted by Right    L = Permitted by Right Subject to Limitations**  
**[blank cell] = Prohibited    C= Conditional Use Permit**

[illegible]



Section 5.6 also establishes a new temporary use permit requirement for the following uses:

- Seasonal Product Sales
- Farmer's Market

In summary, all uses will be subject to new general requirements that address:

- Site specific requirements related to access, parking availability, traffic movements and landscape protection;
- A prohibition of any permanent changes to the site;
- A requirement that signs comply with the provisions of Article 7;
- Requirements related to the location and placement of merchandise, seasonal products, tents, and other temporary structures; and
- A prohibition of temporary uses in the floodway.

The following summarizes specific requirements per use:

**Seasonal Product Sales** – specific use standards address the following:

- Inventory location ensuring it is not in the right-of-way or within 10 ft. of property line;
- A requirement for written permission from the property owner;
- A provision identifying type of produce/products permitted (agricultural and horticultural only);
- A limitation allowing two permits per site per year (valid for three months each); and
- A provision that the permit is limited to one vendor.

**Temporary Field or Construction Office** – specific use standards require that this use be limited to on premise construction purposes associated with the properties within the same subdivision or construction site. No other changes are proposed for this use.

**Real Estate Sales Office** – specific use standards require that this use be located within the subdivision or development where the lots are being sold.

**Farmers' Market** – specific use standards address the following:

- A requirement for written permission from the property owner;
- A requirement that all temporary structures must be removed when the event is finished;
- A requirement that all trash and debris must be removed from site when the event is finished;
- A provision allowing the use in TMED and I-35 Corridor Overlay Districts; and
- A provision that the permit is valid for one year.

**Temporary Asphalt or Concrete Batching Plant** – no new standards except for general standards. These are primarily regulated by TCEQ.

**Other Comparable Uses** – the addition of this language would permit the Planning Director to evaluate other comparable uses and determine if they meet the general requirements provided.

**Article 7 General Development Standards**

Section 7.7.7- Outdoor Retail Display has been amended to permit outdoor retail display for seasonal product sales and Farmers' Markets per proposed Section 5.6.

**Article 11 Definitions** has been amended to add a definitions for Farmers' Market and Temporary Use.

**Article 2 Development Review Bodies** has been amended to grant the Planning Director the administrative authority to determine comparable temporary uses.

**PUBLIC NOTICE:** The newspaper printed notice of the Planning and Zoning Commission public hearing on December 4, 2014, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[UDC Proposed Amendments](#)

[Temple Area Builders Association Correspondence Ordinance](#)

## Article 5 Use Standards

### Sec. 5.1. Use Table

#### 5.1.1 Prohibited Uses

The following uses are prohibited in the City:

- A. Mobile home;
- B. Temporary sales that are unrelated and accessory to the primary use of the property except as provided for in Sec. 5.6; and
- C. Tattoo parlor

#### 5.1.2 Legend for Interpreting Use Table

#### 5.1.3 Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
<b>INDUSTRIAL USES</b>																						
Animal feedlot	C																				C	
Asphalt or concrete batching plant (permanent)																				C	P	
<u>Asphalt or concrete batching plant (temporary)</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
<u>Asphalt or concrete batching plant (temporary)</u>	<u>See Section 5.6 Temporary Uses</u>																					
Brick kiln or tile plant																					C	
Cement or hydrated lime plant																					C	
Compost operations																				C	C	5.3.13
Distribution Center																				P	P	
Laboratory Manufacturing																		P		P	P	
Laboratory Medical, dental, scientific or research	C													C	P	C	P	P	P	P	P	
Landfill																				C	C	
Light Manufacturing																				P	P	
Industrial uses other than listed																					C	

## Sec. 5.2. Classification of New and Unlisted Uses

## Sec. 5.3. Specific Use Standards

## Sec. 5.4. Personal and Wireless Service Facilities

## Sec. 5.5. Accessory Uses and Structures

### 5.5.1 Use Table for Accessory Uses

A. Residential Accessory Uses

B. Nonresidential Accessory Uses

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Accessory building (nonresidential)											P	P		P	P	P	P	P	P	P	P	
Maintenance and repair service for building																		P	P	P	P	
Off-street parking as an expansion of a nonresidential use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L	Sec. 7.5
Temporary field or construction office	Subject to temporary permit issued by Chief Building Official  <u>See Section 5.6 Temporary Uses</u>																					

## **Sec. 5.6 Temporary Uses**

### **5.6.1 Permit Required**

- A. The following temporary uses require a Temporary Use Permit.
  - 1. Seasonal Product Sales
  - 2. Farmers' market
- B. The following temporary uses require a Commercial Building Permit.
  - 1. Asphalt or concrete batching plant (temporary).
  - 2. Temporary field or construction office
- C. The following uses or features are exempt from regulation under this section and do not require a Temporary Use Permit or a Commercial Building Permit but must comply with the general requirements set forth in Sec. 5.6.2 and any specific limitations or conditions referenced in Sec. 5.6.3.
  - 1. Temporary Real estate sales offices or model homes
  - 2. Seasonal product sales in accordance with Sec. 7.7.7
- D. The Chief Building Official may suspend or revoke a Temporary Use Permit immediately upon determination that general and specific conditions set forth in Sec. 5.6 have been violated.

### **5.6.2. General Requirements**

- A. If the property is developed, the temporary use must be located in an area that is not actively used by an existing principal use and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, landscaping, traffic movements, pedestrian circulation, emergency access, or required parking space availability.
- B. The temporary use must not endanger or be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.
- C. The height and placement of any merchandise/seasonal products, tents, or temporary structures must not encroach upon the intersection visibility triangle.
- D. Off street parking must be adequate to accommodate the proposed temporary use. This requirement does not apply to Temporary Real Estate Sales Offices or Model Homes.
- E. The temporary use must not cause undue traffic congestion increase accident potential.
- F. Permanent changes to the site are prohibited. This requirement does not apply to Temporary Real Estate Sales Offices or Model Homes.
- G. No signs in connection with a temporary use are permitted except in accordance with the provisions of Article 6 and Article 7 of this UDC.
- H. No temporary uses may be located in the floodway.



### 5.6.3 Use Table for Temporary Uses

- A. Unless otherwise stated, permitted temporary uses for Special Purpose and Overlay Zoning Districts will comply with applicable use standards provided in Article 5.
- B. The following temporary uses are permitted by right, permitted subject to limitations, permitted subject to limitations -or require a Conditional Use Permit issued in accordance with Sec. 3.5.

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Seasonal Product Sales	P													L	L	L	L	L	L	L	L	5.6.4
Temporary Field or Construction Office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.5
Temporary Real Estate Sales Office or Model Home	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.6
Farmers' Market	L																L	L	L	L	L	5.6.7
Temporary Asphalt or Concrete Batching Plant	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
All Other Comparable Temporary Uses as Determined by the Director	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.2

#### **5.6.4 Seasonal Product Sales**

- A. Seasonal product sales must be limited to agricultural or horticultural products including but not limited to pumpkins, Christmas trees, nursery stock or produce sales.
- B. Seasonal product inventory must be located a minimum of 10 feet from the property line.
- C. Seasonal product sales may not be located in the public right-of-way.
- D. Temporary use permits for a season product sales are limited to a single vendor.
- E. Temporary use permits for seasonal product sales are valid for up to three consecutive months.
- F. Temporary use permits may be renewed once annually.
- G. Applicants are limited to two temporary use permits per site per year.
- H. A seasonal product vendor must obtain the written permission of the property owner.

#### **5.6.5 Temporary Field Office or Construction Office**

This use is limited to field or construction offices associated with ongoing construction located within the same subdivision or construction site.

#### **5.6.6 Temporary Real Estate Sales Office or Model Home**

A temporary residential sales office or model home may be located within the subdivision or development where the lots are being sold.

#### **5.6.7 Farmers' Market**

- A. A farmers' market sponsor or organizer must obtain the written permission of the property owner.
- B. All tents, booths, tables, and other temporary structures used in the operation of an outdoor farmers' market must be removed from the farmers' market site at the conclusion of each day the market is in operation.
- C. All trash, fruit or produce remnants, debris, and general litter must be removed from the farmers' market site at the conclusion of each day the market is in operation. The sponsoring committee or organization is responsible for ensuring the general cleanup of the farmers' market area at the conclusion of each day of operation.
- D. A farmers' market is permitted use in the TMED zoning district and the I-35 Corridor Overlay zoning district subject to all the general and specific requirements identified in Sec. 5.6.
- E. Temporary Use Permits for Farmers' Markets are valid for a period of one year.

## Article 7 General Development Standards

### Sec. 7.7. Screening and Buffering

#### 7.7.1     **Applicability**

#### 7.7.2     **Site Plan and Landscaping**

#### 7.7.3     **Fence and Wall Regulations for Single- and Two-Family Dwellings**

#### 7.7.4     **Buffering**

#### 7.7.5     **Materials for Fences, Walls, Screens and Enclosures**

#### 7.7.6     **Refuse Containers**

#### 7.7.7     **Outdoor Retail Display**

##### **A.     Display Consistent with Classification**

Commodities, materials or equipment may not be displayed for sale or lease in a zoning district where such sale or lease is not an allowed land use.

##### **B.     Commercial Districts**

Commodities, materials or equipment may not be displayed for sale or lease outside a building in the Mixed Use, Office, Neighborhood Service, General Retail, Central Area or Commercial zoning district, except as exempted below:

1.     Auto sales, new or used or auto leasing or rental;
2.     Boat sales or rental;
3.     Motorcycle or scooter sales or rental,
4.     Recreational vehicle sales or rental;
- 4.5.   Agricultural and horticultural temporary seasonal product sales in accordance with the general and specific conditions set forth in Sec. 5.6.
- 5.6.   Farmers' markets in accordance with the general and specific conditions set forth in Sec. 5.6.
- 6.7.   Greenhouse or nursery (retail) or produce stand;
- 7.8.   Farm and garden equipment sales or rental;
- 8.9.   Outdoor patio and garden furniture sales or rental;
- 9.10.   In the O-1, O-2, NS, C and GR zoning districts, temporary display for a sidewalk sale that does not extend more than 10 feet from front façade and reserves at least five feet of sidewalk or walkway for pedestrian use;
- 10.11.   In the CA zoning district, temporary display for a sidewalk sale that does not extend more than five feet from front façade and reserves at least five feet of sidewalk or walkway for pedestrian use; or
- 11.12.   Other uses not listed above where the display for sale or lease area is situated behind the principal structure and does not exceed a maximum of 10 percent of the gross floor area of the business.

## Article 11 Definitions

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**Farmers' Market.** An open-air market with the primary purpose is to provide retail sales and demonstrations of home-grown products, including produce, ornamental crops, meat, eggs and other agricultural products and homemade value added products, including baked goods, jams and jellies, pickles and relish, dried fruits, syrups and honey. Farmers' markets may also provide retail sales of handmade arts, crafts, and unique local goods. Such sales and demonstrations must be conducted by the vendor engaged in the production of such products. The term does not include the sale or demonstration of mass produced items, used clothing, appliances, and other similar products.

**Temporary Use.** A non-permanent use permitted in a particular zoning district only upon showing that such use in a specified location can comply with all the conditions and standards for the location, duration, or operation of such a temporary use as specified in this UDC.

## Article 2 Development Review Bodies

### Sec. 2.1. General

### Sec. 2.2. City Council

### Sec. 2.3. Zoning Board of Adjustment

### Sec. 2.4. Planning and Zoning Commission

### Sec. 2.5. Development Review Committee

### Sec. 2.6. TMED Review Committee

### Sec. 2.7. Chief Building Official

### Sec. 2.8. Director of Planning

#### 2.8.1 Powers and Duties

##### A. Review and Recommendation

##### B. Final Action

Unless otherwise provided in this Article, the Director of Planning must take final action on the following development review procedures:

1. Minor or Amending Plat; and
2. Administrative Adjustment.
3. Sidewalk Waiver requests or may refer the request to the Planning and Zoning Commission and the City Council.

#### 3.4. Determination of Comparable Temporary Uses

### Sections identified for cross referencing:

#### Asphalt or Concrete Batching Plant

- Section 5.1.3 – Use Table – Asphalt or Concrete Batching Plant (temporary) – now states: See Section 5.6 Temporary Uses
- Section 6.1.1 – Manufactured Home – Use Table – Standard added: 5.62
- Section 6.2.1 – Mixed Use – Use Table- Standard added: 5.62

#### Temporary field or Construction Office

- Section 5.5.1 Use Table for Nonresidential Accessory Uses – now amended to read: See Section 5.6 Temporary Uses
- Section 6.1.1 – Manufactured Home – Use Table – Standard added: 5.62 & 5.6.5
- Section 6.2.1 – Mixed Use – Use Table- Standard added: 5.62 & 5.6.5



## Beverly Zendt

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**From:** Brad Wyrick <Brad@tahb.org>  
**Sent:** Wednesday, December 10, 2014 3:17 PM  
**To:** Beverly Zendt  
**Subject:** RE: Revised  
**Attachments:** Text Amendment 12-08-14 - Temporary Uses.pdf

Good afternoon Beverly

Thank you for sending the revised language and for taking the time to discuss them with me yesterday and today. I have no other suggestions at this time and see no reason why these shouldn't be incorporated as updates to the UDC.

Thanks again

v/r

Brad Wyrick  
[brad@tahb.org](mailto:brad@tahb.org)  
254.913.9000

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**From:** Beverly Zendt [mailto:[bzendt@templetx.gov](mailto:bzendt@templetx.gov)]  
**Sent:** Wednesday, December 10, 2014 3:11 PM  
**To:** Brad Wyrick  
**Subject:** RE: Revised

I think we have it now.

Regards,

**Beverly Mesa-Zendt AICP**

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**From:** Brad Wyrick [mailto:[Brad@tahb.org](mailto:Brad@tahb.org)]  
**Sent:** Wednesday, December 10, 2014 3:01 PM  
**To:** Beverly Zendt  
**Subject:** RE: Revised

Good afternoon Beverly

Thank you for sending the revised language and for taking the time to discuss them yesterday afternoon. I have no other changes or suggestions at this time to 5.6.5 or 5.6.6 and see no reason why these shouldn't be incorporated as updates to the UDC.

After talking with you I went back and read the attachment and had a few quick questions for clarification in the attached.

Thanks again

v/r

ORDINANCE NO. 2015-4701  
[Z-FY-15-03]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO ARTICLES 2, 5, 7 AND 11 OF THE UNIFIED DEVELOPMENT CODE TO IDENTIFY PERMITTED TEMPORARY USES AND ESTABLISH REGULATIONS, DEFINITIONS AND PROCEDURES FOR SUCH USES; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the Unified Development Code (“UDC”), which is a consolidated set of land development regulations related to zoning, platting and site design;

**Whereas**, at its December 15, 2014 meeting, the Planning and Zoning Commission voted to recommend approval of proposed amendments to Articles 2, 5, 7 and 11 of the UDC - the recommended changes are as follows:

- **ARTICLE 2: DEVELOPMENT REVIEW BODIES:** The proposed amendment will grant the Planning Director the administrative authority to determine comparable temporary uses.
- **ARTICLE 5: USE STANDARDS:** The proposed amendment will provide an exception to the prohibition of temporary uses as provided for in Section 5.1. The proposed amendment will establish Section 5.6 requiring a permit for certain temporary uses; establishing standards for all identified temporary uses; and identifying zoning districts where temporary uses are permitted. Wherever Asphalt or Concrete Batching Plant or Temporary Field or Construction Offices are referenced, the reader will be directed to applicable standards in Section 5.6.
- **ARTICLE 7: GENERAL DEVELOPMENT STANDARDS:** The proposed amendment will permit outdoor retail display for agricultural and horticultural seasonal product sales and Farmers’ Markets per Section 5.6.
- **ARTICLE 11: DEFINITIONS:** The proposed amendment will add a definition for Farmers’ Market and Temporary Use.

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

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

**Part 1:** The City Council approves an amendment to Ordinance No. 2010-4413, the Unified Development Code, by amending Articles 2, 5, 7 and 11- the recommended changes are as follows:

- **ARTICLE 2: DEVELOPMENT REVIEW BODIES:** The proposed amendment grants the Planning Director the administrative authority to determine comparable temporary uses.
- **ARTICLE 5: USE STANDARDS:** The proposed amendment provides an exception to the rule for temporary uses as provided for in Section 5.6. Wherever Asphalt or Concrete Batching Plant or Temporary Field or Construction Offices are referenced, the reader will be directed to applicable standards in Section 5.6.
- **ARTICLE 7: GENERAL DEVELOPMENT STANDARDS:** The proposed amendment permits outdoor retail display for seasonal product sales and Farmers' Markets per Section 5.6.
- **ARTICLE 11: DEFINITIONS:** The proposed amendment adds a definition for Farmers' Market and Temporary Use.

said amendments being more fully described in Exhibits A, B, C, and D, attached hereto and incorporated herein for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15<sup>th</sup>** day of **January**, 2015.

PASSED AND APPROVED on Second Reading on the 5<sup>th</sup> day of **February** 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney