



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

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

**THURSDAY, MAY 21, 2015**

**1:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 21, 2015.
2. Discuss the City's strategic plan, to include the FY 2015-2016 budget process and calendar, and various strategic and budget related policy issues to include but not limited to the receiving presentations from agencies requesting Community Enhancement Grant funding by the following:

AWARE Central Texas  
Cultural Activities Center  
Communities in Schools of Greater Central Texas  
Czech Heritage Museum  
Family Promise of East Bell County  
HELP Center  
Hill Country Community Action Association  
Hillcrest Cemetery  
Hill Country Transit District  
Keep Temple Beautiful  
Ronald McDonald House Charities of Temple TX  
Temple College Foundation  
Temple Housing Authority  
Temple Symphony Orchestra  
United Way of Central Texas

**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. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. Recognize Public Works Week as May 17 - 23, 2015.

**IV. CONSENT AGENDA**

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

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

**Minutes**

- (A) [April 2, 2015 Special Called & Regular Meeting](#)
- (B) [April 16, 2015 Special Called & Regular Meeting](#)
- (C) [May 7, 2015 Special Called & Regular Meeting](#)

**Contracts, Leases, & Bids**

- (D) [2015-7700-R](#): Consider adopting a resolution declaring an official intent to reimburse certain expenditures in an amount not to exceed \$27,675,000 made prior to the issuance of tax-exempt General Obligation Bonds designated for Parks Projects approved by the voters on May 9, 2015.
- (E) [2015-7701-R](#): Consider adopting a resolution authorizing deductive change order #1 to the construction contract with Skyblue Utilities, Inc. (Skyblue), of Kingsland for the construction of a new 8" PVC sanitary sewer main in the area of 10<sup>th</sup> and 12<sup>th</sup> Street from Central Avenue to Avenue D in an amount not to exceed \$36,584.44.
- (F) [2015-7702-R](#): Consider adopting a resolution authorizing a professional services agreement with Architectural Edge Inc. of Temple, for architectural and engineering services for the demolition and new construction of the Northam Baseball Complex concession/scorekeeping building and public restrooms not to exceed \$30,500, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Parks General Obligation Bonds.
- (G) [2015-7703-R](#): Consider adopting a resolution authorizing a professional services agreement with Kimley-Horn and Associates, Inc. of Irving, for architectural and engineering services for the construction of a new deep water pool for the Lion's Junction Family Aquatic Center in South Temple Park for an amount not to exceed \$160,000, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Parks General Obligation Bonds.
- (H) [2015-7704-R](#): Consider adopting a resolution authorizing an amendment to a professional services agreement with Jacobs Engineering Group, Inc. (Jacobs) for design and construction phase services associated with the Bird Creek Interceptor Project in an amount not to exceed \$164,626.
- (I) [2015-7705-R](#): Consider adopting a resolution authorizing the purchase of spare membrane replacement modules and necessary parts from Pall Advanced Separation Systems of Cortland, NY, in the amount of \$56,877.80.

#### **ORDINANCES – SECOND & FINAL READING**

- (J) [2015-4714](#): SECOND & FINAL READING - Z-FY-15-15: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.707 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 119 Hilliard Road.
- (K) [2015-4715](#): SECOND & FINAL READING - Z-FY-15-16: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.880 +/- acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 215 Hilliard Road.
- (L) [2015-4716](#): SECOND & FINAL READING - Consider adopting an ordinance authorizing a number of economic development incentives for property redevelopment in the Jeff Hamilton Park area.

## **Misc.**

- (M) **2015-7706-R:** Consider adopting a resolution approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding Atmos' 2014 and 2015 rate review mechanism filings; approving a settlement agreement with attached rate tariffs and proof of revenues; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable; and requiring Atmos to reimburse ACSC's reasonable rate making expenses.
- (N) **2015-7707-R:** Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

## **V. REGULAR AGENDA**

### **RESOLUTIONS**

5. **2015-7708-R:** Consider adopting a resolution authorizing a change order to the Outer Loop Phase 3A construction contract with R.T. Schneider Construction Company, Ltd. (RTS), for construction services required to extend sanitary sewer utilities in an amount not to exceed \$71,180.

### **ORDINANCES**

6. **2015-4713:** SECOND & FINAL READING - Z-FY-15-14: Consider adopting an ordinance authorizing a Conditional Use Permit for a Paint Shop/General Contractor facility on Lot 2, Block, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

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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 11:30 AM, on Friday, May 15, 2015.



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





## COUNCIL AGENDA ITEM MEMORANDUM

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05/21/15  
Item #4(A-C)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) April 2, 2015 Special Called & Regular Meeting
- (B) April 16, 2015 Special Called & Regular Meeting
- (C) May 7, 2015 Special Called & 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:**

April 2, 2015 Special Called & Regular Meeting (To Be Provided)  
April 16, 2015 Special Called & Regular Meeting (To Be Provided)  
May 7, 2015 Special Called & Regular Meeting (To Be Provided)



## COUNCIL AGENDA ITEM MEMORANDUM

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05/21/15  
Item #4(D)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution declaring an official intent to reimburse certain expenditures in an amount not to exceed \$27,675,000 made prior to the issuance of tax-exempt General Obligation Bonds designated for Parks Projects approved by the voters on May 9, 2015.

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

**ITEM SUMMARY:** At the Council meeting today there are two professional services agreements related to Parks projects approved by the voters. One agreement is with Kimley-Horn and Associates for the new deep water pool for the Lion's Junction Family Aquatic Center in the amount of \$160,000. The other agreement is with Architectural Edge Inc. for the demolition and new construction of the Northam Baseball Complex concession/scorekeeping building and public restrooms in the amount of \$30,500. The City has also included language with those agenda items to declare an official intent to reimburse the expenditures made prior to the issuance of the tax-exempt obligations for the agreements.

There are other costs associated with these projects that do not require Council approval, but the costs need to have the official intent to reimburse declared for expenditures related to the projects. These costs include, but are not limited to surveying and geotechnical testing.

This action will ensure the City is in compliance with IRS regulations concerning the obligation of bond proceeds prior to their actual sale.

**FISCAL IMPACT:** The following projects were approved by the voters on May 9, 2015:

West Temple Athletic Park	\$ 11,260,000
Existing Athletic Facility Improvements	3,535,000
Southwest Temple Community Park	3,380,000
Existing Park Improvements	2,845,000
Lions Junction Pool Addition	1,800,000
Sammons Community Center Improvements	1,775,000
Wilson Park Recreation Center Improvements	1,320,000
Trail System Expansion	1,310,000
Blackland Praire Park	450,000

<b>Total General Obligation Bond Parks Projects</b>	<b><u><u>\$ 27,675,000</u></u></b>
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It is anticipated that the costs to be incurred prior to the issuance of the bonds will be minimal. The issuance of bonds is typically aligned with the construction timelines of the projects. We anticipate issuing the bonds in September 2015. A budget adjustment will be prepared at that time to reimburse expenditures incurred prior to the sale of bonds.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT GENERAL OBLIGATION BONDS FOR PARKS PROJECTS APPROVED BY THE VOTERS ON MAY 9, 2015, IN AN AMOUNT NOT TO EXCEED \$27,675,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple, Texas (the “City”) expects to pay expenditures in connection with certain projects prior to the issuance of obligations to finance the following projects:

West Temple Athletic Park	Existing Athletic Facility Improvements
Southwest Temple Community Park	Existing Park Improvements
Lions Junction Pool Addition	Sammons Community Center Improvements
Trail System Expansion	Wilson Park Recreation Center Improvements
Blackland Prairie Park	

**Whereas**, staff advises there will be other costs associated with these projects that do not require Council approval, but the costs will need to have the official intent to reimburse declared for expenditures related to the projects – these costs include, but are not limited to surveying and geotechnical testing;

**Whereas**, this action will ensure the City is in compliance with the Internal Revenue Service regulations concerning the obligation of bond proceeds prior to their actual sale;

**Whereas**, the City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the projects.

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

**Part 1:** The City reasonably expects to incur debt, as one or more separate series of various types of obligations, with an aggregate maximum principal amount not to exceed \$27,675,000 for the purpose of paying the costs of the following projects:

West Temple Athletic Park	Existing Athletic Facility Improvements
Southwest Temple Community Park	Existing Park Improvements
Lions Junction Pool Addition	Sammons Community Center Improvements
Trail System Expansion	Wilson Park Recreation Center Improvements
Blackland Prairie Park	

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

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was 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 **21<sup>st</sup>** day of **May**, 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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05/21/15  
Item #4(E)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing deductive change order #1 to the construction contract with Skyblue Utilities, Inc. (Skyblue), of Kingsland for construction of a new 8" PVC sanitary sewer main in the area of 10<sup>th</sup> and 12<sup>th</sup> Street from Central Avenue to Avenue D in an amount not to exceed \$36,584.44.

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

**ITEM SUMMARY:** The Public Works Utility Services Division experienced numerous wastewater line issues during the past several years between 10<sup>th</sup> and 12<sup>th</sup> Street from Central Avenue to Avenue D. These lines, which are mostly vitrified clay pipe, were aging and beginning to fail. This project replaced approximately 2,990 linear feet of 6-inch and 8-inch diameter wastewater lines with new 8-inch wastewater lines and new services.

On March 20, 2014, Council authorized a professional services agreement with Clark & Fuller, PLLC (Clark & Fuller), in an amount not to exceed \$69,083. On October 2, Council authorized a construction contract with Skyblue in an amount not to exceed \$435,384.10.

The attached change order #1 deducts the following items:

- 2 concrete precast manholes
- 4 sewer services (4") & connections
- 200 linear feet of 4" service pipe
- 40 linear feet of 8" PVC water main
- 20 linear feet of 20" steel pipe encasement
- 4 bends (8", 45-degree)
- 2 water main connections
- Testing for uninstalled water main

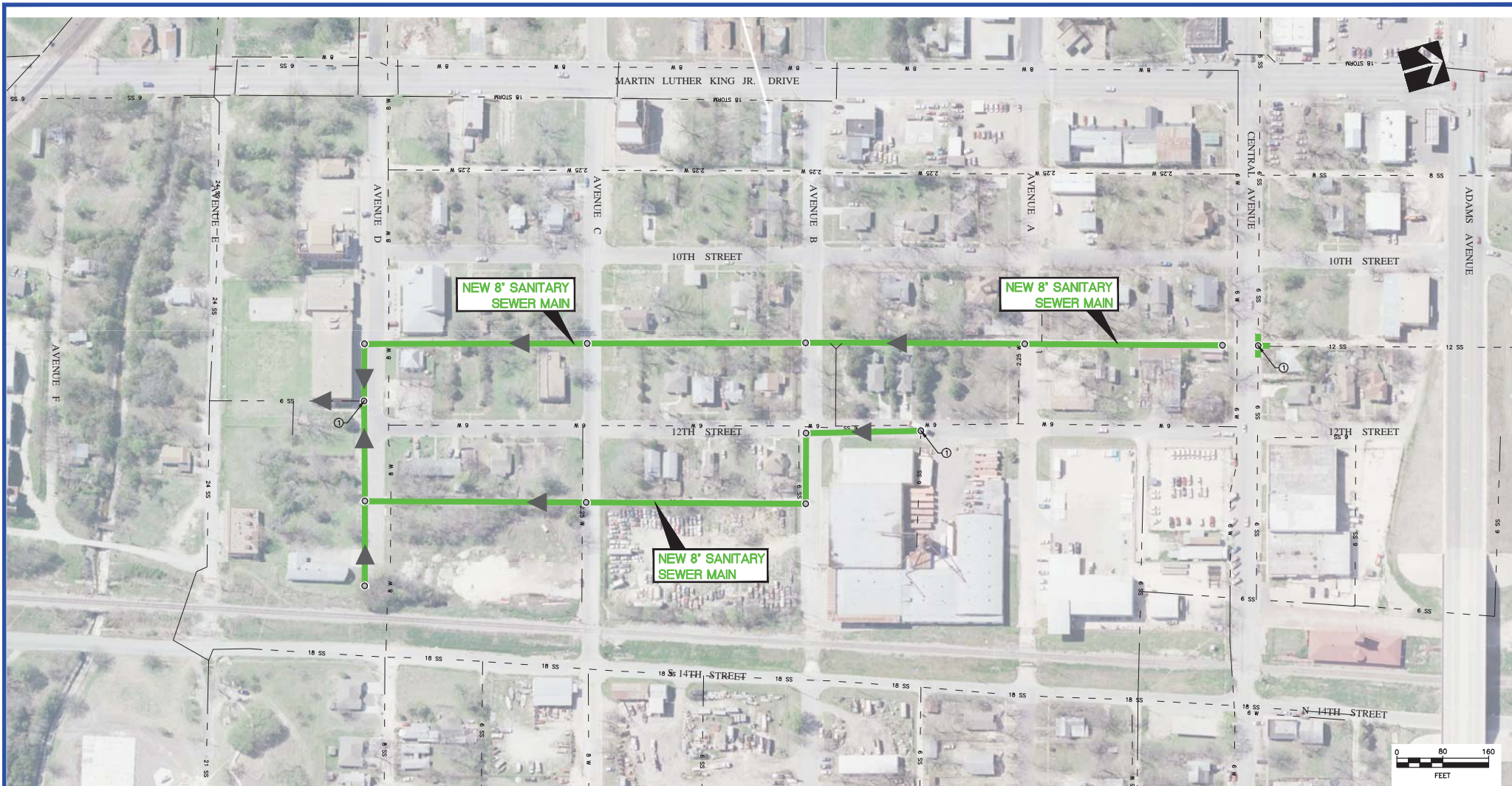
Per attached letter, Clark & Fuller recommend approving the deductive change order to reconcile quantities. Staff also recommends approving the deductive change order.

**FISCAL IMPACT:** The savings from the deductive change order, in the amount of \$36,584.44, will be realized in account 561-5400-535-6951, project #101083.

**ATTACHMENTS:**

[Project Map](#)  
[Engineer's Letter](#)  
[Change Order](#)  
[Resolution](#)





**2014 CITY OF TEMPLE  
WASTEWATER LINE REPLACEMENT  
10TH & 12TH STREET FROM  
CENTRAL TO AVENUE D**





215 North Main Street  
Temple, Texas 76501  
(254) 899-0899  
Fax (254) 899-0901  
[www.clark-fuller.com](http://www.clark-fuller.com)  
Firm Registration No: F-10384

May 8, 2015

City of Temple  
Don Bond, P.E.  
3210 E. Ave H, Bldg A  
Temple, Texas 76501

Re: 2014 10th & 12th Street Wastewater Line Replacement Project

Dear Mr. Bond,

On May 5th Change Order No. 1 was submitted for 2014 10th & 12th Street Wastewater Line Replacement Project. The amount of Change Order No. 1 is in the amount of (\$36,584.44). This will authorize the return of these funds to the City of Temple for the following items not used during construction.

Item #11 - One manhole was accidentally counted twice when the bid items were tabulated and the second manhole was replaced with an end of line cleanout due to existing topographic conditions.

Item #17 - Four service connections were not needed due to location of houses overlapping multiple properties and/or houses that have been removed in entirety. These connections were removed from the scope of work.

Item #19 - 200 L.F. Miscellaneous 4" Sanitary Sewer Pipe was not used. All private yard lines were found to be in good condition and the additional 4" pipe was not needed to provide replacement of yard lines to perform adequate service connections.

Item #21 - #25 - The existing sewer main alignment was adjusted/required as part of the Civil Engineers Design. This relocation acquired the new sanitary sewer main to cross an existing water main. It appeared from observation that the existing water main would be in direct conflict with the new sanitary sewer main construction. To alleviate this conflict, it was planned for the water main to be relocated. During construction, the water main was excavated and exposed and it was found to "not" be in conflict with the sanitary sewer main construction. All TCEQ separation rules could be easily maintained, therefore, the new water main adjustments were eliminated from the scope. *See attached Change Order no. 1.*

It is the engineers opinion to authorize this change order. The project has been completed and accepted by the City at this time.

Sincerely,

Monty Clark, P.E., CPESC



## CHANGE ORDER

**PROJECT:** 2014 Wastewater Line Replacement 10th & 12th Street from Central to Avenue D  
**OWNER:** City of Temple  
**CONTRACTOR:** Skyblue Utilities, Inc.  
**ENGINEER:** Clark & Fuller, PLLC  
**CHANGE ORDER #:** One (1)

Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

ITEM #:		LUMP SUM AMOUNT:
<u>Deduct:</u>		
Item #11	2 EA - New 4' Dia. Concrete Precast Sanitary Sewer Manhole	(\$ 6,515.08)
Item #17	4 EA - New 4" Sanitary Sewer Service and Service Connection	(\$ 4,865.76)
Item #19	200 LF - Miscellaneous 4" Sanitary Sewer Service Pipe	(\$ 13,030.00)
Item #21	2 EA - Connection to Existing Water Main	(\$ 2,937.60)
Item #22	40 LF - New 8" PVC C900 Class 150 Water Main	(\$ 2,442.00)
Item #23	20 LF - New 20" Steel Pipe Encasement	(\$ 3,410.00)
Item #24	4 EA - New 8" MJ 45 degree Bend	(\$ 2,424.00)
Item #25	1 LS - Provide All Testing per TCEQ and City of Temple	(\$ 960.00)
Total Deduct:		(\$ 36,584.44)
Total Lump Sum Amount:		(\$ 36,584.44)

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount:	\$ 435,384.10
Previous Net Change in Contract Amount:	\$ 0.00
Net Change in Contract Amount:	\$ (36,584.44)
Revised Contract Amount:	\$ 398,799.66
Original Contract Time:	160 Days
Previous Net Change in Contract Time:	0 Days
Net Change in Contract Time:	0 Days
Revised Contract Time:	0 Days
Original Final Completion Date:	4-19-2015
Revised Final Completion Date:	

Recommended by:

  
Project Manager (City Staff)      Date May 5, 2015

Recommended by:

  
Architect/Engineer      Date 4.16.15

Agreed to:

  
Contractor      Date 4-27-2015

Approved by City of Temple:

\_\_\_\_\_  
Jonathan Graham, City Manager      Date

Approved as to form:

Approved by Finance Department:

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

\_\_\_\_\_  
Finance      Date

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING DEDUCTIVE CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH SKYBLUE UTILITIES, INC. OF KINGSLAND, TEXAS, IN AN AMOUNT NOT TO EXCEED \$36,584.44, FOR CONSTRUCTION OF A NEW 8-INCH PVC SANITARY SEWER MAIN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Public Works Utility Services Division has experienced numerous wastewater line issues during the past several years between 10<sup>th</sup> and 12<sup>th</sup> Streets from Central Avenue to Avenue D - these lines, which are mostly vitrified clay pipe, are aging and beginning to fail;

**Whereas,** on March 20, 2014, Council authorized a professional services agreement with Clark & Fuller, PLLC, for design services required to install a new 8-inch sanitary sewer main and on October 2, 2014, Council authorized a construction contract with Skyblue Utilities, Inc. for construction of a new 8-inch PVC sanitary sewer main;

**Whereas,** Deductive Change Order No. 1 will deduct from the construction contract, 2 concrete precast manholes, 4 sewer services and connections, 200 linear feet of 4-inch service pipe, 40 linear feet of 8-inch PVC water main, 20 linear feet of 20-inch steel pipe encasement, 4 bends, 2 water main connections and testing for an uninstalled water main;

**Whereas,** staff recommends approving Deductive Change Order No. 1 – the savings from this change order will be realized in Account No. 561-5400-535-6951, Project No. 101083;

**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 approves Deductive Change Order No. 1 to the construction contract with Skyblue Utilities, Inc. of Kingsland, Texas, in an amount not to exceed \$36,584.44 and after approval as to form by the City Attorney, for construction of a new 8-inch PVC sanitary sewer main in the area of 10<sup>th</sup> and 12<sup>th</sup> Street from Central Avenue to Avenue D.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was 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 **21<sup>st</sup>** day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/21/15  
Item #4(F)  
Consent Agenda  
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### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Kevin Beavers, Director of Parks and Recreation Department

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Architectural Edge Inc. of Temple, for architectural and engineering services for the demolition and new construction of the Northam Baseball Complex concession/scorekeeping building and public restrooms not to exceed \$30,500, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Parks General Obligation Bonds.

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

**ITEM SUMMARY:** One of the projects approved in the 2015 Parks Bond was the replacement of the existing concession/scorekeepers building and the restrooms at the Billy C. Northam Baseball Complex in Wilson Park.

The existing buildings at this facility were constructed when the baseball complex was built in the late 1970's and are in need of replacement. Preliminary design for the concession/scorekeeper building is a two story structure and is approximately 1,000 square feet, and the restrooms are planned to have 3-4 fixtures in each restroom.

Architectural Edge Inc. services will include permit/construction drawings, architectural design, structural design, mechanical/electrical/plumbing/HVAC engineering, and submitted design to Texas Department of Licensing and Regulations for ADA review. The proposed timeline for the design is ninety days from the "Notice to Proceed".

Other improvements at this location such as bleacher replacement, etc. will be done by City staff.

**FISCAL IMPACT:** This item declares an official intent to reimburse the cost of this agreement in the amount of \$30,500 from the 2015 Parks GO Bonds to be issued in September 2015. The General Obligation bond issue was approved by voters on May, 9, 2015. Total project cost for the Billy C. Northam Baseball Complex in Wilson Park is \$647,000 which will be funded in account 362-3500-552-6409, project #101318 when the bonds are issued.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ARCHITECTURAL EDGE, INC., OF TEMPLE, TEXAS, IN THE AMOUNT OF \$30,505, FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DEMOLITION AND NEW CONSTRUCTION OF THE NORTHAM BASEBALL COMPLEX CONCESSION/SCOREKEEPING BUILDING AND PUBLIC RESTROOMS; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2015 GENERAL OBLIGATION BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, one of the projects approved in the 2015 Parks Bond was the replacement of the existing concession/scorekeeper building and public restrooms at the Billy C. Northam Baseball Complex in Wilson Park;

**Whereas**, the existing buildings at this facility were constructed in the late 1970's and are in need of replacement - preliminary design includes a building that is approximately 1,000 square feet, with the restrooms having 3-4 fixtures in each restroom;

**Whereas**, the services performed by Architectural Edge Inc. will include permit drawings, construction drawings, architectural design, structural design, mechanical/electrical/plumbing/HVAC engineering, and submission of the design to the Texas Department of Licensing and Regulations for ADA review;

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

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

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

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

**Whereas**, this item declares an official intent to reimburse the cost of this agreement in the amount of \$30,505 from the 2015 Parks General Obligation Bonds to be issued in September 2015 - the General Obligation Bond issue was approved by voters on May, 9, 2015;

**Whereas**, the total project cost for the demolition and new construction of the Northam Baseball Complex concession/scorekeeping building and public restrooms will be funded in Account No. 362-3500-552-6409, Project No.101318 when the bonds are issued; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with Architectural Edge, Inc., of Temple, Texas, in the amount of \$30,505, after approval as to form by the City Attorney, for architectural and engineering services for the demolition and new construction of the Northam Baseball Complex concession/scorekeeping building and public restrooms, as well as declares an official intent to reimburse the expenditure with the issuance of 2015 General Obligation Bonds.

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

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was 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 **21<sup>st</sup>** day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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05/21/15  
Item #4(G)  
Consent Agenda  
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### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Kevin Beavers, Director of Parks and Recreation Department

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kimley-Horn and Associates, Inc. of Irving, for architectural and engineering services for the construction of a new deep water pool for the Lion's Junction Family Aquatic Center in South Temple Park for an amount not to exceed \$160,000, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Parks General Obligation Bonds.

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

**ITEM SUMMARY:** One of the projects approved in the 2015 Parks Bond was the addition of a deep water pool to complement the existing attractions at the Lion's Junction Family Aquatic Center. This Aquatic Center was constructed with proceeds from the 2007 Parks Bond Issue and has proven to be very popular and successful. This deep water pool is a feature that has been requested numerous times by the patrons that utilize this facility.

The preliminary design for this pool includes a swim lagoon with a depth of 3'-6" to 11' 6" with four (4) 25 yard fitness lap lanes, pool basketball, pool volleyball, climbing wall, shade, seating, support spaces (mechanical and restroom facilities), and additional parking for 40-50 cars.

Kimley-Horn and Associates services will include permit/construction drawings, architectural design, structural design, mechanical/electrical/plumbing/HVAC engineering, and submitting design to the TDLR for ADA review to insure accessibility. The proposed timeline for the design is one hundred and twenty days from the "Notice to Proceed".

**FISCAL IMPACT:** This item declares an official intent to reimburse the cost of this agreement in the amount of \$160,000 from the 2015 Parks GO Bonds to be issued in September 2015. The General Obligation bond issue was approved by voters on May 9, 2015. Total project cost for the Lion's Junction Family Aquatic Center is \$1,775,000 which will be funded in account 362-3500-552-6407, project #101316 when the bonds are issued

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., OF IRVING, TEXAS, IN AN AMOUNT NOT TO EXCEED \$160,000, FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CONSTRUCTION OF A NEW DEEP WATER POOL AT THE LION'S JUNCTION FAMILY AQUATIC CENTER IN SOUTH TEMPLE PARK; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2015 GENERAL OBLIGATION BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, one of the projects approved in the 2015 Parks Bond was the addition of a deep water pool to complement the existing attractions at the Lion's Junction Family Aquatic Center;

**Whereas**, this Aquatic Center was constructed with proceeds from the 2007 Parks Bond Issuance and has proven to be very popular and successful – the deep water pool is a feature that has been requested numerous times by the patrons that utilize this facility;

**Whereas**, the preliminary design for this pool will include a swim lagoon with a depth of 3'-6" to 11'6" with four 25-yard fitness lap lanes, pool basketball, pool volleyball, climbing wall, shade, seating, support spaces for mechanical and restroom facilities, and additional parking for approximately 40-50 cars;

**Whereas**, the services performed by Kimley-Horn and Associates will include permit and construction drawings, architectural design, structural design, mechanical/electrical/plumbing/HVAC engineering, and submission of the design to the TDLR for ADA review to insure accessibility;

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

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

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

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

**Whereas**, this item declares an official intent to reimburse the cost of this agreement in the amount of \$160,000 from the 2015 Parks General Obligation Bonds to be issued in September 2015 - the General Obligation Bond issue was approved by voters on May, 9, 2015;



**Whereas**, the total project cost for the construction of the Lion's Junction Family Aquatic Center deep water pool will be funded in Account No. 362-3500-552-6409, Project No.101316 when the bonds are issued; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with Kimley-Horn and Associates, Inc. of Irving, Texas, in an amount not to exceed \$160,000 and after approval as to form by the City Attorney, for architectural and engineering services for the construction of a new deep water pool at the Lion's Junction Family Aquatic Center in South Temple Park, as well as declares an official intent to reimburse the expenditure with the issuance of 2015 General Obligation Bonds.

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

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was 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 **21<sup>st</sup>** day of **May**, 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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05/21/15  
Item #4(H)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to a professional services agreement with Jacobs Engineering Group, Inc. (Jacobs) for design and construction phase services associated with the Bird Creek Interceptor Project in an amount not to exceed \$164,626.

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

**ITEM SUMMARY:** In 2007, Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc. (Jacobs), for engineering services related to the Bird Creek Interceptor Project. This project will reduce sanitary sewer overflows by rehabilitating deteriorated infrastructure through the heart of the City.

The City has constructed three phases of the project, as shown on the attached map. The remaining phases are scheduled to be completed and sequenced over the next several years in conjunction with future utility project funding.

This contract amendment addresses additional professional services as follows:

<u>Engineering Services Subtotal</u>		
Civil Design	\$ 71,206	
Structural Design	\$ 19,442	
Hydraulic Analysis	\$ 10,484	
Pipeline Evaluation	<u>\$ 16,494</u>	
		\$ 117,626
<u>Subconsultant Services Subtotal</u>		
Project Admin./Management	\$ (34,500)	
Title Services & Closing	\$ 10,100	
Initial Appraisal	\$ 79,600	
Appraisal Review	\$ 28,300	
Right-of-Entry	\$ (7,000)	
Negotiator Services	\$ (1,500)	
Opinions of Value	<u>\$ (28,000)</u>	
		\$ 47,000
<b>Total</b>		<b><u>\$ 164,626</u></b>

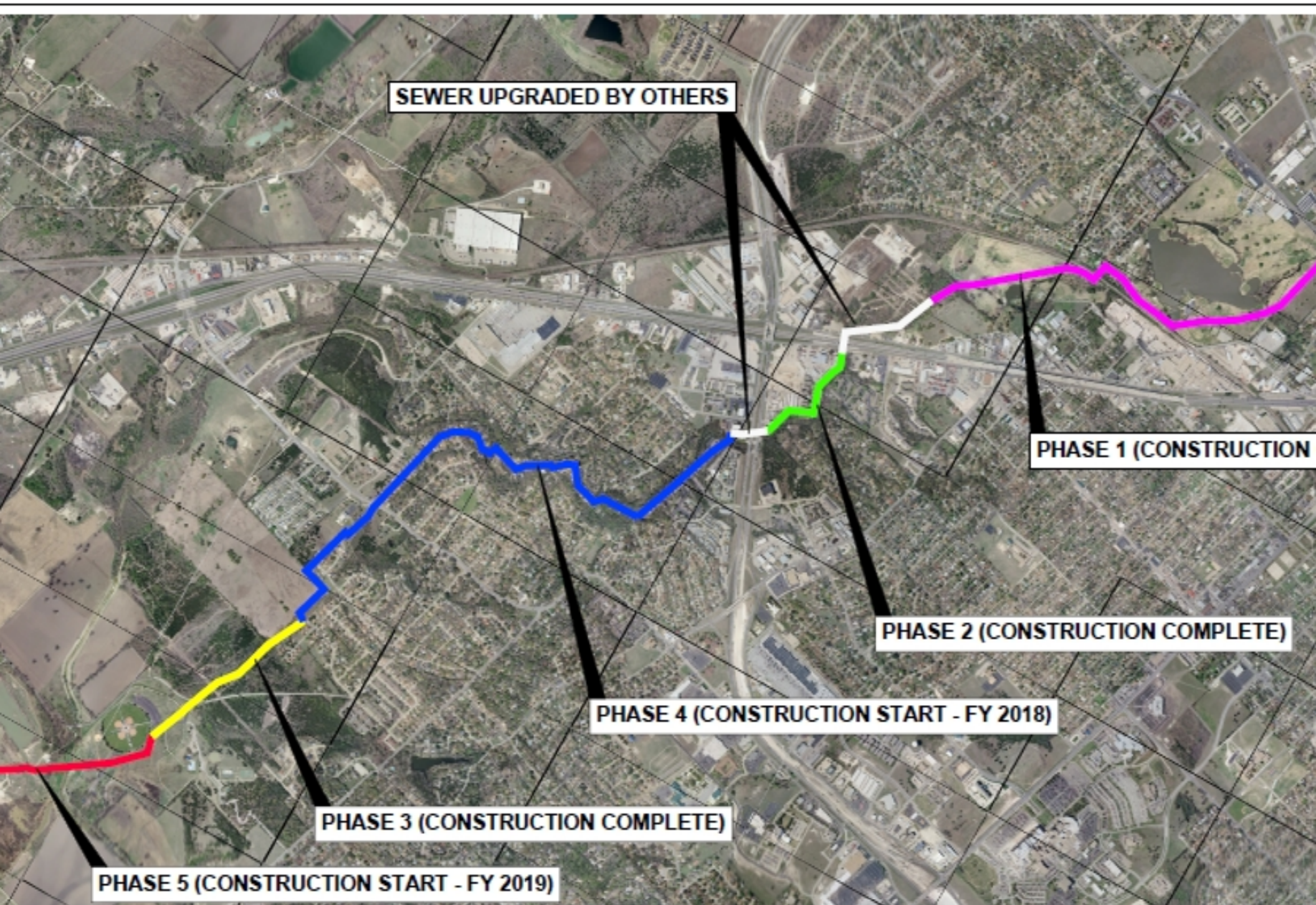
Construction of Phases 4 and 5 is tentatively programmed for funding in FY '16 / '17.

**FISCAL IMPACT:** Currently, total funding, in the amount of \$305,605, is available in account 561-5400-535-6925, project #100980, to fund the change order with Jacobs Engineering Group Inc. in the amount of \$164,626.

**ATTACHMENTS:**

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







Temple Bird Creek WW Interceptor Improvements  
Summary of Added Scope of Services Included in Amendment No. 8

<b>1 Added Scope of Services Related to Daniels Drive</b>		
	Sub-Total	Total Fee
1.1 Design of Public Street Improvements		
Engineering (Jacobs)	\$ 17,666	
Geotechnical (Langerman Foster)	<u>\$ 4,000</u>	
		\$ 21,666
1.2 Culvert Capacity Evaluation / Culvert Improvement Design		
Engineering (Jacobs)		\$ 5,956
<b>2 Added Scope of Services Related to McLaren Tract Alignment to avoid Hindu Temple Parcel</b>		
2.1 Evaluate Alternative Alignments		
Engineering (Jacobs)		\$ 8,167
2.2 Design of Selected Alternative Alignment		
Engineering (Jacobs)	\$ 10,170	
Design Surveys (All County Surveying)	\$ 8,340	
Geotechnical (Langerman Foster)	<u>\$ 2,000</u>	
		\$ 20,510
<b>3 Added Scope of Services Related to Phases 4 and 5 (Not Previously In Original Design Contract)</b>		
3.1 Revisions to Previous Bid Packages		
Engineering (Jacobs)		\$ 7,716
3.2 24-Inch Diameter Connection at Overhead Transmission Lines on Pecan Valley Dr.		
Engineering (Jacobs)		\$ 7,191
3.3 Additional Aerial Crossings		
Structural Engineering (Jacobs)	\$ 19,442	
Hydraulic Evaluation (Jacobs)	<u>\$ 10,484</u>	
		\$ 29,926
3.4 CIPP and Slipline Evaluation - Brooklawn and El Capitan		\$ 16,494
<b>4 Revised Scope of Easement Acquisition Services</b>		
4.1 Delete Original Scope (based on limited number of appraisals & appraisal reviews plus Opinions of Value)		
Easement Acquisition (Lone Star ROW Services)		\$ (268,000)
4.1 Add Revised Scope (based on full appraisals & appraisal reviews for all easements)		
Easement Acquisition (Lone Star ROW Services)	\$ 303,000	
Easement Staking (All County Surveying)	<u>\$ 12,000</u>	
		\$ 315,000
<b>TOTAL FEE FOR ADDED SCOPE OF SERVICES - AMENDMENT NO. 8</b>		<b>\$ 164,626</b>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH JACOBS ENGINEERING GROUP, INC. OF AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$164,626, FOR DESIGN AND CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE BIRD CREEK INTERCEPTOR PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in 2007, City Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc. (Jacobs), for engineering services related to the Bird Creek Interceptor Project;

**Whereas**, this project reduced sanitary sewer overflows by rehabilitating deteriorated infrastructure through the heart of the City - the City has constructed three phases of the project and the remaining phases are scheduled to be completed and sequenced over the next several years in conjunction with future utility project funding;

**Whereas**, staff recommends authorizing an amendment to the professional services agreement with Jacobs Engineering Group, Inc., of Austin, Texas, in an amount not to exceed \$164,626, for design and construction phase services associated with the Bird Creek Interceptor Project;

**Whereas**, funding for this amendment is available in Account No. 561-5400-535-6925, Project No. 100980; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an amendment to the professional services agreement with Jacobs Engineering Group, Inc., of Austin, Texas, in an amount not to exceed \$164,626, for design and construction phase services associated with the Bird Creek Interceptor Project.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was 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 **21<sup>st</sup>** day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/21/15  
Item #4(I)  
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 the purchase of spare membrane replacement modules and necessary parts from Pall Advanced Separation Systems of Cortland, NY, in the amount of \$56,877.80.

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

**ITEM SUMMARY:** The City of Temple Membrane Plant provides relief support to take the strain off the City's main conventional plant for the treatment and delivery of potable water to more than 70,000 residents, industries, businesses, and wholesale customers. The original membrane modules have surpassed their useful life expectancy (10 years), and staff is replacing them with new spare modules as they fail to meet performance requirements. The purchase of 20 new modules and necessary parts will replenish the spare modules already used for the said purpose.

At the time the Membrane Plant was built in 2002-2004, Pall Corporation's parts and equipment were originally installed, resulting in specialized equipment on site. At this time, replacement for some of these parts can only be supplied by the original vendor, Pall Corporation. Accordingly, this purchase is being recommended as a single source purchase per LGC §252.022.

**FISCAL IMPACT:** Currently, funding in the amount of \$479,500 is available in account 520-5121-535-63-10, project 101182, to fund the purchase of spare membrane replacement modules and necessary parts from Pall Advanced Separation Systems in the amount of \$56,877.80.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF SPARE MEMBRANE REPLACEMENT MODULES AND NECESSARY PARTS FROM PALL ADVANCED SEPARATION SYSTEMS OF CORTLAND, NEW YORK, IN THE AMOUNT OF \$56,877.80; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City of Temple membrane plant provides relief support which takes the strain off of the City's main conventional plant for the treatment and delivery of potable water to more than 70,000 residents, industries, businesses, and wholesale customers;

**Whereas,** the original membrane modules have surpassed their useful life expectancy of 10 years and have failed to meet performance requirements - the purchase of 20 new modules and necessary parts will replenish the spare modules already used for this purpose;

**Whereas,** at the time the membrane plant was built, Pall Corporation's parts and equipment were originally installed, resulting in specialized equipment on site - replacement parts can only be supplied by the original vendor, Pall Corporation, and because of this, purchase is being recommended as a single source purchase per LGC §252.022;

**Whereas,** staff recommends the purchase of 20 spare membrane replacement modules and necessary parts from Pall Advanced Separation Systems of Cortland, New York, as a single source purchase, in the amount of \$56,877.80;

**Whereas,** funding for this purchase is available in Account No. 520-5121-535-6310, Project No.101182; 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 spare membrane replacement modules and necessary parts from Pall Advanced Separation Systems of Cortland, New York, as a single source purchase per LGC §252.022, in the amount of \$56,877.80.

**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:** It is hereby officially found and determined that the meeting at which this Resolution was 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 **21<sup>st</sup>** day of **May**, 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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05/21/15  
Item #4(J)  
Consent Agenda  
Page 1 of 4

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** SECOND & FINAL READING - Z-FY-15-15: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.707 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 119 Hilliard Road.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its April 6, 2015, meeting the Planning and Zoning Commission voted 8/0 to recommend approval of Z-FY-15-15 for a rezoning from AG, to GR. Commissioner Mikeska-Reed was absent.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested rezoning to GR District for the following reasons:

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

**ITEM SUMMARY:** The applicant requests a rezoning from Agricultural District (AG) to General Retail District (GR) to allow neighborhood shopping center with retail pad sites.

According to the City of Temple Comprehensive Plan, the subject property has a **Suburban Commercial** land use classification. The property's Suburban Commercial land use classification 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. Therefore, it limits the floor area ratio and requires a higher landscape surface ratio than in the Auto Urban Commercial district. To maintain the suburban character and achieve higher quality development, design standards should be integrated into the zoning ordinance.

The requested GR zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery stores, department stores, or offices and residential uses except apartments. The GR zoning district is intended to serve larger service areas than neighborhoods. This

district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility.

A rezoning from the AG to the GR zoning district would allow many uses by right that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses

Single Family Detached  
Duplex  
Home for the Aged  
Townhouse

Nonresidential uses

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

**Prohibited uses** include HUD-Code manufactured homes and land lease communities, boat sales or storage, welding or machine shop, storage warehouse, and building material sales, among others.

**SURROUNDING PROPERTY AND USES:** The following table 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	Undeveloped Land Uses
North	Suburban Commercial	AG	Undeveloped Land Uses
South	Suburban Commercial	GR	Retail and Office Uses
East	Suburban Commercial	GR & O-1	Retail Uses
West	Suburban Commercial	GR	Retail and Undeveloped Land Uses

**COMPREHENSIVE PLAN COMPLIANCE:**

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

<b>Docu ment</b>	<b>Policy, Goal, Objective or Map</b>	<b>Site Conditions</b>	<b>Complian ce</b>
CP	Map 3.1 - Future Land Use and Character (FLUP)	The subject property is identified as Suburban Commercial. The applicant's requested GR District complies with this recommendation.	Yes
CP	Map 5.2 - Thoroughfare Plan	The Thoroughfare Plan classifies Hilliard Road and West Adams Avenue as major arterials.  Intersecting arterials are appropriate for shopping centers and retail uses.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's	An 18-inch water line runs along the east right-of-way of Hilliard Road. A 14-inch water line runs along the north right-of-way line of	Yes

	infrastructure and public service capacities	<p>West Adams Avenue. And a 2.5-inch water line runs along the east property line.</p> <p>An 8-inch sewer line is located on the west side of Hilliard Road. An 18-inch sewer line is located on the south side of West Adams Avenue. An additional sewer line is located east of the property near the Dollar General Store.</p>	
STP	Temple Trails Master Plan Map & sidewalks	<p>The Temple Trails Master Plan reflects a 10' Citywide Spine Trail along the west right-of-way of Hilliard Road and along the north side of West Adams Avenue.</p> <p>Per UDC section 8.2.3, sidewalks are required on both sides of arterials. Existing sidewalks are along the property's frontage along Hilliard Road and West Adams Avenue.</p>	Yes

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

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

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

Dimensional standards for **residential** development in the GR District are as follows:

- Minimum lot size – 5,000 Sq. Ft.
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 15 feet
- Side Yard Setback – 10% of lot width with 5-feet min.
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

**PUBLIC NOTICE:**

Seven notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of April 28, 2015 at 11:00 AM., two notices were returned in favor of the request and no notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on March 26, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable



**ATTACHMENTS:**

Surrounding Property Pictures  
Zoning and Location Map  
Future Land Use and Character Map  
Trails and Thoroughfare Map  
Utility Map  
Notification Map  
Response letters  
Ordinance

**SURROUNDING PROPERTY AND USES:**

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Agricultural / Undeveloped Land Uses	 <p>A photograph showing a field with a yellow sign in the foreground. The sign reads: 'PROPOSED LAND USE CASE', 'Call 254-298-6668', and 'For information, call (254) 298-6668'. In the background, there is a red building and some trees under a clear blue sky.</p> <p>Hilliard Road View</p>
East	GR and O-1	Retail Uses (Dollar General)	 <p>A photograph of a Dollar General store building, which is a long, low, red structure. The store is situated in a field with some trees and utility poles in the background. The sky is clear and blue.</p>

Direction	Zoning	Current Land Use	Photo
West	GR	Retail Uses and Undeveloped Land Uses	
South	GR	Retail and Office Uses	



Direction	Zoning	Current Land Use	Photo
North	AG	Undeveloped Land and Rural / Residential Uses	

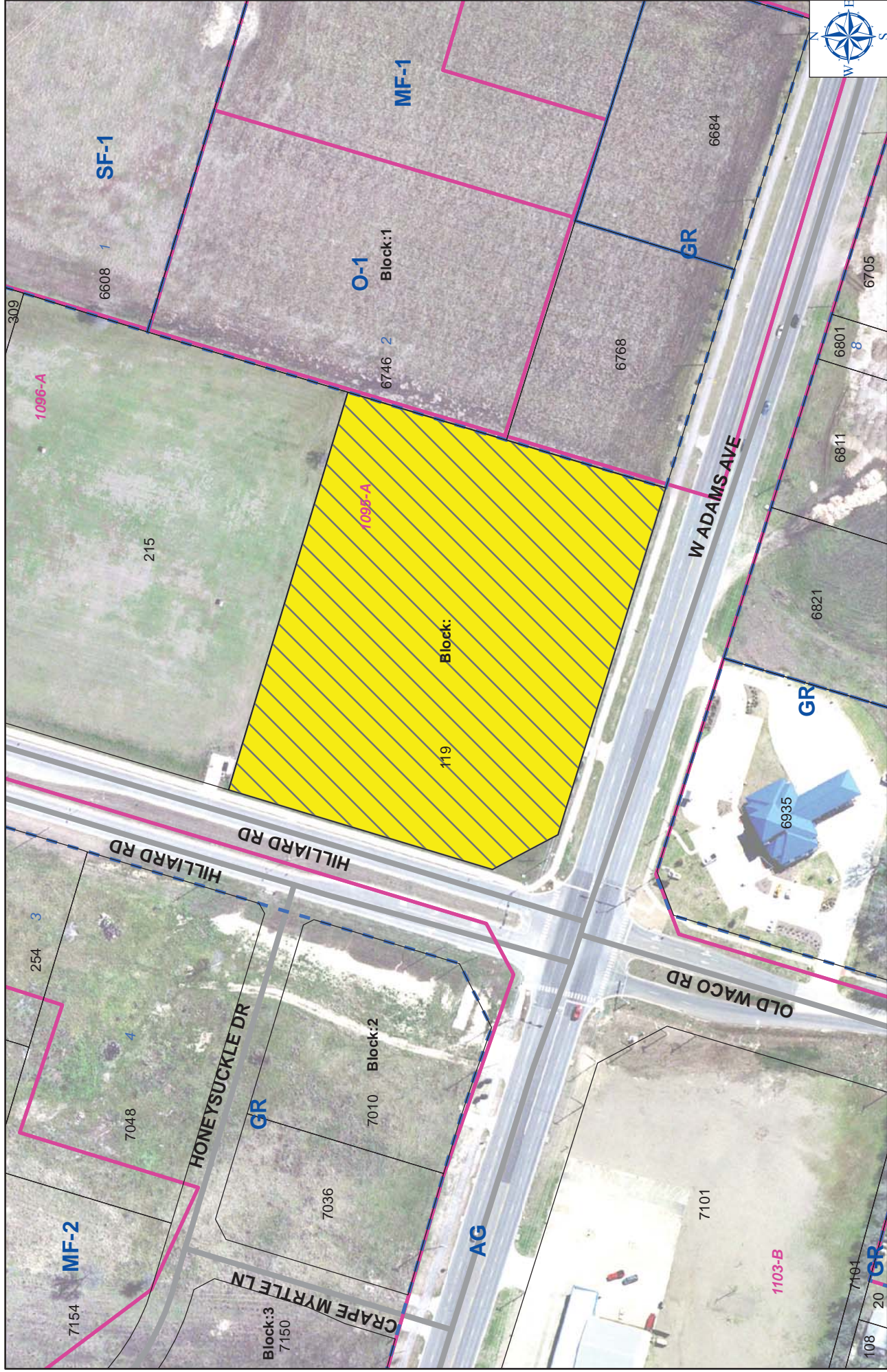




Z-FY-15-15

AG to GR

119 Hilliard Road



**Case**

**Zoning**

**200' Buffer**

**Block Number**

**Lot Number**

**1234-A****Outblock Number**

**1234****Subdivision**

**0 200 400 Feet**

**North**

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

City of Temple, TX  
2/27/2015  
Feet



**Z-FY-15-15**

**AG to GR**

**119 Hilliard Road**



### Future Land Use

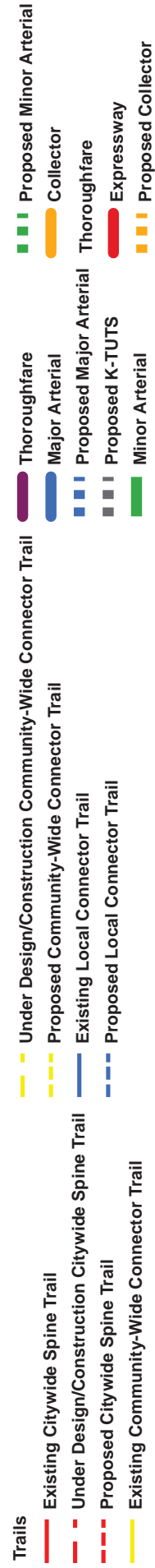
- |  |                           |  |                         |  |                       |  |                                   |  |                      |
|--|---------------------------|--|-------------------------|--|-----------------------|--|-----------------------------------|--|----------------------|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

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

3/27/2015  
City of Temple GIS



## 119 Hilliard Road



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.

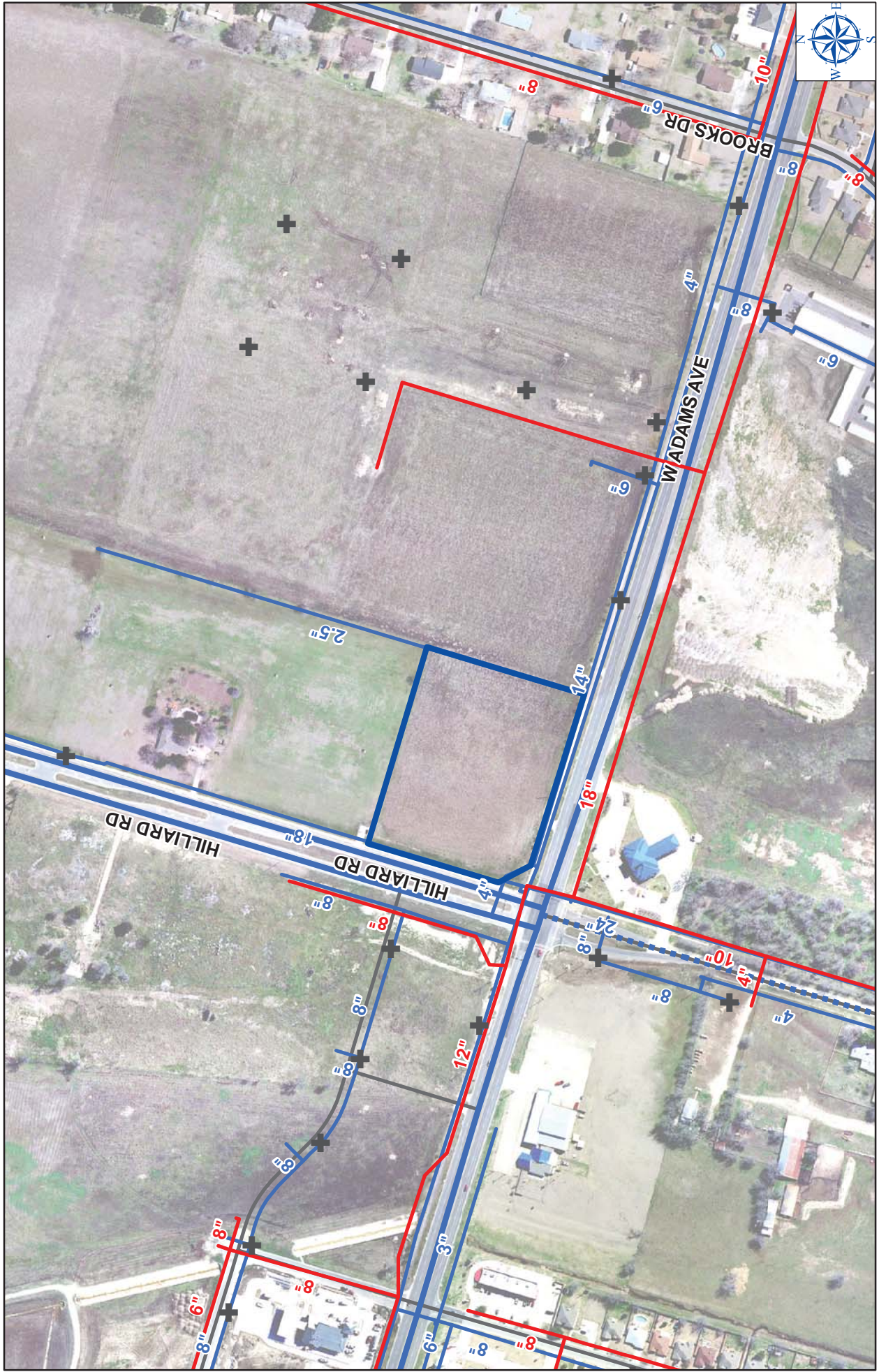




Z-FY-15-15

AG to GR

119 Hilliard Road



- Case
- Water Line
- Expressway
- Major Arterial
- Minor Arterial
- Sewer Line
- Proposed Major Arterial
- Proposed K-TUTS
- Proposed Minor Arterial
- Collector
- Conceptual Collector

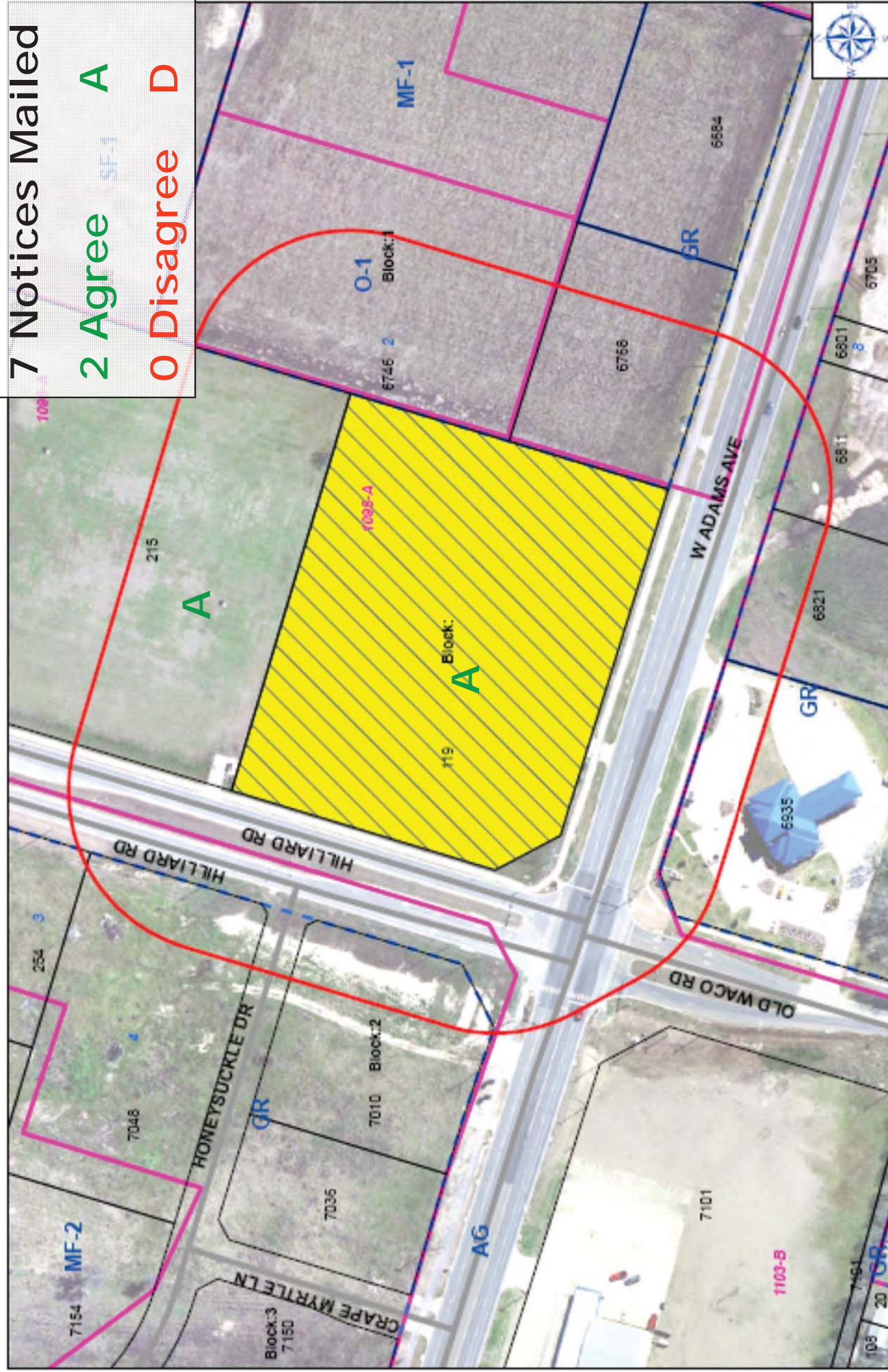


GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate location of property boundaries and other features.

3/27/2015  
City of Temple GIS



7 Notices Mailed  
 2 Agree **A**  
 0 Disagree **D**



Case  
 200' Buffer  
 Zoning  
 Subdivision  
 Outblock Number  
 Block Number  
 Lot Number

0 200 Feet  
 All products are for informational purposes and are not to be used for legal, engineering, or surveying purposes. They are not to be used as a substitute for a professional survey and should not be used to determine the approximate location of property boundaries and other features.





**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

Subramanian LTD  
2207 S Clear Creek Road  
Killeen, Texas 76549

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

**Project Manager:** Tammy Lyerly

**Location:** 119 Hilliard Road

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

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

**Comments:**

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Signature

VINITHA SUBRAMANIAN  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015**

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

**Number of Notices Mailed:** 7

**Date Mailed:** March 26, 2015

**RECEIVED**

**APR 06 2015**

City of Temple  
Planning & Development





**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

James L. Kasberg  
601 Kasberg Drive  
Temple, Texas 76502

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

**Project Manager:** Tammy Lyerly

**Location:** 119 Hilliard Road

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

I recommend ☒ approval      ( ) denial of this request.

**Comments:**

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Signature

James Kasberg  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015**

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

**Number of Notices Mailed:** 7

**Date Mailed:** March 26, 2015

**RECEIVED**

**MAR 30 2015**

City of Temple  
Planning & Development

ORDINANCE NO. \_\_\_\_\_

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 4.707 ACRES OF LAND SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED AT 119 HILLIARD 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 rezoning from Agricultural District (AG) to General Retail District (GR) on approximately 4.707 acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 119 Hilliard 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 was 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 7<sup>th</sup> day of May, 2015.

PASSED AND APPROVED on Second Reading on the **21<sup>st</sup>** day of **May**, 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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05/21/15  
Item #4(K)  
Consent Agenda  
Page 1 of 4

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** SECOND & FINAL READING - Z-FY-15-16: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.880 +/- acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 215 Hilliard Road.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its April 6, 2015, meeting the Planning and Zoning Commission voted 8/0 to recommend approval of Z-FY-15-16 for a rezoning from AG, to GR. Commissioner Mikeska-Reed was absent.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested rezoning to GR District for the following reasons:

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

**ITEM SUMMARY:** The applicant requests a rezoning from Agricultural District (AG) to General Retail District (GR) to allow neighborhood shopping center with retail pad sites.

During the Planning and Zoning Commission meeting it was pointed out that access from Hilliard Road would line up with the existing median turnaround. Required screening and buffering standards, per Unified Development Code Section 7.7.4, were also discussed regarding the adjacent single family use to the north.

According to the City of Temple Comprehensive Plan, the subject property has a **Suburban Commercial** land use classification. The property's Suburban Commercial land use classification 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. Therefore, it limits the floor area ratio and requires a higher landscape surface ratio than in the Auto Urban Commercial district. To maintain the suburban character and achieve higher quality development, design standards should be integrated into the zoning ordinance.

The requested GR zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery stores, department stores, or offices and residential uses except apartments. The GR zoning district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site

traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility.

A rezoning from the AG to the GR zoning district would allow many uses by right that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses

Single Family Detached  
Duplex  
Home for the Aged  
Townhouse

Nonresidential uses

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

**Prohibited uses** include HUD-Code manufactured homes and land lease communities, boat sales or storage, welding or machine shop, storage warehouse, and building material sales, among others.

**SURROUNDING PROPERTY AND USES:** The following table 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	Undeveloped Land Uses
North	Suburban Commercial	AG	Rural Residential Uses
South	Suburban Commercial	AG	Undeveloped Land Uses
East	Suburban Commercial	SF-1 & O-1	School Uses and Undeveloped Land Uses
West	Suburban Commercial	GR	Undeveloped Land Uses

**COMPREHENSIVE PLAN COMPLIANCE:**

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

<b>Docu ment</b>	<b>Policy, Goal, Objective or Map</b>	<b>Site Conditions</b>	<b>Compliance</b>
CP	Map 3.1 - Future Land Use and Character (FLUP)	The subject property is identified as Suburban Commercial. The applicant's requested GR District complies with this recommendation.	Yes
CP	Map 5.2 - Thoroughfare Plan	The Thoroughfare Plan classifies Hilliard Road as a major arterial.  Arterials are appropriate for shopping centers and retail uses.	Yes

CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	<p>An 18-inch water line runs along the east right-of-way of Hilliard Road. A 14-inch water line runs along the north right-of-way line of West Adams Avenue. And a 2.5-inch water line runs along the east property line.</p> <p>An 8-inch sewer line is located on the west side of Hilliard Road. An 18-inch sewer line is located on the south side of West Adams Avenue. An additional sewer line is located east of the property near the Dollar General Store.</p>	Yes
STP	Temple Trails Master Plan Map & sidewalks	<p>The Temple Trails Master Plan reflects a 10' Citywide Spine Trail along the west right-of-way of Hilliard Road.</p> <p>Per UDC section 8.2.3, sidewalks are required on both sides of arterials. The required sidewalk already exists along the property's frontage along Hilliard Road.</p>	Yes

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

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

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

Dimensional standards for **residential** development in the GR District are as follows:

- Minimum lot size – 5,000 Sq. Ft.
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 15 feet
- Side Yard Setback – 10% of lot width with 5-feet min.
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

**PUBLIC NOTICE:**

Six notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of April 28, 2015 at 11:00 AM., two notices were returned in favor of the request and no notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on March 26, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable





**ATTACHMENTS:**


Surrounding Property Pictures  
Zoning and Location Map  
Future Land Use and Character Map  
Trails and Thoroughfare Map  
Utility Map  
Notification Map  
Response letters  
Ordinance

**SURROUNDING PROPERTY AND USES:**

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Land	
East	SF-1 and O-1	School Uses and Agricultural Land Uses	

Direction	Zoning	Current Land Use	Photo
West	GR	Undeveloped Land	
South	AG	Agricultural / Undeveloped Land Uses	

Direction	Zoning	Current Land Use	Photo
North	AG	Rural / Residential Uses	

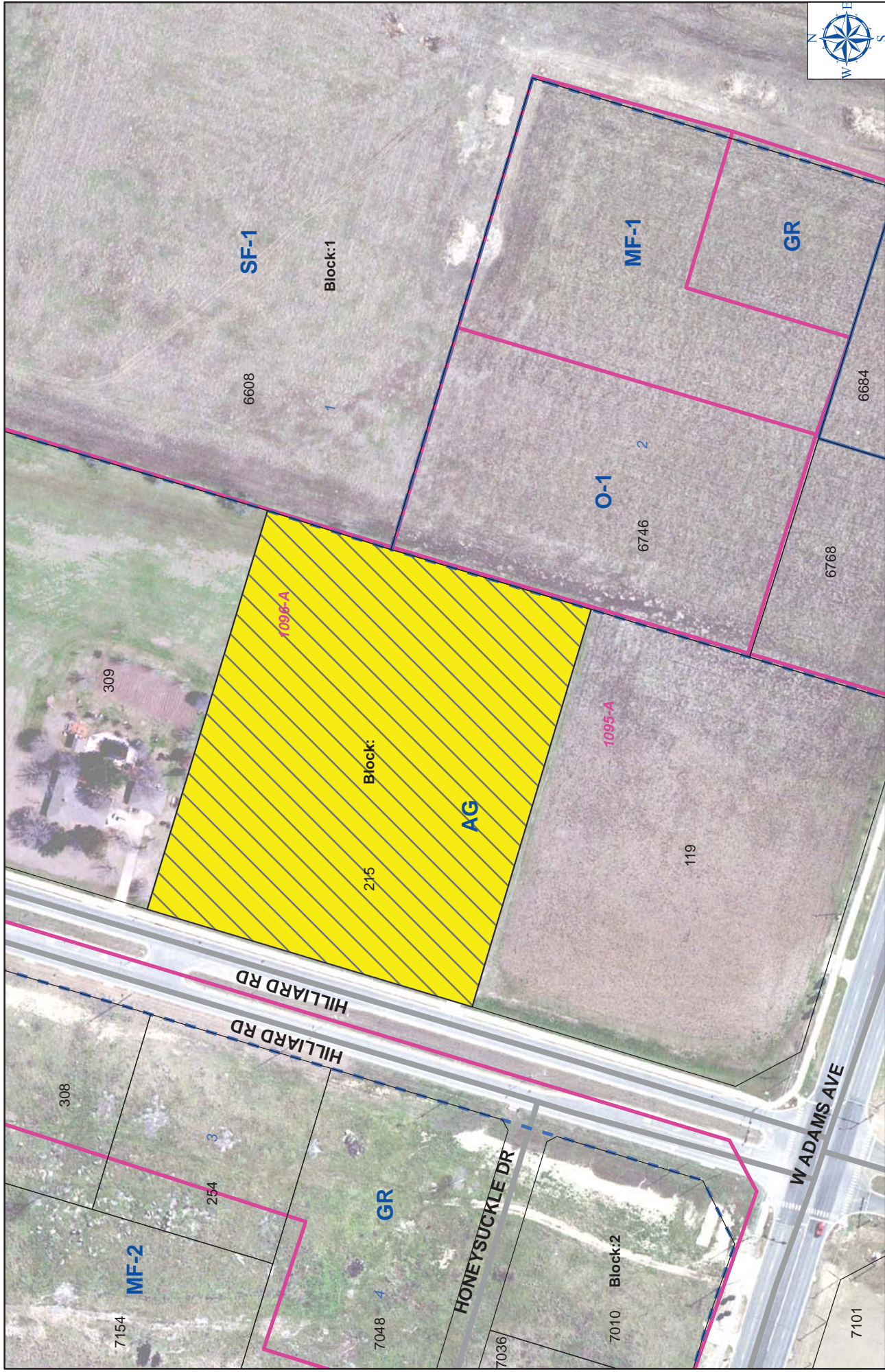






Z-FY-15-16


AG to GR

215 Hilliard Road



**Case**

**Zoning**

**200' Buffer**

**①** **Outblock Number**

**1234-A**

**Subdivision**

**1234**

**①** **Block Number**

**1**

**Lot Number**

**1**

3/27/2015  
City of Temple GIS  
layerly

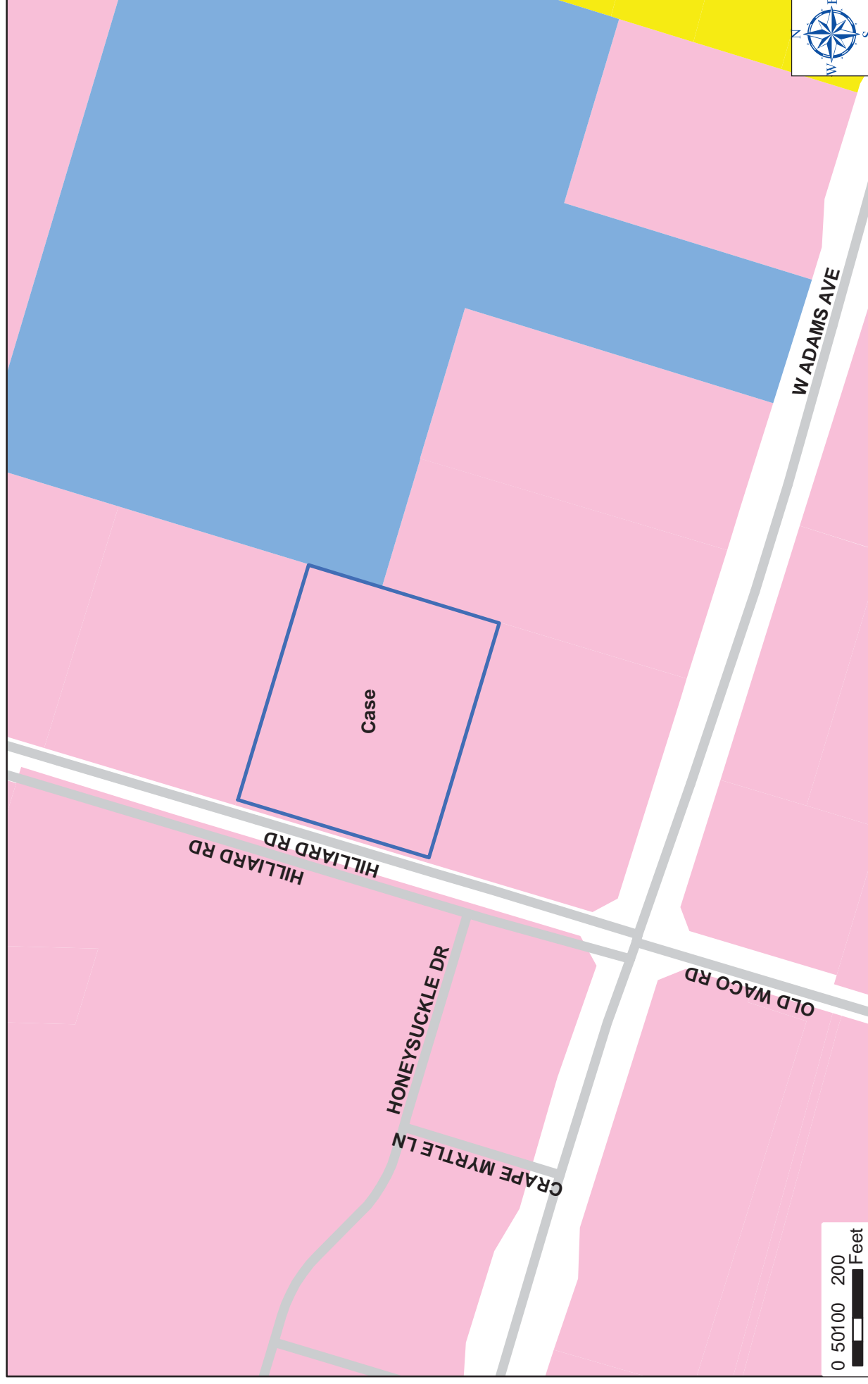
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



**Z-FY-15-16**

**AG to GR**

**215 Hilliard Road**

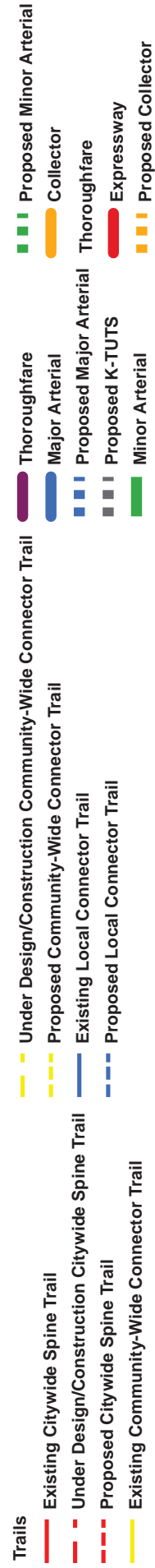


**Future Land Use**

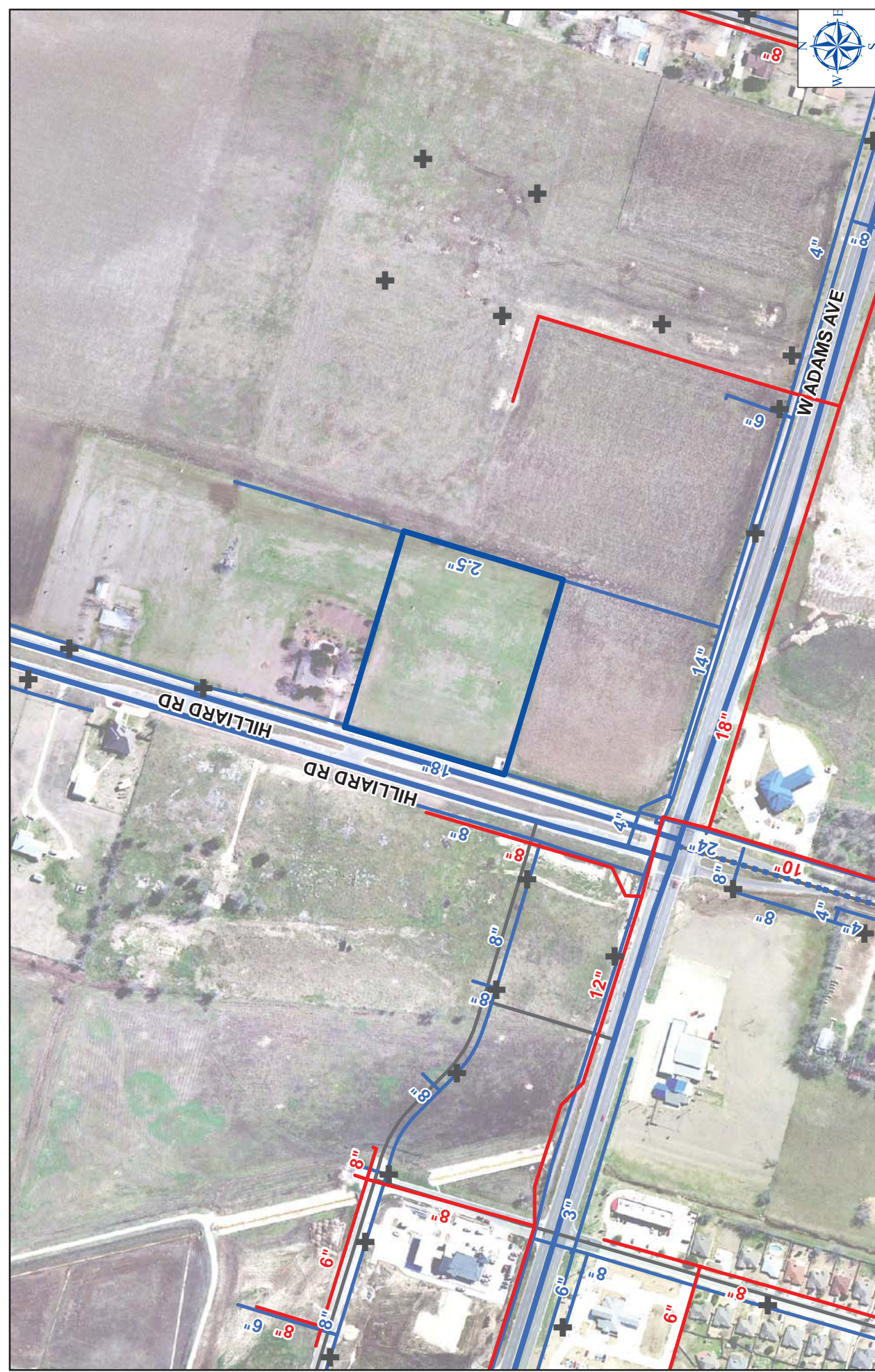
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3/27/2015  
City of Temple GIS









- Case
- Water Line
- Expressway
- Major Arterial
- Minor Arterial
- Sewer Line
- Proposed Major Arterial
- Proposed K-TUTS
- Proposed Minor Arterial
- Collector
- Conceptual Collector



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3/27/2015  
City of Temple GIS



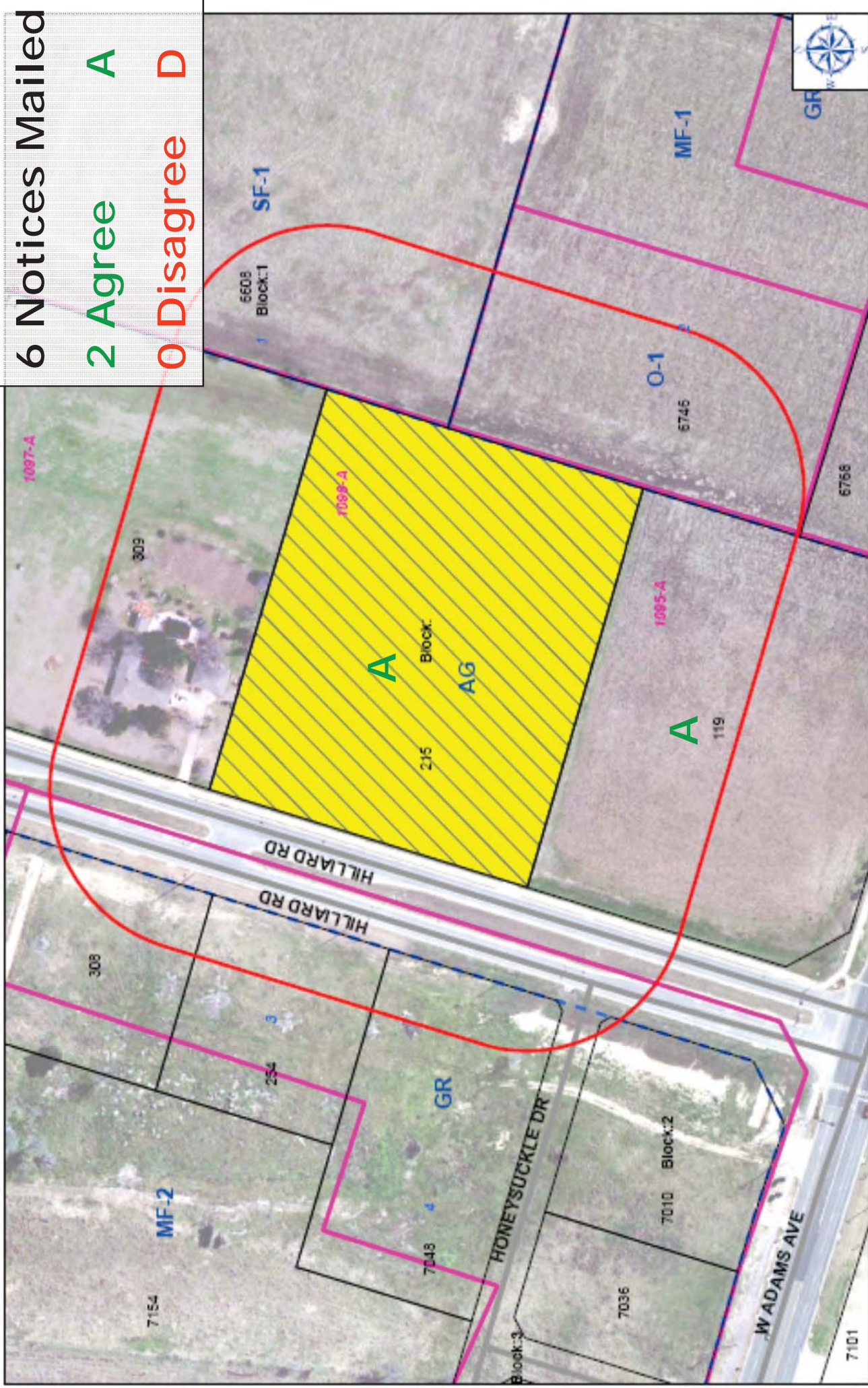


Z-FY-15-16

AG to GR

215 Hilliard Road

6 Notices Mailed  
2 Agree A  
0 Disagree D



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

3/27/2015  
City of Temple GIS  
Apply

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 or constitute a ground survey and represent only the approximate relative location of property boundaries and other features.





**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

James L. Kasberg  
601 Kasberg Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-16

**Project Manager:** Tammy Lyerly

**Location:** 215 Hilliard Road

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

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

**Comments:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015**

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

Number of Notices Mailed: 6

**RECEIVED** Date Mailed: March 26, 2015

**MAR 30 2015**

City of Temple  
Planning & Development



**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

Subramanian Ltd  
2207 S Clear Creek Road  
Killeen, Texas 76549

**Zoning Application Number:** Z-FY-15-16

**Project Manager:** Tammy Lyerly

**Location:** 215 Hilliard Road

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

I recommend ☒ approval ☐ denial of this request.

**Comments:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015**

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

Number of Notices Mailed: 6

Date Mailed: March 26, 2015

**RECEIVED**

**APR 06 2015**

City of Temple  
Planning & Development

ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-15-16)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 4.880 ACRES OF LAND SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED AT 215 HILLIARD 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 rezoning from Agricultural District (AG) to General Retail District (GR) on approximately 4.880 acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 215 Hilliard 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 was 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 7<sup>th</sup> day of May, 2015.



PASSED AND APPROVED on Second Reading on the **21<sup>st</sup>** day of **May**, 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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05/21/15  
Item #4(L)  
Consent Agenda  
Page 1 of 2

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

Jonathan Graham, City Manager

**ITEM DESCRIPTION:** SECOND & FINAL READING - Consider adopting an ordinance authorizing a number of economic development incentives for property redevelopment in the Jeff Hamilton Park area.

**ITEM SUMMARY:** This ordinance, if adopted, will create an incentive zone in the Jeff Hamilton Park area designed to encourage redevelopment that might otherwise not occur in the absence of incentives. The Jeff Hamilton Park area is bounded by the parcels fronting the north side of Avenue D from 14<sup>th</sup> Street to 18<sup>th</sup> Street, the parcels fronting the east side of 18<sup>th</sup> Street from Avenue D to Avenue H, the parcels fronting the north side of Avenue H from 18<sup>th</sup> Street to 14<sup>th</sup> Street and the parcels fronting the east side of 14<sup>th</sup> Street from Avenue H to Avenue D.

A map of the boundaries of the Jeff Hamilton Park area incentive zone is attached to this narrative as Exhibit A.

Limited new development has occurred within the Jeff Hamilton Park area incentive zone in the past twenty years. The condition of property in the Jeff Hamilton Park area incentive zone is likely to substantially arrest or impair sound growth because of the number of deteriorating structures, inadequate streets and sidewalks, lack of accessibility or usefulness of lots, unsanitary and unsafe conditions, the deterioration of site or other improvements, or conditions that endanger life or property by fire or other cause. These conditions justify the use of redevelopment incentives.

The proposed ordinance encourages redevelopment in the proposed Jeff Hamilton Park area incentive zone primarily through the availability of incentives (Chapter 380) where the City participates with dollars or in-kind services to encourage redevelopment. The proposed ordinance creates enabling authority, but is subject to the availability of funds that may be appropriated from year to year by the City Council as part of the annual budget process.

Proposed incentives include:

- Conveyance of City-owned lots to builders (case by case basis)
- Waiver of platting, zoning & permit fees
- Demolition of structures by City crews
- Waiver of water & wastewater tap fees
- Release of mowing & demolitions liens
- Providing solid waste containers at no charge (clean up, construction or demolition)
- Lot clearing by City Crews

**FISCAL IMPACT:**

**ATTACHMENTS:**

[Map](#)  
[Ordinance](#)

# HAMILTON PROJECT



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A NUMBER OF ECONOMIC DEVELOPMENT INCENTIVES FOR PROPERTY REDEVELOPMENT IN THE JEFF HAMILTON PARK AREA; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Jeff Hamilton Park area is bound by parcels fronting the north side of Avenue D from 14<sup>th</sup> Street to 18<sup>th</sup> Street, parcels fronting the east side of 18<sup>th</sup> Street from Avenue D to Avenue H, parcels fronting the north side of Avenue H from 18<sup>th</sup> Street to 14<sup>th</sup> Street, and the parcels fronting the east side of 14<sup>th</sup> Street from Avenue H to Avenue D;

**Whereas**, an incentive zone in the Jeff Hamilton Park area would be designed to encourage redevelopment that might otherwise not occur in the absence of incentives;

**Whereas**, limited new development has occurred within the Jeff Hamilton Park area incentive zone in the past twenty years and the condition of property in the Jeff Hamilton Park area incentive zone is likely to substantially arrest or impair sound growth because of the number of deteriorating structures, inadequate streets and sidewalks, lack of accessibility or usefulness of lots, unsanitary and unsafe conditions, the deterioration of site or other improvements, or conditions that endanger life or property by fire or other cause - these conditions justify the use of redevelopment incentives;

**Whereas**, by incentivizing this area, it will encourage redevelopment in the proposed Jeff Hamilton Park area primarily through the availability of incentives (Chapter 380) where the City participates with dollars or in-kind services to encourage redevelopment;

**Whereas**, some proposed incentives for this area include, conveyance of city-owned lots to builders, waiver of platting, zoning and permitting fees, demolition of structures by City crews, waiver of water and wastewater tap fees, release of mowing and demolition liens, providing solid waste containers at no charge and lot clearing by City crews;

**Whereas**, incentives proposed under this program would be in the form of in-kind services or through forgoing potential revenue and individual incentive agreements will be presented to the City Council for approval; and

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

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

**Part 1:** The City Council approves authorizing a number of economic development incentives for property redevelopments in the Jeff Hamilton Park area.

**Part 2:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the

ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Part 3:** This ordinance shall take effect 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 4:** It is hereby officially found and determined that the meeting at which this ordinance was 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 7<sup>th</sup> day of **May**, 2015.

PASSED AND APPROVED on Second and Final Reading on the 21<sup>st</sup> day of **May**, 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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05/21/15  
Item #4(M)  
Consent Agenda  
Page 1 of 3

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding Atmos' 2014 and 2015 rate review mechanism filings; approving a settlement agreement with attached rate tariffs and proof of revenues; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable; and requiring Atmos to reimburse ACSC's reasonable rate making expenses.

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

**ITEM SUMMARY:** The City of Temple, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). The RRM Tariff was adopted by the City as an alternative to the Gas Reliability Infrastructure Program ("GRIP"), the statutory provision that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments. In February 2014, Atmos Mid-Tex filed its second annual filing under the Rate Review Mechanism ("RRM") Tariff, seeking an increase of \$45.7 million. Although ACSC attempted to reach a settlement with the Company as it had in past years, the wide differences between the Company and ACSC's consultants' recommendations made a compromise impossible. On the recommendation of the ACSC Executive Committee and ACSC's legal counsel, the City in 2014 adopted a Resolution denying the requested rate increase.

The Company appealed the City's denial to the Railroad Commission of Texas ("Commission"), and revised its requested increase to \$43.8 million. A hearing was held on the Company's appeal on September 3, 2014. On April 28, 2015, the Commission's Hearings Examiner issued his Proposal for Decision ("PFD") in the Company's appeal of the City's denial of the 2014 RRM rate increase. This PFD was not favorable to ACSC, but did recommend a reduction of approximately \$860,000 to the Company's adjusted 2014 filing.



While the parties were waiting for the PFD from the Hearings Examiner in the appeal of the 2014 RRM filing, on February 27, 2015, Atmos Mid-Tex filed with the City another rate increase request under the RRM Tariff, seeking additional revenues in the amount of \$28.762 million (total system) or \$24.0 million (affected cities). The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its 2015 request to increase rates. The Resolution and attached Settlement Agreement and tariffs are the result of negotiation between the Mid-Tex Executive Committee and the Company to resolve issues raised by ACSC during the review and evaluation of Atmos Mid-Tex's filing. The recommended Settlement Agreement also requires Atmos to abate its appeal of the City's rejection of the 2014 RRM rate increase pending approval by all ACSC cities of the Settlement Agreement. The Agreement requires Atmos to give the City the benefit of the adjustments to the 2014 rate increase recommended by the PFD.

The Resolution and Settlement tariffs approve rates that will increase the Company's revenues by \$65.7 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2015. The monthly residential customer charge will be \$18.60. The consumption charge will change from \$0.08819 per Ccf to \$0.09931 per Ccf. The monthly bill impact for the typical residential customer consuming 60 Ccf will be an increase of \$1.14 (about a 1.59% increase in the base bill). The typical commercial customer will see an increase of \$2.69 or 0.96%.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Resolution approving the negotiated Settlement Agreement resolving both the 2014 and the 2015 RRM filings, and implementing the rate change.

**RRM Background:** The RRM tariff was originally approved by ACSC Cities as part of the settlement agreement to resolve the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. In early 2013, the City adopted a renewed RRM tariff for an additional five years. This is the third RRM filing under the renewed tariff. The RRM tariff and the process implementing that tariff were created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized GRIP surcharge process. ACSC has opposed GRIP because it constitutes piecemeal ratemaking, does not allow any review of the reasonableness of Atmos' expenditures, and does not allow participation by cities or recovery of cities' rate case expenses. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings. ACSC's consultants have calculated that had Atmos filed its 2015 case under the GRIP provisions, it would have received additional revenues from ratepayers of approximately \$10 million.

**Purpose of the Resolution:** The purpose of the Resolution is to approve the Settlement Agreement and the resulting rate change under the RRM tariff. As a result of the negotiations, the Executive Committee was able to reduce the Company's requested \$28.8 million rate increase for Mid-Tex cities to \$21,962,784. When added to the settlement of the 2014 RRM filing and the adjustments recommended by the PFD, the Company will receive total additional annual revenues of \$65.7 million. Because the 2014 rates have been in effect since June 1, 2014, the increase to currently-billed rates is \$21 million. Approval of the Resolution will result in rates that implement an increase in Atmos Mid-Tex's revenues effective June 1, 2015.

**Why Approve the Settlement Agreement:** The Texas legislature has granted gas utilities the right, through the GRIP process, to an annual increase based on increases in invested capital. GRIP is piecemeal ratemaking and ignores increases in revenues and declines in O&M expenses that may be associated with plant additions. ACSC found it preferable to negotiate with Atmos to substitute an expedited comprehensive review process that includes consideration of revenues and expenses as well as invested capital for the GRIP process.

Compelling reasons for approving the Settlement include:

1. While the 2015 RRM system-wide filing exceeded \$28 million, a comparable GRIP filing would have been in excess of \$38 million. ACSC has negotiated a reduction to the 2015 filing of approximately \$6 million. Therefore, the 2015 RRM result is approximately \$16 million better for ratepayers within municipal limits than ratepayers within Environs.

2. ACSC counsel is convinced that the Proposal for Decision ("PFD") by Railroad Commission Examiners in the 2014 RRM appeal will not improve if we file Exceptions and Replies to Exceptions. Counsel recommends action to avoid the PFD becoming a final order that would serve as precedent in future rate proceedings.

3. The token benefit to ratepayers authorized in the PFD to the 2014 appeal has been incorporated into the Settlement Agreement.

4. Atmos will file its formal withdrawal of its 2014 appeal only after all ACSC members approve the Settlement Agreement.

5. The alternative to approval of the Settlement Agreement would be another contested case hearing on appeal of the 2015 filing, implementation of interim rates on June 1, 2015 at the full value of the Company's request (or \$6 million higher than proposed by the Settlement) and continuation of the 2014 appeal with resulting rate case expenses borne by ratepayers.

**FISCAL IMPACT:** The City spent \$128,976.43 for gas utilities in FY 2014. The budget in FY 2015 for gas utilities is \$102,444. It is estimated that the rate increase impact to the City is less than 1% of the total amount spent for gas utilities.

**ATTACHMENTS:**

[Settlement Agreement](#)

[Proof of Revenues and Proposed Tariff Structure – Test Year ending December 31, 2014](#)

[Rate Schedules](#)

[Resolution](#)

**SETTLEMENT AGREEMENT BETWEEN ATMOS ENERGY CORP., MID-TEX  
DIVISION AND ATMOS CITIES STEERING COMMITTEE**

WHEREAS, this agreement (“Settlement Agreement”) is entered into by Atmos Energy Corp’s Mid-Tex Division and Atmos Cities Steering Committee (“ACSC”) whose members include the Cities of Abilene, Addison, Allen, Alvarado, Angus, Anna, Argyle, Arlington, Aubrey, Bedford, Bellmead, Benbrook, Beverly Hills, Blossom, Blue Ridge, Bowie, Boyd, Bridgeport, Brownwood, Buffalo, Burkburnett, Burleson, Caddo Mills, Canton, Carrollton, Cedar Hill, Celeste, Celina, Centerville, Cisco, Clarksville, Cleburne, Clyde, College Station, Colleyville, Colorado City, Comanche, Commerce, Coolidge, Coppell, Copperas Cove, Corinth, Corral City, Crandall, Crowley, Dalworthington Gardens, Denison, DeSoto, Duncanville, Eastland, Edgecliff Village, Emory, Ennis, Euless, Everman, Fairview, Farmers Branch, Farmersville, Fate, Flower Mound, Forest Hill, Fort Worth, Frisco, Frost, Gainesville, Garland, Garrett, Grand Prairie, Grapevine, Gunter, Haltom City, Harker Heights, Haskell, Haslet, Hewitt, Highland Park, Highland Village, Honey Grove, Hurst, Hutto, Iowa Park, Irving, Justin, Kaufman, Keene, Keller, Kemp, Kennedale, Kerens, Kerrville, Killeen, Krum, Lake Worth, Lakeside, Lancaster, Lewisville, Lincoln Park, Little Elm, Lorena, Madisonville, Malakoff, Mansfield, McKinney, Melissa, Mesquite, Midlothian, Murphy, Newark, Nocona, North Richland Hills, Northlake, Oakleaf, Ovilla, Palestine, Pantego, Paris, Parker, Pecan Hill, Petrolia, Plano, Ponder, Pottsboro, Prosper, Quitman, Red Oak, Reno (Parker County), Richardson, Richland, Richland Hills, Roanoke, Robinson, Rockwall, Roscoe, Rowlett, Royse City, Sachse, Saginaw, Sansom Park, Seagoville, Sherman, Snyder, Southlake, Springtown, Stamford, Stephenville, Sulphur Springs, Sweetwater, Temple, Terrell, The Colony, Trophy Club, Tyler, University Park, Venus, Vernon, Waco, Watauga, Waxahachie, Westlake, White Settlement, Whitesboro, Wichita Falls, Woodway, and Wylie.

WHEREAS, on February 28, 2014, Atmos filed with the ACSC Cities an application, hereinafter referred to as the 2014 RRM filing, to adjust rates pursuant to Rider RRM - Rate Review Mechanism, which were subsequently consolidated into GUD No. 10359 at the Railroad Commission of Texas; and

WHEREAS, on February 27, 2015, Atmos filed with the ACSC Cities an application, hereinafter referred to as the 2015 RRM filing, to adjust rates pursuant to Rider RRM - Rate Review Mechanism; and

WHEREAS, the Settlement Agreement resolves all issues between Atmos and ACSC (“the Signatories”) regarding the 2014 RRM filing, which is currently pending before the Commission, and the 2015 RRM filing, which is currently pending before the ACSC Cities, in a manner that the Signatories believe is consistent with the public interest, and the Signatories represent diverse interests; and

WHEREAS, the Signatories believe that the resolution of the issues raised in the 2014 RRM filing and the 2015 RRM filing can best be accomplished by each ACSC City approving this Settlement Agreement and the rates, terms and conditions reflected in the tariffs attached to this Settlement Agreement as Exhibit A;

NOW, THEREFORE, in consideration of the mutual agreements and covenants established herein, the Signatories, through their undersigned representatives, agree to the

following Settlement Terms as a means of fully resolving all issues between Atmos and the ACSC Cities involving the 2014 RRM filing and 2015 RRM filing:

Settlement Terms

1. Upon the execution of this Settlement Agreement, the ACSC Cities will approve an ordinance or resolution to approve the Settlement Agreement and implement the rates, terms and conditions reflected in the tariffs attached to the Settlement Agreement as Exhibit A. (Attachment A to the Ordinance ratifying the Agreement). Said tariffs should allow Atmos to recover annually an additional \$65.7 million in revenue over the amount allowed under currently approved rates by implementation of rates shown in the proof of revenues attached as Exhibit B. (Attachment B to the Ordinance ratifying this Agreement). The uniform implementation of gas rates, terms and conditions established by the Settlement Agreement shall be effective for bills rendered on or after June 1, 2015. Consistent with the City's authority under Section 103.001 of the Texas Utilities Code, the Settlement Agreement represents a comprehensive settlement of gas utility rate issues affecting the rates, operations and services offered by Atmos within the municipal limits of the ACSC Cities arising from Atmos' 2014 RRM filing and 2015 RRM filing. No refunds of charges billed to customers by Atmos under the RRM in past periods shall be owed or owing.
2. In an effort to streamline the regulatory review process, Atmos and the ACSC Cities have agreed to renew the Rate Review Mechanism ("Rider RRM") for a period commencing with the Company's March 1, 2016 filing under this mechanism for the calendar year 2015, effective June 1, 2016, and continuing thereafter until such time as either the ACSC Cities issue an ordinance stating a desire to discontinue the operation of the tariff or Atmos files a Statement of Intent. Atmos and the ACSC Cities further agree that the RRM tariff shall remain in effect until such time as new, final rates are established for Atmos. Upon approval of this Settlement Agreement by the ACSC Cities, Atmos shall file an updated RRM Tariff with each city reflecting the provisions of this agreement.
3. Atmos and the ACSC Cities agree that rate base as of December 31, 2014 in the amount of \$1,955,948,256 is just and reasonable and shall be recovered in rates.
4. Atmos and the ACSC Cities agree that a pension and other postemployment benefits balance as of December 31, 2014 in the amount of \$18,284,949 is just and reasonable and shall be used as the beginning balance for purposes of determining pension and other postemployment benefits to be recovered in the next RRM filing (Attachment D to the Ordinance ratifying the Agreement).
5. With regard to the treatment of Atmos' Rule 8.209 regulatory asset under the RRM, Atmos and the ACSC Cities agree to the following with respect to any pending and future RRM filings:
  - a. the capital investment in the Rule 8.209 regulatory asset in the 2014 RRM filing and 2015 RRM filing is reasonable and consistent with the requirements of Rule 8.209;

- b. the classification of projects included in the Rule 8.209 regulatory asset in the 2014 RRM filing and 2015 RRM filing is reasonable and consistent with the requirements of Rule 8.209 and shall serve as a basis for classification of projects in future RRM filings;
  - c. the treatment of blanket replacement projects, system upgrades, relocations, and transmission line replacements in the Rule 8.209 regulatory asset in the 2014 RRM filing and 2015 RRM filing is reasonable and consistent with the requirements of Rule 8.209 and shall be included in future RRM filings.
  - d. the incurred expenses included in the Rule 8.209 regulatory asset in the 2014 RRM and the 2015 RRM are reasonable and consistent with the requirements of Rule 8.209 and shall be included in future RRM filings;
  - e. interest on the Rule 8.209 regulatory asset account shall be calculated using the pre-tax cost of capital most recently approved by the Commission. The use of the pre-tax cost of capital is consistent with Rule 8.209. A return on Rule 8.209 capital investment is only earned once the investment is included in rate base. No change in the Company's calculation of the interest component in its Rule 8.209 regulatory asset accounts is warranted through the period ended May 31, 2015. Beginning June 1, 2015, interest expense shall be calculated monthly using simple interest (*i.e.* 11.49% divided by 12, or approximately 0.96% per month) applied to the total value of the Rule 8.209 asset investment (exclusive of interest) until such time the Rule 8.209 regulatory asset is approved for inclusion in the Company's rate base.
  - f. While Atmos and the ACSC Cities agree to apply the treatments and methodologies set forth in this paragraph, subsections (a) – (e) in all future RRM filings, the regulatory authority retains its right to disallow any capital investment that is not shown to be prudently incurred, and any expense not shown to be reasonable and necessary, in future RRM filings.
  - g. Atmos and the ACSC Cities acknowledge that their agreement regarding the treatment and methodologies applicable to Rule 8.209 capital investments under the RRM tariff shall not prejudice the right of either party to argue for different treatments or methodologies in a future statement of intent proceeding.
6. Revenues approved pursuant to Paragraph 1 of the Settlement Agreement include reimbursement of rate case expenses owed to the ACSC Cities in connection with the 2014 RRM filing.
7. The Signatories agree that each ACSC city shall approve this Settlement Agreement and adopt an ordinance or resolution to implement for the ACSC Cities the rates, terms, and conditions reflected in the tariffs attached to the Settlement Agreement as Exhibit A. Atmos and ACSC further agree that at such time as all of the ACSC Cities have passed an ordinance or resolution consistent with the Settlement and Atmos has received such ordinance or resolution, Atmos shall withdraw its appeal of the currently pending RRM filing before the Railroad Commission of Texas in connection with the 2014 RRM filing.

8. Atmos and the ACSC Cities further agree that the express terms of the Rider RRM are supplemental to the filing, notice, regulatory review, or appellate procedural process of the ratemaking provisions of Chapter 104 of the Texas Utilities Code. If the statute requires a mandatory action on behalf of the municipal regulatory authority or Atmos, the parties will follow the provisions of such statute. If the statute allows discretion on behalf of the municipal regulatory authority, the ACSC Cities agree that they shall exercise such discretion in such a way as to implement the provisions of the RRM tariff. If Atmos appeals an action or inaction of an ACSC City regarding an RRM filing to the Railroad Commission, the ACSC Cities agree that they will not oppose the implementation of interim rates or advocate the imposition of a bond by Atmos consistent with the RRM tariff. Atmos agrees that it will make no filings on behalf of its Mid-Tex Division under the provisions of Section 104.301 of the Texas Utilities Code while the Rider RRM is in place. In the event that a regulatory authority fails to act or enters an adverse decision regarding the proposed annual RRM adjustment, the Railroad Commission of Texas shall have exclusive appellate jurisdiction, pursuant to the provisions of the Texas Utilities Code, to review the action or inaction of the regulatory authority exercising exclusive original jurisdiction over the RRM request. In addition, the Signatories agree that this Settlement Agreement shall not be construed as a waiver of the ACSC Cities' right to initiate a show cause proceeding or the Company's right to file a Statement of Intent under the provisions of the Texas Utilities Code.
9. The Signatories agree that the terms of the Settlement Agreement are interdependent and indivisible, and that if any ACSC city enters an order that is inconsistent with this Settlement Agreement, then any Signatory may withdraw without being deemed to have waived any procedural right or to have taken any substantive position on any fact or issue by virtue of that Signatory's entry into the Settlement Agreement or its subsequent withdrawal. If any ACSC city rejects this Settlement Agreement, then this Settlement Agreement shall be void *ab initio* and counsel for the ACSC Cities shall thereafter only take such actions as are in accordance with the Texas Disciplinary Rules of Professional Conduct.
10. The Signatories agree that all negotiations, discussions and conferences related to the Settlement Agreement are privileged, inadmissible, and not relevant to prove any issues associated with Atmos' 2014 RRM filing and 2015 RRM filing.
11. The Signatories agree that neither this Settlement Agreement nor any oral or written statements made during the course of settlement negotiations may be used for any purpose other than as necessary to support the entry by the ACSC Cities of an ordinance or resolution implementing this Settlement Agreement.
12. The Signatories agree that this Settlement Agreement is binding on each Signatory only for the purpose of settling the issues set forth herein and for no other purposes, and, except to the extent the Settlement Agreement governs a Signatory's rights and obligations for future periods, this Settlement Agreement shall not be binding or precedential upon a Signatory outside this proceeding.



Attachment A

13. The Signatories agree that this Settlement Agreement may be executed in multiple counterparts and may be filed with facsimile signatures.

Agreed to this 7 day of May, 2015.

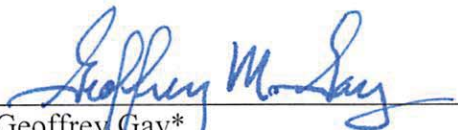
ATMOS ENERGY CORP., MID-TEX DIVISION

By: John A. Paris  
John A. Paris  
President, Mid-Tex Division

Agreed to this 7th day of May 2015.

ATTORNEY FOR ATMOS CITIES STEERING COMMITTEE, WHOSE MEMBERS INCLUDE THE CITIES OF ABILENE, ADDISON, ALLEN, ALVARADO, ANGUS, ANNA, ARGYLE, ARLINGTON, AUBREY, BEDFORD, BELLMEAD, BENBROOK, BEVERLY HILLS, BLOSSOM, BLUE RIDGE, BOWIE, BOYD, BRIDGEPORT, BROWNWOOD, BUFFALO, BURKBURNETT, BURLESON, CADDO MILLS, CANTON, CARROLLTON, CEDAR HILL, CELESTE, CELINA, CENTERVILLE, CISCO, CLARKSVILLE, CLEBURNE, CLYDE, COLLEGE STATION, COLLEYVILLE, COLORADO CITY, COMANCHE, COMMERCE, COOLIDGE, COPPELL, COPPERAS COVE, CORINTH, CORRAL CITY, CRANDALL, CROWLEY, DALWORTHINGTON GARDENS, DENISON, DESOTO, DUNCANVILLE, EASTLAND, EDGECLIFF VILLAGE, EMORY, ENNIS, EULESS, EVERMAN, FAIRVIEW, FARMERS BRANCH, FARMERSVILLE, FATE, FLOWER MOUND, FOREST HILL, FORT WORTH, FRISCO, FROST, GAINESVILLE, GARLAND, GARRETT, GRAND PRAIRIE, GRAPEVINE, GUNTER, HALTOM CITY, HARKER HEIGHTS, HASKELL, HASLET, HEWITT, HIGHLAND PARK, HIGHLAND VILLAGE, HONEY GROVE, HURST, HUTTO, IOWA PARK, IRVING, JUSTIN, KAUFMAN, KEENE, KELLER, KEMP, KENNEDALE, KERENS, KERRVILLE, KILLEEN, KRUM, LAKE WORTH, LAKESIDE, LANCASTER, LEWISVILLE, LINCOLN PARK, LITTLE ELM, LORENA, MADISONVILLE, MALAKOFF, MANSFIELD, MCKINNEY, MELISSA, MESQUITE, MIDLOTHIAN, MURPHY, NEWARK, NOCONA, NORTH RICHLAND HILLS, NORTHLAKE, OAKLEAF, OVILLA, PALESTINE, PANTEGO, PARIS, PARKER, PECAN HILL, PETROLIA, PLANO, PONDER, POTTSBORO, PROSPER, QUITMAN, RED OAK, RENO (PARKER COUNTY), RICHARDSON, RICHLAND, RICHLAND HILLS, ROANOKE, ROBINSON, ROCKWALL, ROSCOE, ROWLETT, ROYSE CITY, SACHSE, SAGINAW, SANSOM PARK, SEAGOVILLE, SHERMAN, SNYDER, SOUTHLAKE, SPRINGTOWN, STAMFORD, STEPHENVILLE, SULPHUR SPRINGS, SWEETWATER, TEMPLE, TERRELL, THE COLONY, TROPHY CLUB, TYLER, UNIVERSITY PARK, VENUS, VERNON, WACO, WATAUGA, WAXAHACHIE, WESTLAKE, WHITE SETTLEMENT, WHITESBORO, WICHITA FALLS, WOODWAY, AND WYLIE.

By:

  
Geoffrey Gay\*

\* Subject to approval by ACSC City Councils

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

**RRC Tariff No:**

<b>RATE SCHEDULE:</b>	<b>C – COMMERCIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

**Application**

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 40.00 per month
Rider CEE Surcharge	\$ 0.00 per month <sup>1</sup>
<b>Total Customer Charge</b>	<b>\$ 40.00 per month</b>
Commodity Charge – All Ccf	\$ 0.08020 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

<sup>1</sup> Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

**RRC Tariff No:**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

**Application**

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2937 per MMBtu
Next 3,500 MMBtu	\$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0461 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Curtailment Overpull Fee**

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION****RRC Tariff No:**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.



**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

**RRC Tariff No:**

<b>RATE SCHEDULE:</b>	<b>R – RESIDENTIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

**Application**

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 18.60 per month
Rider CEE Surcharge	\$ 0.02 per month <sup>1</sup>
<b>Total Customer Charge</b>	<b>\$ 18.62 per month</b>
Commodity Charge – All <u>Ccf</u>	\$0.09931 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

<sup>1</sup>Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

**RRC Tariff No:**

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

**Application**

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2937 per MMBtu
Next 3,500 MMBtu	\$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0461 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Imbalance Fees**

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

**Monthly Imbalance Fees**

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

**RRC Tariff No:**

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

**Curtailment Overpull Fee**

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**Agreement**

A transportation agreement is required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 11/01/2015</b>	<b>PAGE:</b>

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- $i$  = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$  = Weather Normalization Adjustment Factor for the  $i^{th}$  rate schedule or classification expressed in cents per Ccf
- $R_i$  = Commodity Charge rate of temperature sensitive sales for the  $i^{th}$  schedule or classification.
- $HSF_i$  = heat sensitive factor for the  $i^{th}$  schedule or classification divided by the average bill count in that class
- $NDD$  = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- $ADD$  = billing cycle actual heating degree days.
- $BL_i$  = base load sales for the  $i^{th}$  schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the  $j$ th customer in  $i$ th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where  $q_{ij}$  is the relevant sales quantity for the  $j$ th customer in  $i$ th rate schedule.



**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 11/01/2015</b>	<b>PAGE:</b>

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.22	0.1404	98.80	0.6372
Austin	11.59	0.1443	213.62	0.7922
Dallas	14.12	0.2000	208.11	0.9085
Waco	9.74	0.1387	130.27	0.6351
Wichita Falls	11.79	0.1476	122.35	0.5772

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at [atmosenergy.com/mtx-wna](http://atmosenergy.com/mtx-wna), in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and a Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION  
PROOF OF REVENUES AND PROPOSED TARIFF STRUCTURE  
TEST YEAR ENDING DECEMBER 31, 2014

(a)	(b)	(c)	(d)	(e)	(f)	(g)
1 Proposed Change In Rates:		\$21,066,527	Schedule A			
2 Proposed Change In Rates without Revenue Related Taxes:		\$19,757,254	Ln 1 divided by factor on WP_F-5.1			
3						
4						
5						
6	Revenue	Allocations				
7 Residential	Requirements					
8 Commercial	\$ 338,431,486	77.95%	Per GUD 10170 Final Order			
9 Industrial and Transportation	\$ 84,223,622	19.40%	Per GUD 10170 Final Order			
10 Net Revenue Requirements GUD No. 10170	\$ 11,490,316	2.65%	Per GUD 10170 Final Order			
11	\$ 434,145,424					
12						
17						
18	Rate Class	Current	Proposed Change	Proposed Rates	Proposed Change In Revenues	Proposed Rates with Rate Case Expenses
19						
20 Residential Base Charge	\$ 18.20	\$ 0.36	\$ 18.56	\$ 6,351,350	\$ 327,447,398	\$ 18.60
21 Residential Consumption Charge	\$ 0.08819	\$ 0.01112	\$ 0.09931	\$ 9,049,383	\$ 80,817,829	\$ 0.09931
22 Commercial Base Charge	\$ 38.50	\$ 1.37	\$ 39.87	\$ 2,000,584	\$ 58,221,364	\$ 40.00
23 Commercial Consumption Charge	\$ 0.07681	\$ 0.00339	\$ 0.08020	\$ 1,834,968	\$ 43,411,339	\$ 0.08020
24 I&T Base Charge	\$ 675.00	\$ 22.35	\$ 697.35	\$ 220,192	\$ 6,870,292	\$ 700.00
25 I&T Consumption Charge Tier 1 MMBTU	\$ 0.2807	\$ 0.0130	\$ 0.2937	\$ 142,055	\$ 3,209,350	\$ 0.2937
26 I&T Consumption Charge Tier 2 MMBTU	\$ 0.2056	\$ 0.0095	\$ 0.2151	\$ 117,051	\$ 2,650,282	\$ 0.2151
27 I&T Consumption Charge Tier 3 MMBTU	\$ 0.0441	\$ 0.0020	\$ 0.0461	\$ 42,703	\$ 984,314	\$ 0.0461
28			\$	\$ 19,758,287	\$ 523,612,169	
29						

Data Sources:

GUD10170\_FINAL.xlsm

ATMOS ENERGY CORP., MID-TEX DIVISION  
PROOF OF REVENUES AND PROPOSED TARIFF STRUCTURE  
TEST YEAR ENDING DECEMBER 31, 2014

(a)	(b)	(c)	(d)	(e)	(f)	(g)
1 Proposed Change In Rates:		\$21,066,527	Schedule A			
2 Proposed Change In Rates without Revenue Related Taxes:		\$19,757,254	Ln 1 divided by factor on WP_F-5.1			
3						
4						
5						
6	Revenue	Allocations				
7 Residential	Requirements					
8 Commercial	\$ 338,431,486	77.95%	Per GUD 10170 Final Order			
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18	Rate Class	Current	Proposed Change	Proposed Rates	Proposed Change In Revenues	Proposed Rates with Rate Case Expenses
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27 I&T Consumption Charge Tier 3 MMBTU	\$ 0.0441	\$ 0.0020	\$ 0.0461	\$ 42,703	\$ 984,314	\$ 0.0461
28			\$	\$ 19,758,287	\$ 523,612,169	
29						

Data Sources:

GUD10170\_FINAL.xlsm

<b>RATE SCHEDULE:</b>	<b>C – COMMERCIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

#### Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

#### Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

#### Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 40.00 per month
Rider CEE Surcharge	\$ 0.00 per month <sup>1</sup>
<b>Total Customer Charge</b>	<b>\$ 40.00 per month</b>
Commodity Charge – All Ccf	\$ 0.08020 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

#### Agreement

An Agreement for Gas Service may be required.

#### Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

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<sup>1</sup> Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.



<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

#### Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

#### Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

#### Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2937 per MMBtu
Next 3,500 MMBtu	\$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0461 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

#### Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

#### Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

Attachment C  
**RRC Tariff No:**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

<b>RATE SCHEDULE:</b>	<b>R – RESIDENTIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

#### Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

#### Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

#### Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 18.60 per month
Rider CEE Surcharge	\$ 0.02 per month <sup>1</sup>
<b>Total Customer Charge</b>	<b>\$ 18.62 per month</b>
Commodity Charge – All <u>Ccf</u>	\$0.09931 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

#### Agreement

An Agreement for Gas Service may be required.

#### Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

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<sup>1</sup>Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

#### Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

#### Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

#### Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2937 per MMBtu
Next 3,500 MMBtu	\$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0461 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

#### Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

#### Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.



<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2015</b>	<b>PAGE:</b>

**Curtailment Overpull Fee**

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**Agreement**

A transportation agreement is required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 11/01/2015</b>	<b>PAGE:</b>

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

$i$  = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$  = Weather Normalization Adjustment Factor for the  $i^{th}$  rate schedule or classification expressed in cents per Ccf

$R_i$  = Commodity Charge rate of temperature sensitive sales for the  $i^{th}$  schedule or classification.

$HSF_i$  = heat sensitive factor for the  $i^{th}$  schedule or classification divided by the average bill count in that class

$NDD$  = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

$ADD$  = billing cycle actual heating degree days.

$BL_i$  = base load sales for the  $i^{th}$  schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the  $j$ th customer in  $i$ th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where  $q_{ij}$  is the relevant sales quantity for the  $j$ th customer in  $i$ th rate schedule.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 11/01/2015</b>	<b>PAGE:</b>

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.22	0.1404	98.80	0.6372
Austin	11.59	0.1443	213.62	0.7922
Dallas	14.12	0.2000	208.11	0.9085
Waco	9.74	0.1387	130.27	0.6351
Wichita Falls	11.79	0.1476	122.35	0.5772

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at [atmosenergy.com/mtx-wna](http://atmosenergy.com/mtx-wna), in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and a Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

**ATMOS ENERGY CORP., MID-TEX DIVISION**  
**PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL**  
**TEST YEAR ENDING DECEMBER 31, 2014**

Line No.	Description (a)	Shared Services (b)		Mid-Tex Direct (e)		Adjustment Total (g)
		Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106") (c)	Pension Account Plan ("PAP") (d)	Supplemental Executive Benefit Plan ("SERP") (e)	Post-Retirement Medical Plan ("FAS 106") (f)
1	Fiscal Year 2014 Towers Watson Report (excluding Removed Cost Centers)	\$ 6,388,826	\$ 4,542,023	\$ 9,481,670	\$ 165,758	\$ 8,736,645
2	Allocation to Mid-Tex	46.26%	46.26%	71.70%	100.00%	71.70%
3	FY14 Towers Watson Benefit Costs (excluding Removed Cost Centers) Allocated to MTX (Ln 1 x Ln 2)	\$ 2,955,304	\$ 2,101,021	\$ 6,798,531	\$ 165,758	\$ 6,264,334
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%
5	FY14 Towers Watson Benefit Costs To Approve (excluding Removed Cost Centers) (Ln 3 x Ln 4)	\$ 2,955,304	\$ 2,101,021	\$ 6,798,531	\$ 165,758	\$ 6,264,334
6						\$ 18,284,949
7						
8	<b>Summary of Costs to Approve:</b>					
9						
10	Total Pension Account Plan ("PAP")	\$ 2,955,304	\$ 2,101,021	\$ 6,798,531		\$ 9,753,835
11	Total Post-Retirement Medical Plan ("FAS 106")				\$ 6,264,334	\$ 8,365,356
12	Total Supplemental Executive Retirement Plan ("SERP")				\$ 165,758	\$ 165,758
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 2,955,304	\$ 2,101,021	\$ 6,798,531	\$ 165,758	\$ 18,284,949
14						
15						
16	O&M Expense Factor	95.82%	95.82%	43.03%	21.00%	43.03%
17						
18	Expense Portion (Ln 13 x Ln 16)	\$ 2,831,859	\$ 2,013,260	\$ 2,925,600	\$ 34,809	\$ 2,695,721
19						
20	Capital Factor	4.18%	4.18%	56.97%	79.00%	56.97%
21						
22	Capital Portion (Ln 13 x Ln 20)	\$ 123,445	\$ 87,761	\$ 3,872,930	\$ 130,949	\$ 3,568,614
23						
24	Total (Ln 18 + Ln 22)	\$ 2,955,304	\$ 2,101,021	\$ 6,798,531	\$ 165,758	\$ 6,264,334
						\$ 18,284,949

RESOLUTION NO. \_\_\_\_\_

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2014 AND 2015 RATE REVIEW MECHANISM FILINGS; APPROVING A SETTLEMENT AGREEMENT WITH ATTACHED RATE TARIFFS AND PROOF OF REVENUES; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

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**Whereas**, the City of Temple, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos;

**Whereas**, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area;

**Whereas**, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division;

**Whereas**, the initial RRM Tariff was in effect for four (4) years;

**Whereas**, ACSC Cities and Atmos Mid-Tex entered into another settlement agreement and revised the RRM Tariff;

**Whereas**, ACSC Cities and Atmos Mid-Tex compromised and reached agreements on the amount of the rate increases to be in effect for the RRM Tariff filings for 2012 and 2013;

**Whereas**, ACSC Cities and Atmos Mid-Tex were unable to reach an agreement on the 2014 RRM Tariff filing, resulting in the ACSC Cities’ rejection of the 2014 RRM filing;



**Whereas**, Atmos Mid-Tex appealed the ACSC Cities' actions rejecting its 2014 RRM filing to the Railroad Commission of Texas ("Commission"), pursuant to the provisions of the RRM Tariff;

**Whereas**, Atmos Mid-Tex and ACSC litigated the appeal of the 2014 RRM filing at the Commission;

**Whereas**, on February 27, 2015, Atmos Mid-Tex filed its 2015 RRM Tariff filing, requesting to increase natural gas base rates system-wide by \$28.762 million;

**Whereas**, ACSC coordinated its review of Atmos Mid-Tex RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing;

**Whereas**, Atmos Mid-Tex has agreed to withdraw its appeal of ACSC's rejection of its 2014 RRM Tariff rate increase;

**Whereas**, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve the attached Settlement Agreement (Attachment A to this Resolution) as well as the tariffs attached thereto, resolving both the 2014 and the 2015 RRM Tariff filings, which together will increase the Company's revenues by \$65.7 million over the amount allowed under City-approved rates set in 2013;

**Whereas**, the attached tariffs implementing new rates are consistent with the negotiated Settlement Agreement and are just, reasonable, and in the public interest;

**Whereas**, the RRM Tariff should be renewed for a period of time commencing in 2016 and continuing until the RRM Tariff is suspended by ordinance of the City;

**Whereas**, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

**Whereas**, it is estimated that the rate increase impact to the City is less than 1% of the total amount spent for gas utilities; 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:**

**Part 1:** That the findings set forth in this Resolution are hereby in all things approved.

**Part 2:** That the City Council finds that the Settlement Agreement (Attachment A to this Resolution) represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2014 and 2015 RRM filings, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

**Part 3:** That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment C, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$65.7 million in revenue over the amount allowed under currently approved rates, or \$21 million over currently-billed rates, as shown in the Proof of Revenues attached hereto and incorporated herein as Attachment B; such tariffs are hereby adopted.

**Part 4:** That the ratemaking treatment for pensions and other post-employment benefits in Atmos' next RRM filing shall be as set forth on Attachment D, attached hereto and incorporated herein.

**Part 5:** That in an effort to streamline the regulatory review process, the Atmos Mid-Tex RRM Tariff is renewed for a period commencing with the Company's March 1, 2016 RRM filing for calendar year 2015, effective June 1, 2016, and continuing thereafter until such time as the City adopts an ordinance suspending operation of the RRM Tariff.

**Part 6:** That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's RRM application.

**Part 7:** That to the extent any resolution previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

**Part 8:** That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Part 9:** That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

**Part 10:** That consistent with the City ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2015.

**Part 11:** That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this the **21<sup>st</sup>** day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

---

05/21/15  
Item #4(N)  
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 \$150,682.

**ATTACHMENTS:**

[Budget Amendments  
Resolution](#)

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
**May 21, 2015**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
110-1800-525-2212		Capital < \$5,000 / Office Machines	\$ 1,100	
110-0000-317-0000		Municipal Court Restricted Fees - Judicial Efficiency Funds		\$ 1,100
To appropriate funding from Administrative Fees / Judicial Efficiency for the purchase of a commercial grade paper shredder for court efficiency.				
110-2330-540-2516		Other Services / Judgement & Damages	\$ 661	
110-2360-540-2516		Other Services / Judgement & Damages	\$ 43	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 704
To appropriate proceeds received from Smetana & Associates Construction Company for towing expenditures. Two garbage trucks became stuck in alleys due to construction.				
110-4000-555-2515		Other Services / Dues & Subscriptions	\$ 50	
110-0000-461-0841		Other / Donations/Gifts		\$ 50
To appropriate revenue and expenditure related to a donation received for the Foundation Center subscription.				
110-3633-560-2311		Repair & Maintenance / Building & Grounds	\$ 11,679	
110-0000-446-3530		Other / Misc Airport Revenue		\$ 11,679
To appropriate revenue for grant funds from Oncor's City Matching Grant Program for upgrading lighting fixtures at the AMCOM hanger. The estimated costs for the upgrade was \$23,358, of which up to \$11,679 will be reimbursed by the Oncor program.				
650-9100-591-8110		Transfer Out - General Fund	\$ 14,824	
650-9100-591-8120		Transfer Out - Water & Sewer Fund	\$ 2,268	
650-9100-591-8140		Transfer Out - Hotel/Motel Fund	\$ 174	
650-9100-591-8192		Transfer Out - Drainage Fund	\$ 174	
650-0000-358-1110		Self Funded Health Insurance - Unassigned Fund Balance		\$ 17,440
110-0000-490-2580		Transfer In / Other Funds	\$ 14,824	
110-0000-352-1345		General Fund - Unassigned Fund Balance		\$ 14,824
520-0000-490-2580		Transfer In / Other Funds	\$ 2,268	
520-0000-373-0412		Water & Sewer Fund - Unassigned Fund Balance		\$ 2,268
240-0000-490-2580		Transfer In / Other Funds	\$ 174	
240-0000-358-1110		Hotel/Motel Fund - Unassigned Fund Balance		\$ 174
292-0000-490-2580		Transfer In / Other Funds	\$ 174	
292-0000-358-1110		Drainage Fund - Unassigned Fund Balance		\$ 174
To distribute remaining funds in the Self Funded Health Insurance Fund. Funds are being distributed based on previous allocations of transfers from other funds.				
520-5300-535-2250		Capital < \$5,000 / Meters & Meter Boxes	\$ 46,500	
520-5300-535-2116		Supplies / Supplies & Tools	\$ 2,800	
520-5300-535-2342		Repair & Maintenance / Meters & Meter Boxes	\$ 11,500	
520-5260-535-6357	<b>101227</b>	FY 2015 - WL Improvements		\$ 60,800
To allocate additional funding due to the increase of meter repairs and replacements for the current fiscal year.				
110-3250-551-2320		Repair & Maintenance / Air Condition/Heat	\$ 1,750	
110-2431-519-2320		Repair & Maintenance / Air Condition/Heat		\$ 1,750
To reallocate budgeted funds for preventative maintenance at the Summit. Funding was not appropriated in the Summit's budget for FY 2015.				



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
**May 21, 2015**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2221-522-1119		Personnel Salaries / Overtime	\$ 18,688	
110-2221-522-1220		Personnel Benefits / Retirement/Pension	\$ 2,745	
110-2221-522-1221		Personnel Benefits / Social Security	\$ 261	
110-2221-522-1223		Personnel Benefits / Worker Compensation	\$ 268	
110-2221-522-2112		Supplies / Food Items/Supplies	\$ 876	
110-2221-522-2110		Supplies / Office Supplies	\$ 275	
110-2221-522-2510		Other Services / Contributions/Prizes	\$ 6,106	
110-0000-352-1345		General Fund - Unallocated Fund Balance		\$ 29,219
To appropriate General Fund Unallocated Fund Balance to fund the Jr. Fire Cadet Program for 2015.				
110-2011-521-6231	101307	Capital Equipment / OCU Seized Funds - Federal	\$ 10,500	
110-0000-313-0330		Reserved for Drug Enforcement / Reserve for Seized Funds		\$ 10,500
To appropriate federal seized funds for the purchase of a professional standard software system.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 150,682</b>	<b>\$ 150,682</b>
<b>GENERAL 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>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			\$ 40,070	
Beginning <b>Compensation</b> Contingency			\$ 988,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(979,440)	
Net Balance of Compensation Contingency Account			\$ 8,560	
<b>Net Balance Council Contingency</b>			<b>\$ 48,630</b>	
Beginning Balance <b>Budget Sweep</b> Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	
<b>WATER &amp; SEWER FUND</b>				
Beginning <b>Contingency</b> Balance			\$ 50,000	
Added to Contingency Sweep Account			-	
Taken From Contingency			(21,098)	
Net Balance of Contingency Account			\$ 28,902	
Beginning <b>Compensation</b> Contingency			\$ 168,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(166,588)	
Net Balance of Compensation Contingency Account			\$ 1,412	
<b>Net Balance Water &amp; Sewer Fund Contingency</b>			<b>\$ 30,314</b>	

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
**May 21, 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		(21,158)
		Net Balance of Contingency Account	\$	6,745
		Beginning <b>Compensation</b> Contingency	\$	36,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(35,330)
		Net Balance of Compensation Contingency Account	\$	670
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>7,415</b>
		<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		(26,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Drainage Fund Contingency</b>	<b>\$</b>	<b>-</b>
		<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. \_\_\_\_\_

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 was 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 21<sup>st</sup> day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/21/15  
Item #5  
Regular Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a change order to the Outer Loop Phase 3A construction contract with R.T. Schneider Construction Company, Ltd. (RTS), for construction services required to extend sanitary sewer utilities in an amount not to exceed \$71,180.

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

**ITEM SUMMARY:** West Temple is rapidly growing along the West Adams Avenue corridor. Widening of the Outer Loop is required to support development. A map of Phase 3, which extends from Adams Avenue through the intersection with Jupiter Road, is attached. On December 4, 2014, Council awarded a contract to RTS to construct Phase 3A of the Outer Loop, from Adams Avenue to the drainage channel. Subsequent to the award, ensuing developments associated within the construction limits have resulted in the identification of waste water utility extensions to serve future development and an existing residence. These proposed additions are presented as attachment "Revisions Exhibit".

The original construction contract amount is \$ 2,368,916. The attached Change Order represents a contract increase of \$71,180 which is 3.0% of the original contract amount.

The Engineer reviewed the change order and recommends approval in the attached letter.

There is no additional time requested with the change order:

Original Contract Amount	\$ 2,368,916
Previous Net Change in Contract Amount	\$ 0
Net Change in Contract Amount	\$ 71,180
Revised Contract Amount	\$ 2,440,096
Original Contract Time	240 Days
Net Change in Contract Time	0 Days
Final Completion Date	August 16, 2015

**FISCAL IMPACT:** Currently, total funding in the amount of \$852,810, is available in account 520-5900-535-6521, project #101121, to fund the change order with R.T. Schneider Construction Co., Ltd. in the amount of \$71,180.

**ATTACHMENTS:**

Engineer's Letter  
Phase 3 Map  
Revisions Exhibit  
Change Order  
Resolution





**KASBERG, PATRICK & ASSOCIATES, LP**

CONSULTING ENGINEERS

Texas Firm F-510

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

RICK N. KASBERG, P.E.  
R. DAVID PATRICK, P.E., CFM  
THOMAS D. VALLE, P.E.  
GINGER R. TOLBERT, P.E.  
ALVIN R. HRAE SUTTON, III, P.E., CFM

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

May 8, 2015

Mr. Richard Wilson, P.E.  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Outer Loop Phase III, FM 2305 to Drainage Channel

Dear Mr. Wilson:

Attached are four (4) originals of Change Order No. 1 in the amount of \$71,180.00, for execution by the City of Temple. This change order was requested by the City to fulfill the requirements of an easement agreement, which was finalized after the construction contract was awarded.

Specifically, this change order contains three wastewater service line crossings to the west side of the roadway. Two of these services are 8" wastewater lines terminating with manholes for future connections, and the third service line is a 4" wastewater line to connect an existing residence. This change order does not include removal of the existing septic system.

We have reviewed the change order and find the pricing to be reasonable for the work required. Therefore, we recommend approval of Change Order No. 4 in the amount of \$71,180.00 to include the work items required as part of the easement agreement.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. David Patrick', with a long horizontal flourish extending to the right.

R. David Patrick, P.E., CFM

RDP/





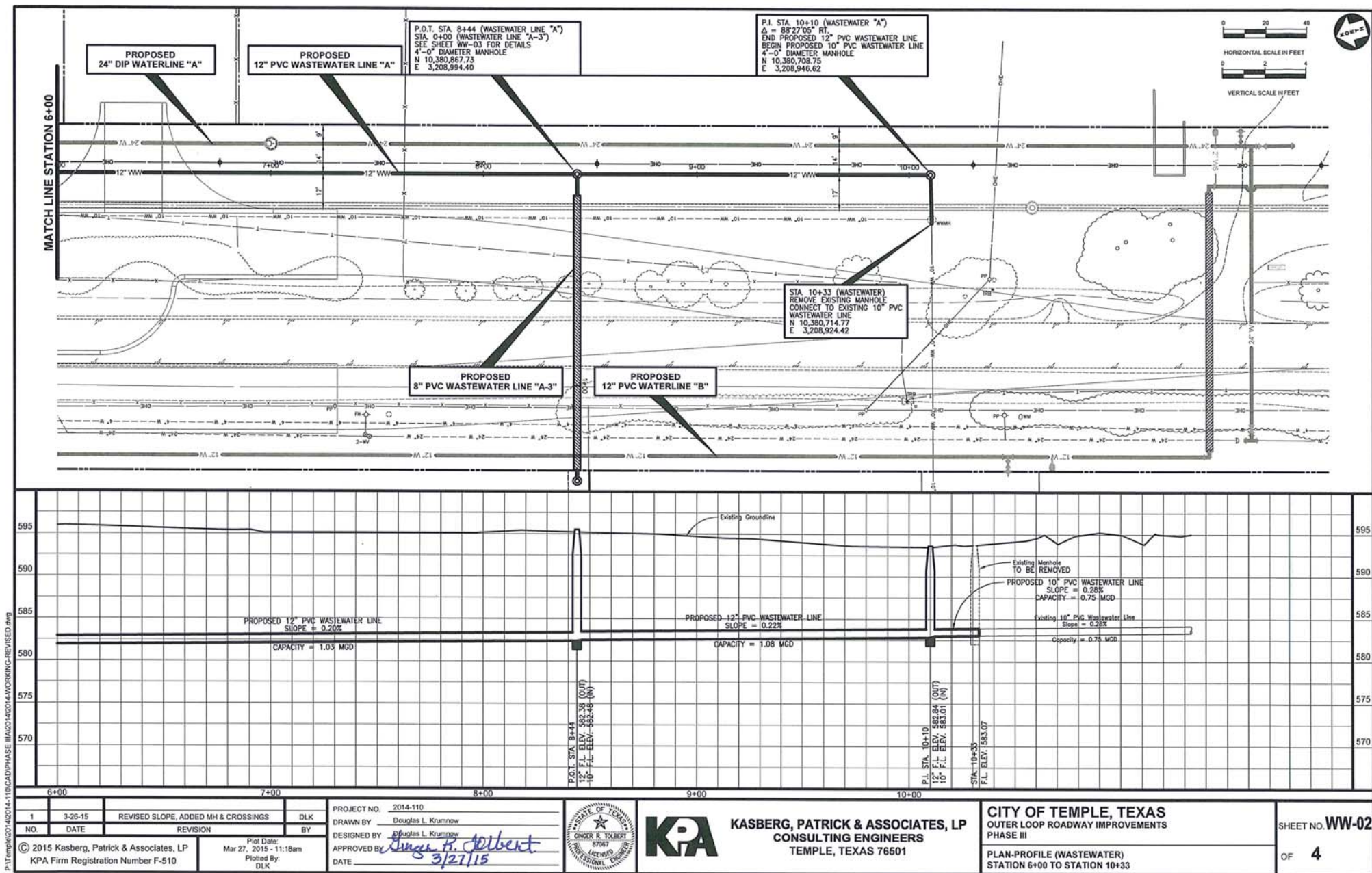
**RESEARCH PKWY/  
OUTER LOOP SOUTH  
PROPOSED PROJECT  
LOCATION**

RESEARCH PKWY/  
OUTER LOOP  
SOUTH

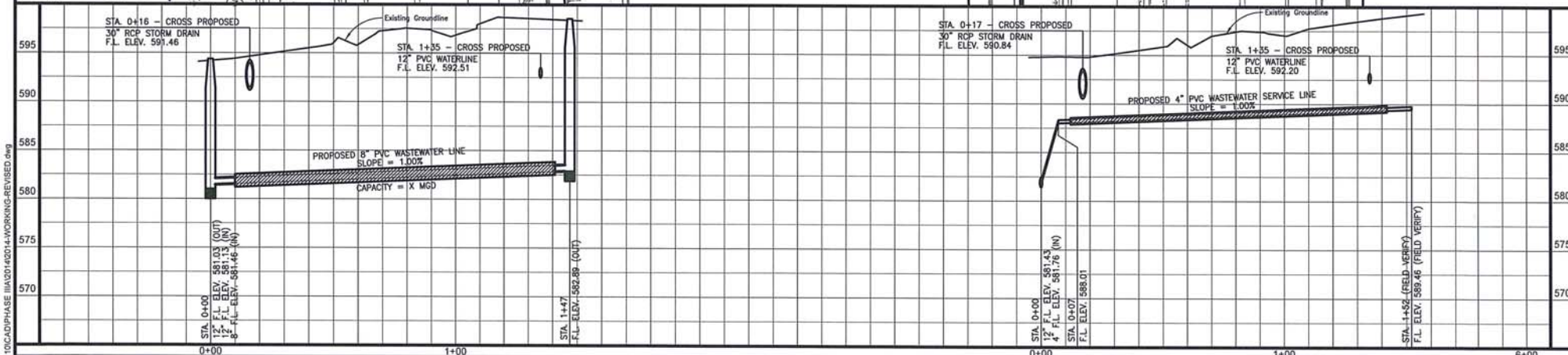
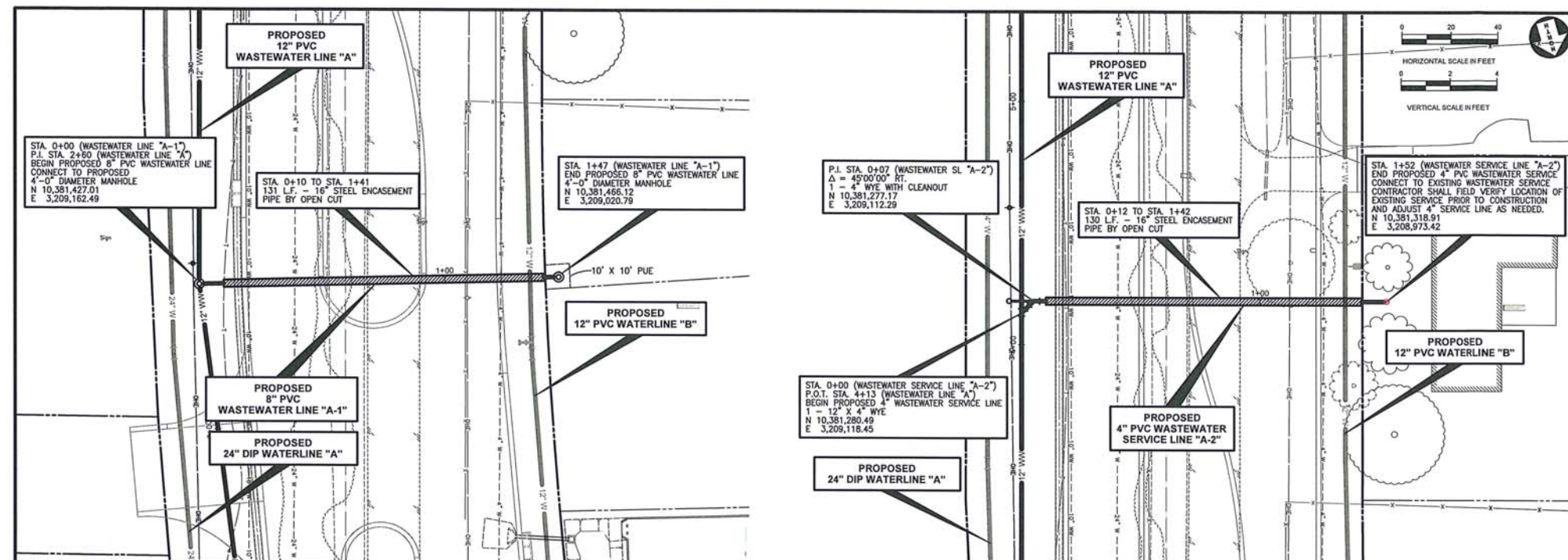












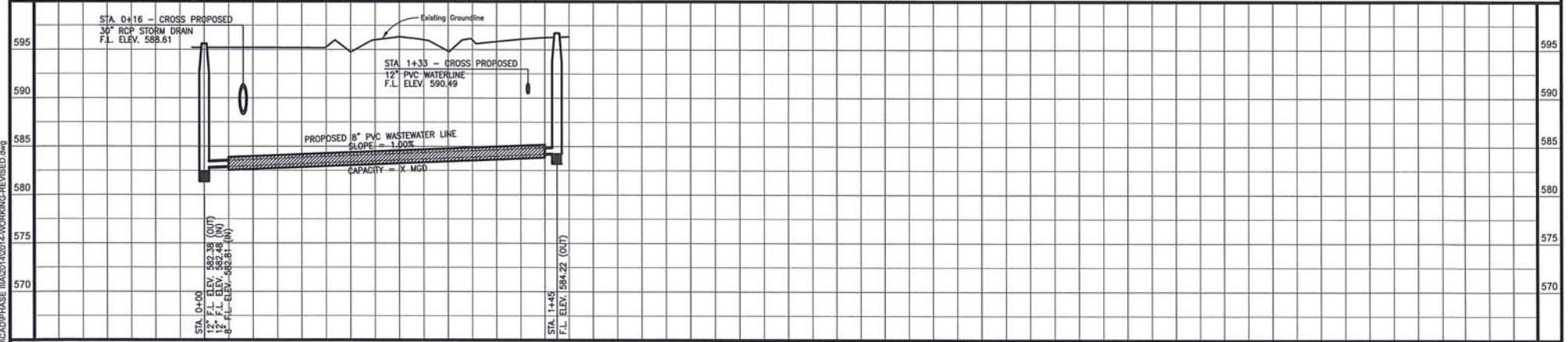
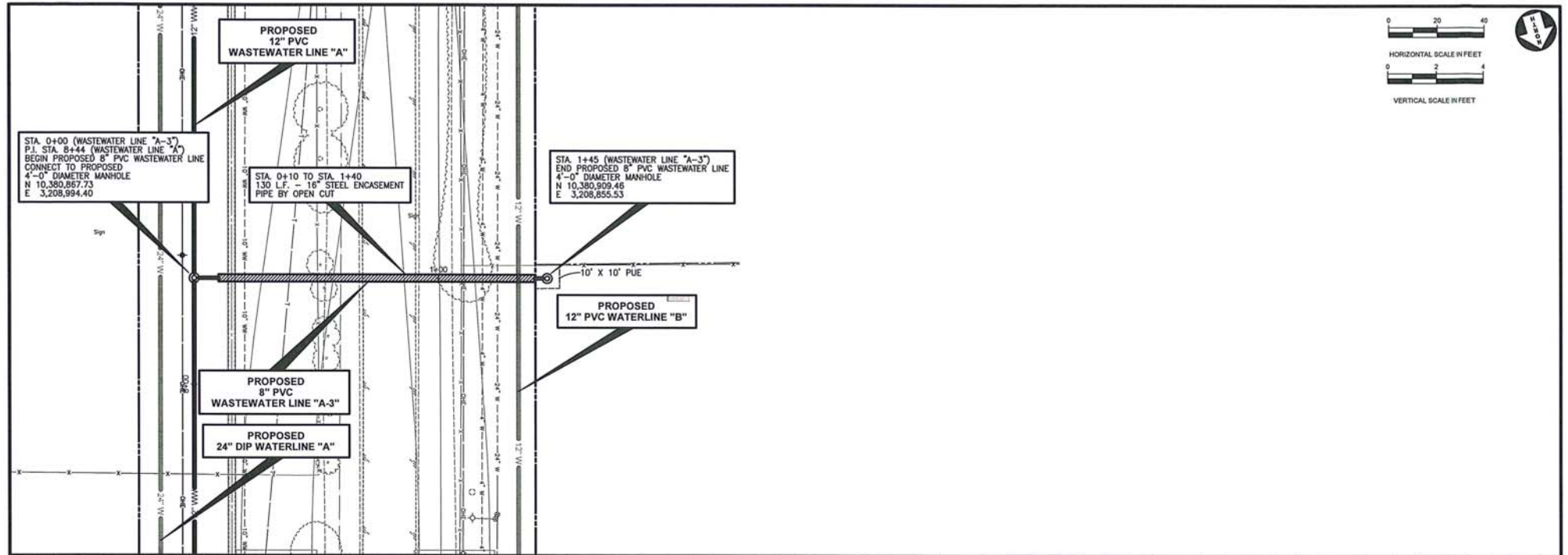
1	3-26-15	SHEET ADDED FOR CROSSINGS	DLK	PROJECT NO. 2014-110		<b>KASBERG, PATRICK &amp; ASSOCIATES, LP</b> <b>CONSULTING ENGINEERS</b> TEMPLE, TEXAS 76501	<b>CITY OF TEMPLE, TEXAS</b> OUTER LOOP ROADWAY IMPROVEMENTS PHASE III	SHEET NO. <b>WW-03</b> OF <b>4</b>
NO.	DATE	REVISION	BY	DRAWN BY Douglas L. Krumnow				
				DESIGNED BY Douglas L. Krumnow				
				APPROVED BY <i>Ginger R. Tolbert</i> DATE 3/21/15				

© 2015 Kasberg, Patrick & Associates, LP  
KPA Firm Registration Number F-510

Plot Date:  
Mar 27, 2015 - 11:19am  
Plotted By:  
DLK

P:\Temple\20140214-110CAD\PHASE III\A20140214-WORKING-REVISED.dwg





1	3-26-15	SHEET ADDED FOR CROSSINGS	DLK
NO.	DATE	REVISION	BY
© 2015 Kasberg, Patrick & Associates, LP KPA Firm Registration Number F-510			
Plot Date: Mar 27, 2015 - 11:19am Plotted By: DLK			
PROJECT NO. 2014-110 DRAWN BY Douglas L. Krumnow DESIGNED BY Douglas L. Krumnow APPROVED BY <i>Ginger R. Tolbert</i> DATE 3/27/15			
<b>KASBERG, PATRICK &amp; ASSOCIATES, LP</b> <b>CONSULTING ENGINEERS</b> TEMPLE, TEXAS 76501			
<b>CITY OF TEMPLE, TEXAS</b> OUTER LOOP ROADWAY IMPROVEMENTS PHASE III			
PLAN-PROFILE (WASTEWATER LINE "A-3") STA. 0+00 TO 1+45 "WW A-3"			
SHEET NO. <b>WW-04</b>			OF <b>4</b>

## CHANGE ORDER

**PROJECT:** Outer Loop Phase III, FM 2305 to Drainage Channel

**OWNER:** City of Temple

**CONTRACTOR:** RT Schneider Construction Co, Ltd

**ENGINEER:** Kasberg, Patrick & Associates, LP

**CHANGE ORDER #:** 1

Make the following **additions**, modifications or **deletions** (circle those that apply) to the work described in the Contract Documents:

**Add:**

Item	Description	Quantity	Unit	Cost	Total
1	Mobilization	100%	LS	\$ 1,794.46	\$ 1,794.46
CO1-1	8" SDR 26 Wastewater Line	292	LF	\$ 39.63	\$ 11,571.08
CO1-2	4" SDR 26 Wastewater Line	154	LF	\$ 36.63	\$ 5,641.02
CO1-3	Connect to Existing 4" Wastewater Line	1	EA	\$ 2,109.00	\$ 2,109.00
CO1-4	12" x 4" WYE	1	EA	\$ 765.90	\$ 765.90
CO1-5	4" x 4" WYE	1	EA	\$ 543.90	\$ 543.90
CO1-6	4" 45° Bend	1	EA	\$ 510.60	\$ 510.60
CO1-7	4" Cleanout	1	EA	\$ 643.80	\$ 643.80
CO1-8	4' Manhole	3	EA	\$ 4,104.00	\$ 12,312.00
CO1-9	16" Steel Encasement by Open Cut	392	LF	\$ 90.02	\$ 35,288.23
<b>Total Add</b>					<b>\$ 71,180.00</b>
<b>Change Order Total</b>					<b>\$ 71,180.00</b>

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount	\$ 2,368,916.00
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ 71,180.00
Revised Contract Amount	\$ 2,440,096.00
Original Contract Time	240 days
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	0 days
Revised Contract Time	240 days
Original Final Completion Date	August 16, 2014
Revised Final Completion Date	August 16, 2014

Recommended By Engineer:

By

*R. D. Pat*

*5/14/14*  
Date

Approved By Contractor:

By:

*[Signature]*  
Date

*4/29/15*

Approved by City of Temple:

By:

Jonathan Graham, City Manager

Date

Approved as to Form:

By:

City Attorney's Office

Date

Approved by Finance Department

By:

Date

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE OUTER LOOP, PHASE 3A CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD., OF BELTON, TEXAS, IN AN AMOUNT NOT TO EXCEED \$36,584.44, FOR CONSTRUCTION SERVICES REQUIRED TO EXTEND SANITARY SEWER UTILITIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** West Temple is rapidly growing along the West Adams corridor and widening of the Outer Loop is required to support development;

**Whereas,** on December 4, 2014, Council awarded a contract to R.T. Schneider Construction Company, Ltd. (RTS) for construction phase 3A of the Outer Loop from Adams Ave. to the drainage channel;

**Whereas,** subsequent to the award, ensuing developments within the construction limits have resulted in the identification of waste water utility extensions to serve future development and an existing residence;

**Whereas,** staff recommends authorizing a change order for the Outer Loop, Phase 3A construction contract to R.T. Schneider Construction Company, of Belton, Texas, in the amount of \$71,180;

**Whereas,** funding for the construction contract with R.T. Schneider Construction Company is available in Account No. 520-5900-535-6521, Project No. 101121; 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 change order to the Outer Loop, Phase 3A construction contract with R.T. Schneider Construction Company, Ltd., of Belton, Texas, in the amount of \$71,180 and after approval as to form by the City Attorney, for construction services required to extend sanitary sewer utilities.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was 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 **21<sup>st</sup>** day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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05/21/15  
Item #6  
Regular Agenda  
Page 1 of 4

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

Brian Chandler, Director

**ITEM DESCRIPTION:** SECOND & FINAL READING – Z-FY-15-14: Consider adopting an ordinance authorizing a Conditional Use Permit for a Paint Shop/General Contractor facility on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its April 6, 2015 meeting, the planning and Zoning Commission voted 8 to 0 to recommend approval of the Conditional Use Permit as presented.

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-15-14 and the associated site plan for a Conditional Use Permit to allow a Paint Shop/General Contractor facility use within the I-35 Corridor Overlay.

**ITEM SUMMARY:** 5806 S. General Bruce Drive currently has a base zoning of C (Commercial District), which allows a somewhat comparable use like “tool rental (outside storage)” by right. However, the I-35 Corridor Overlay requires approval of a CUP (Conditional Use Permit) for a “Paint Shop” use within the Freeway Retail/Commercial Sub-District, which is the most comparable use found in Sec. 6.7.9 (Permitted Uses Table) of the Overlay standards.

When it was confirmed that a new use/tenant had moved onto the 5806 South General Bruce Drive property, the property owner was contacted to let him know that his new tenant required a CUP and that their new temporary signage required a permit. They have subsequently obtained a permit for permanent wall signage, which will be installed if the CUP is approved by City Council. The applicant and business owner have been very cooperative in trying to bring the use and the signage into compliance with the Code.

City Council approved a CUP on this same property on June 6, 2014 (Ordinance No. 2014-4669) to allow a Nursery/Landscape Facility use. However, the landscape company never fully occupied the space and, therefore, the current tenant must obtain another CUP to legally operate within the I-35 Corridor Overlay permitted use standards. Ordinance No. 2014-4669 included the following conditions, which the property owner has subsequently addressed:

- Landscaping is planted to screen parking and minimum of 40 percent of the existing I-35 facing chain-link fence

The property owner also painted the office and planted additional shrubs adjacent to it and to the existing warehouse building in an effort to improve the aesthetics of the buildings.

Considering that the applicant does not propose any additional improvements to the site, the I-35 Corridor Overlay standards would not be triggered at this time. The standards could be triggered by any improvements proposed in the future.

According to an email response from the applicant, MCS' daily operations can be summed up as follows:

- 1) They store paint and other construction materials inside
- 2) They do not construct or paint on site
- 3) Outdoor storage is limited to a few trucks and trailers
- 4) They typically have no more than 5 employees on-site, who are typically in and out
- 5) They typically would have no more than 2 or 3 customers every hour

Per Sec. 3.5.2 of the UDC, application for a CUP must occur in conjunction with the submittal of a site plan, which shows the location of customer and employee parking. Staff's interpretation regarding parking is that they must have 4 parking spaces according to the "All other retail and service use" requirement of 1 space per 300 square feet of office plus 1 space per 5000 square feet of storage/warehousing (2000 square foot warehouse). They currently have 3 parking spaces in the front for customers and ample parking to the rear for employees to exceed that requirement (see Site Plan Attachment).

#### **SURROUNDING PROPERTY AND USES:**

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	C	Roofing co. (most recently)
North	Auto-Urban Commercial	C	Commercial
South	Auto-Urban Commercial	C	Commercial
East	Auto-Urban Commercial	LI and GR	Commercial
West	Auto-Urban Commercial	C	Vacant

#### **COMPREHENSIVE PLAN COMPLIANCE:**

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

CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes

CP = Comprehensive Plan

Future Land Use Map (CP Map 3.1)

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

Thoroughfare Plan (CP Map 5.2)

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

Availability of Public Facilities (CP Goal 4.1)

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

**REVIEW CRITERIA (UDC Section 3.5.4):** In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

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

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

**PUBLIC NOTICE:** Nine notices of the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Thursday April 2, 2015 at 12:00 pm, three (3) notices had been returned in favor (including 1 from the 5806 S. Gen. Bruce Drive property owner, 1 from his spouse and 1 from a neighbor "with reservations") and zero (0) notices in opposition to the proposed conditional use permit.

The newspaper printed notice of the Planning and Zoning Commission public hearing on March 26, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Application and Checklist

Aerial Location Map

Photos

Zoning Map

Future Land Use Map

Site Plan

Notification Map

Returned Property Owner Notices

Ordinance No. 2014-4669 for previous CUP granted for site

Ordinance

# City of Temple Universal Application

Rev. 10-09-14

(Incomplete applications will not be accepted)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Sketch Plan                    | <input type="checkbox"/> Zone Change                             | <input type="checkbox"/> Appeal of Administrative Decision                  |
| <input type="checkbox"/> Plat Vacation                  | <input checked="" type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Residential Masonry Exception                      |
| <input type="checkbox"/> Minor or Amending Plat         | <input type="checkbox"/> Planned Development (PD)                | <input type="checkbox"/> Nonresidential Masonry Exception                   |
| <input type="checkbox"/> Preliminary Plat               | <input type="checkbox"/> PD Site Plan                            | <input type="checkbox"/> Park, Facility or Street Renaming                  |
| <input type="checkbox"/> Final Plat                     | <input checked="" type="checkbox"/> I-35 Appeal                  | <input type="checkbox"/> Cost Sharing Offsite Participation                 |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> I-35 Site Plan Review                   | <input type="checkbox"/> Exception  |
| <input type="checkbox"/> Abandonment                    | <input type="checkbox"/> TMED Site Plan Review                   | <input type="checkbox"/> Street Use License (SUL)                           |
|   | <input type="checkbox"/> TMED Variances/Warrants                 | <input type="checkbox"/> 1 <sup>st</sup> and 3 <sup>rd</sup> Overlay Appeal |

## PROJECT INFORMATION:

☐ Residential    ☒ Commercial    ☐ Property Platted    ☐ Property Not Platted    ☐ ETJ  
 Project Name: MCS    Parcel(s) Tax ID# (Required): \_\_\_\_\_  
 Project Address (Location): 5750-5806 S. IH35    Total Acres: 1  
 Lot: 2    Block: 1    Subdivision: Tranum Subdiv. Phase VIII  
 Cabinet #: \_\_\_\_\_    Slide #: \_\_\_\_\_  
 Outblock (if not platted): \_\_\_\_\_  
 Brief Description of Project: \_\_\_\_\_  
 Current Zoning Commercial    # of Existing Lots 1    # of Existing Units \_\_\_\_\_  
 Proposed Zoning \_\_\_\_\_    # of Proposed Lots \_\_\_\_\_    # of Proposed Units \_\_\_\_\_

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

Name: Ronnie Moran    Company Name: MCS  
 Address: 5806 S. Gen. Bruce Dr.    City: Temple    State: TX    Zip: 76502  
 Phone: 254-613-5047    Cell #: \_\_\_\_\_    Fax #: \_\_\_\_\_  
 Email Address: mcsconstruction@gmail.com

## PROPERTY OWNER INFORMATION:

Name: Chris McGregor    Company Name: \_\_\_\_\_  
 Address: 2806 Wickersham    City: Temple    State: TX    Zip: 76502  
 Phone: \_\_\_\_\_    Cell #: 254-770-7262    Fax #: \_\_\_\_\_  
 Email Address: mcchecker05@aol.com

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

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

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

To occupy above as painting / construction business.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**PER SUBMITTAL**

**CHECKLIST**

Submittal Requirements <i>All Checklists are available on Planning Applications webpage</i>	All Plats	CUP & PD	Zone Change	Sketch Plan	I-35	I-35 Appeal	TMED	TMED Variance/ Warrant	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License (SUL)
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Utility Providers-see attached link <a href="http://www.templetx.gov/DocumentCenter/View/2920">http://www.templetx.gov/DocumentCenter/View/2920</a>	✓												
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	5	2	1	5	2	2	2	2	1	1	1	1	1
Field Notes ( <i>signed and stamped</i> ) or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Scaled Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Drainage Letter or Drainage Report (for residential subdivisions)	✓												
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓
Broker's Opinion of Value or Appraisal R-O-W abandonment ONLY												✓	

*\*May be required depending on nature of Appeal/Variance*

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

**FEE SCHEDULE**

Abandonment (3 <sup>rd</sup> Party Broker's Opinion or Appraisal)	\$100.00 for filing fee only; (3 <sup>rd</sup> Party Broker's Opinion or Appraisal fee will be Applicant's responsibility)
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL)	\$150.00 (renewed every 15 years)
*Zone Change/CUP/PD Site Plan	\$150.00 + \$3.00/acre (to match Ordinance No. 1948)

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

BY SIGNING THIS APPLICATION, STAFF IS GRANTED ACCESS TO YOUR PROPERTY FOR SIGN POSTING AND PROPERTY ANALYSIS PURPOSES.

APPLICANT SIGNATURE: Kippi Graves Rennie Moran

Print or Type Name: KIPPI GRAVES Rennie Moran

(property owner authorization required below if applicant is someone other than property owner)

I (property owner) hereby authorize Rennie Moran of MCS  
(name) (company (if applicable))

to represent me in matters pertaining to this case.

Property owner's signature: Chris McGregor

Property owner's name (print): Chris McGregor

Property owner's address: 2806 Wickensham Dr. Temple, TX, 76502

Property owner's phone#: 254-770-7262

Email address: mcchecker05@aol.com

**For Department Use Only**

Project #: 2-FY 15-14  
Project Manager: Brian Chandler  
Total Fee(s): 150.00  
Fee Credit: —  
Payment Method: \_\_\_\_\_  
Submittal Date: March 4, 2015  
Accepted By: m. mcfarlane  
Accepted Date: 4 March 15



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

Project Name: MCS Zoning: Commercial  
 Address: 5750-5806 S. Gen. Bruce Dr. Proposed Use: Painting Business

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

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

**Certification**

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

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



Applicant's Signature Ronnie Moran



Property Owner's Signature  
Chris McEggar





Vicinity Aerial Map





Site



900 sf Office



Customer Parking Area



Gate to Employee Parking





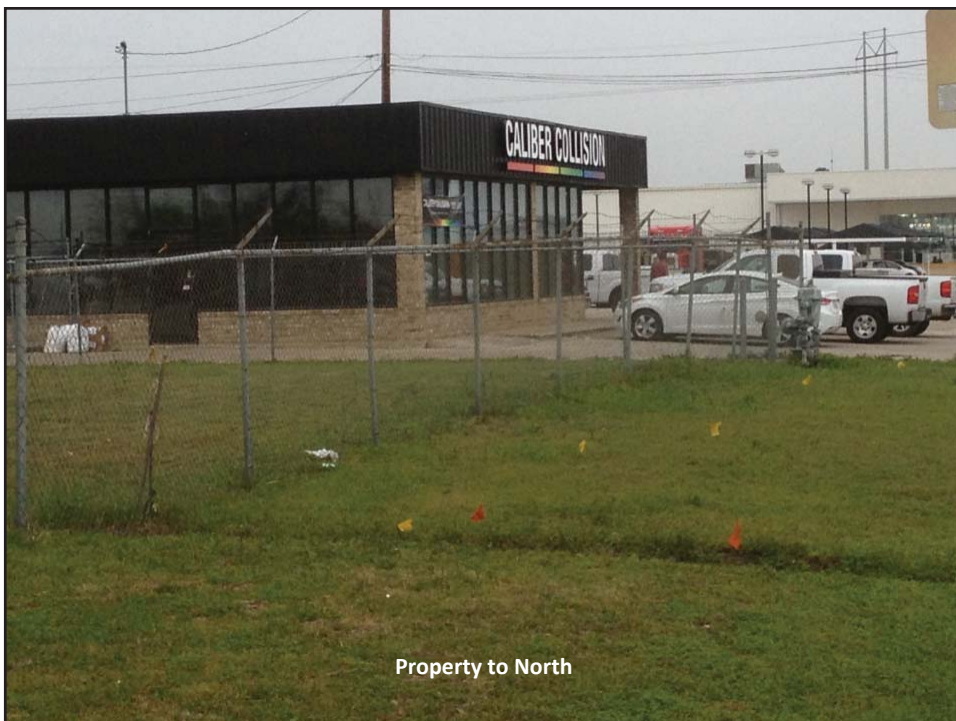
Construction Trailers and Trucks



Looking south



Looking south



Property to North



Property to South



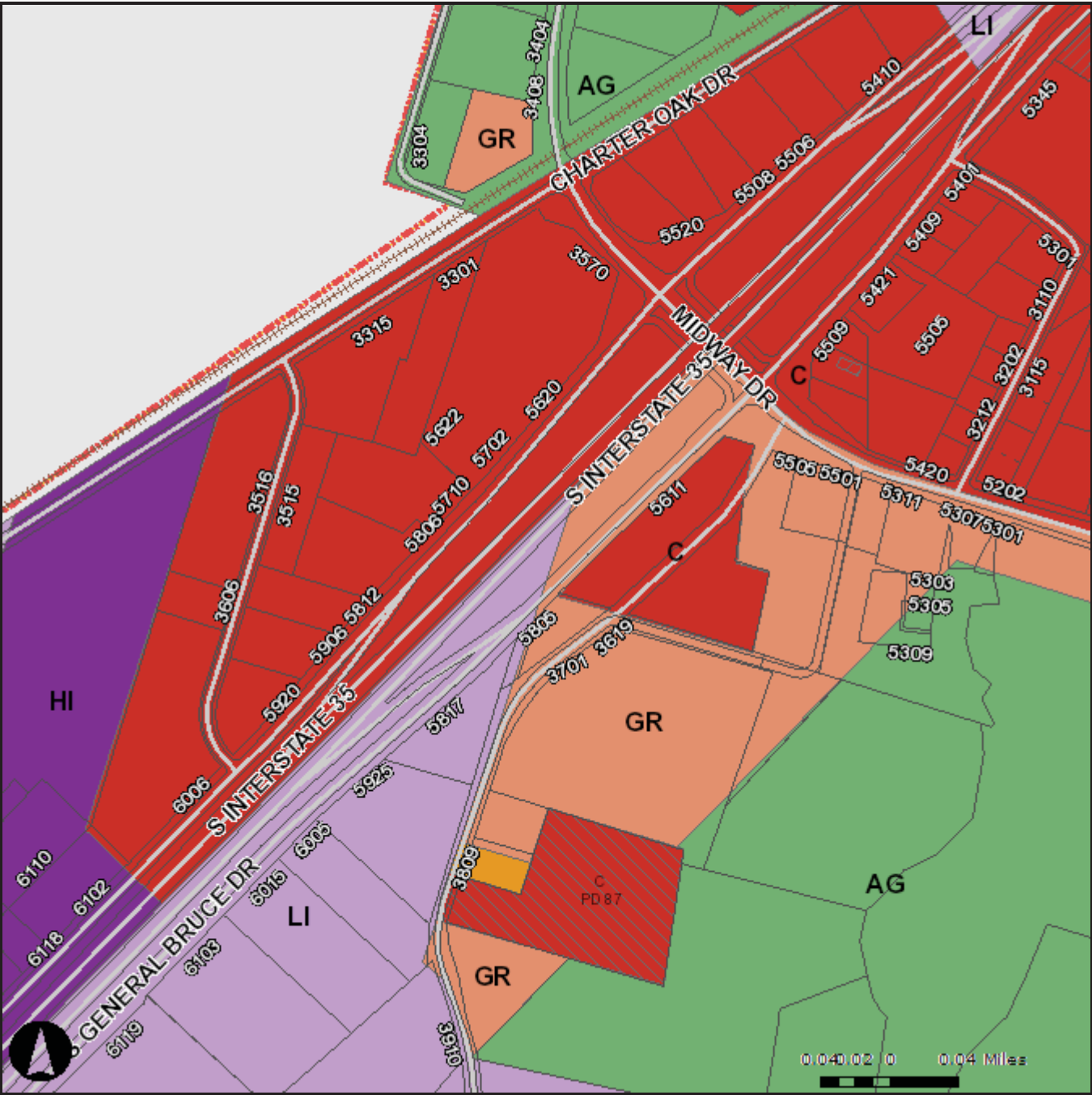
Property to East

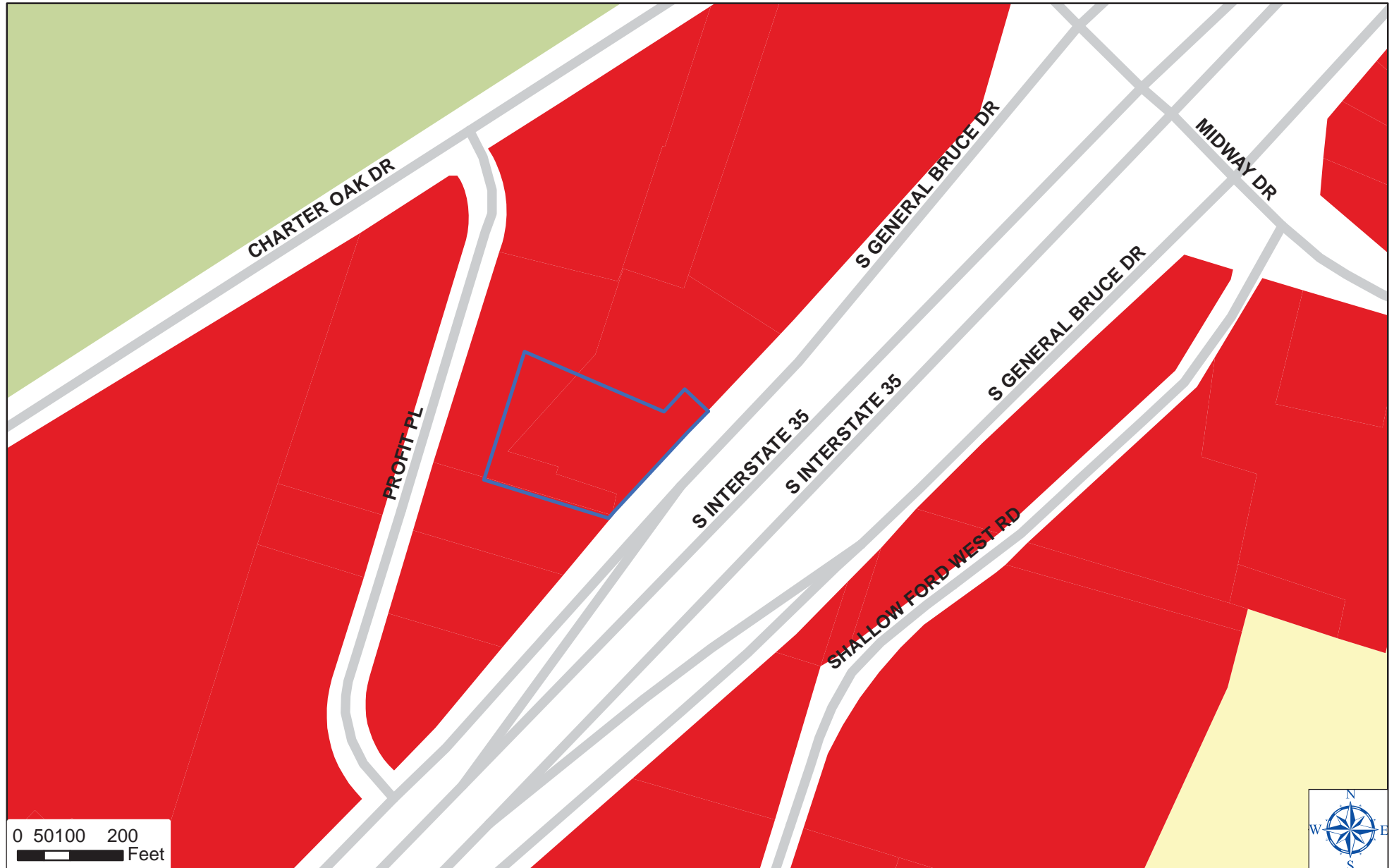






# 5806 S. Gen. Bruce Drive Zoning





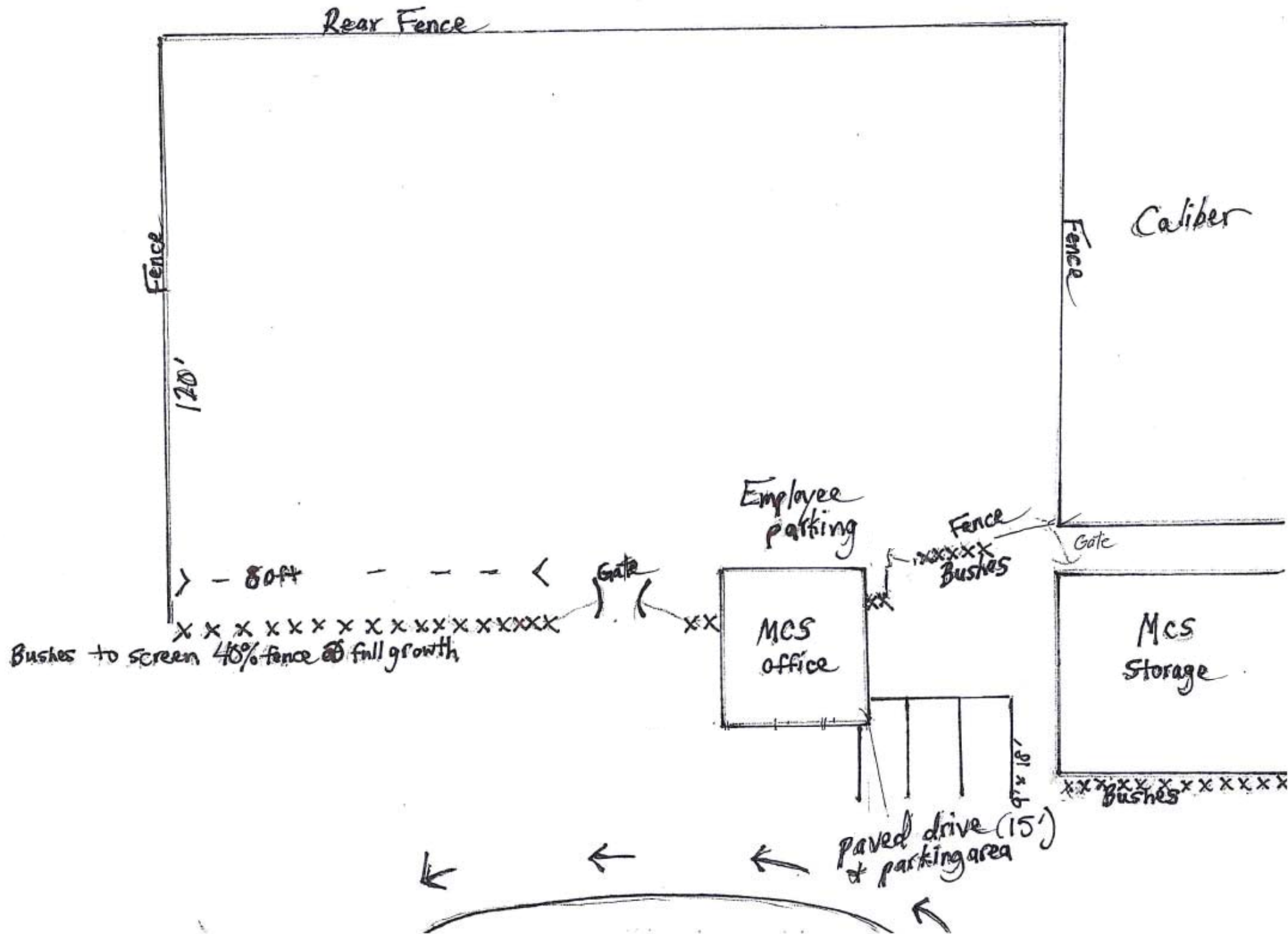
### Future Land Use

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

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

4/17/2014  
City of Temple GIS

# MCS Site Plan

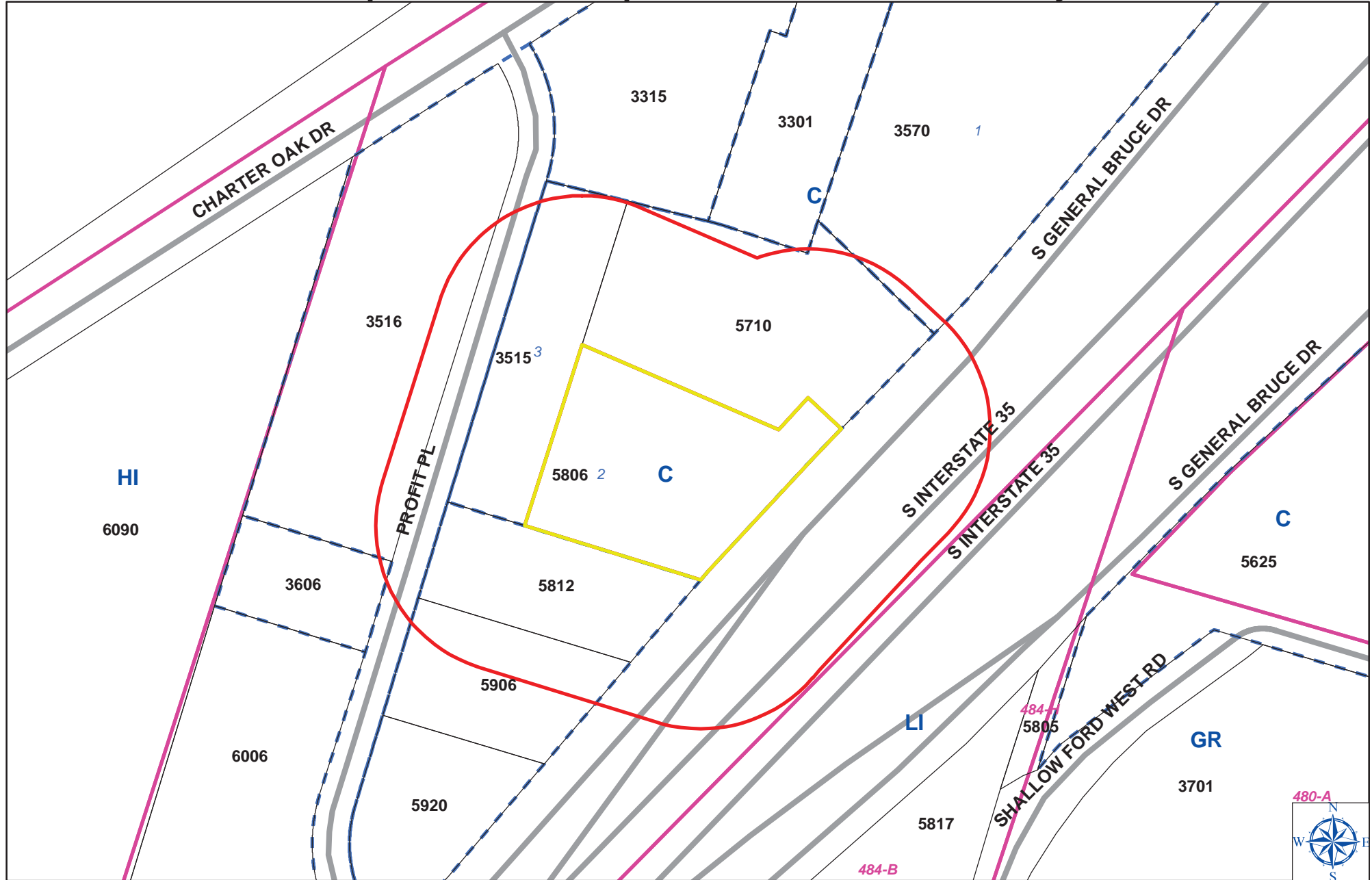




Z-FY-15-14

# Conditional Use Permit Request Proposed Paint Shop/General Contractor Facility

5806 S. Gen. Bruce Drive



 Case  Zoning 1234 Addresses

0 80 160 320  
Feet

Z-FY-15-06  
City of Temple GIS  
bzend

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





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

Chris Etux Karen McGregor  
2806 Wickersham Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-14

**Project Manager:** Brian Chandler

**Location:** 5806 South General Bruce Drive

The proposed conditional use permit request 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 conditional use permit request 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 April 6, 2015.

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

**RECEIVED**

Number of Notices Mailed: 9

Date Mailed: March 26, 2015

**APR 01 2015**

City of Temple  
Planning & Development



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

Chris Etux Karen McGregor  
2806 Wickersham Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-14

**Project Manager:** Brian Chandler

**Location:** 5806 South General Bruce Drive

The proposed conditional use permit request 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 conditional use permit request 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 April 6, 2015.

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

**RECEIVED**

Number of Notices Mailed: 9

Date Mailed: March 26, 2015

APR 01 2015

City of Temple  
Planning & Development



RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT REQUEST  
CITY OF TEMPLE

James E. Trantum Etal  
P.O. Box 1028  
Temple, Texas 76503

Zoning Application Number: Z-FY-15-14

Project Manager: Brian Chandler

Location: 5806 South General Bruce Drive

The proposed conditional use permit request 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 conditional use permit request of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval **WITH RESERVATIONS** ( ) denial of this request.

Comments:

ALL VEHICLES MUST BE PAINTED AND  
WASHED INSIDE BUILDING THAT  
HAS PROPER SAND TRAPS BEFORE  
WASTE WATER IS SENT TO SEWER.

  
Signature

J. TRANUM  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015.

RECEIVED


APR 10 2015

City of Temple  
Planning & Development

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

Number of Notices Mailed: 9

Date Mailed: March 26, 2015

**DID NOT  
RECEIVE  
UNTIL  
4/8/15**  




ORDINANCE NO. 2014-4669

(PLANNING NO. Z-FY-14-28)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR A RETAIL NURSERY/LANDSCAPE FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property described as lot 2, block 1, Trantum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for a retail nursery/landscape facility; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council approves a Conditional Use Permit to allow retail nursery/landscape facility on lot 2, block 1, Trantum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

- A. Landscaping is planted to screen parking and a minimum of 40 percent of the existing I-35 facing chain-link fence;



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

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

**Part 4:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 15<sup>th</sup> day of May, 2014.

PASSED AND APPROVED on Second Reading on the 5<sup>th</sup> day of June, 2014.

THE CITY OF TEMPLE, TEXAS




DANIEL A. DUNN, Mayor

ATTEST:

  
Lacy Borgeson  
City Secretary

APPROVED AS TO FORM:

  
Jonathan Graham  
City Attorney



**Z-FY-14-28**

Proposed Nursery CUP

5806 S. General Bruce Drive

**EXHIBIT**

tabbies

**A**



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

0 200  
Feet  
4/9/2012  
City of Temple GIS  
bcharney

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

ORDINANCE NO. \_\_\_\_\_  
(Z-FY-15-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR A PAINT  
SHOP/GENERAL CONTRACTOR FACILITY ON LOT 2, BLOCK 1,  
TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH  
GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT;  
PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE  
DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property described as lot 2, block 1, Trantum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for a paint shop/general contractor facility; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council approves a Conditional Use Permit for a paint shop/general contractor facility and an associated Site Plan on lot 2, block 1, Trantum Subdivision, Phase VIII, located 5806 South General Bruce Drive, more fully described in Exhibit A (Site Plan), attached hereto and made a part hereof for all purposes.

**Part 2:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

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

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

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

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance was 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 7<sup>th</sup> day of **May**, 2015.

PASSED AND APPROVED on Second Reading on the 21<sup>st</sup> day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney