



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

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

**THURSDAY, JULY 16, 2015**

**4:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 16, 2015.
2. Discuss the City's strategic plan, to include the FY 2015-2016 budget process to include the various strategic and budget related policy issues to include, but not limited to, receiving an overview briefing of the FY2016 Preliminary Budget.
3. Receive Legislative Update briefing.



**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. Recognition of the 2015 Junior Fire Cadet Program

**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) [July 2, 2015 Special Called & Regular Meeting](#)

**Contracts, Leases, & Bids**

- (B) [2015-7737-R](#): Consider adopting a resolution rejecting all bids received on March 4, 2015, for the renovation of the restrooms at the Draughon Miller Airport.



- (C) [2015-7738-R](#): Consider adopting a resolution authorizing a 15-year extension to the lease agreement with McLane Company, Inc., for a 300 foot X 334.75 foot tract of land at the Draughon-Miller Central Texas Regional Airport.
- (D) [2015-7739-R](#): Consider adopting a resolution authorizing a construction contract with Vanguard Contractors, LP of Temple for the construction of a new playscape and shade structure in Wilson Community Park including the base bid and alternates #1 and #2 the amount of \$258,300.
- (E) [2015-7740-R](#): Consider adopting a resolution authorizing a construction contract with Ace Pipe Cleaning, Inc. of Kansas City, Missouri for construction required for the water and wastewater replacement between 2<sup>nd</sup> and 4<sup>th</sup> Streets from Barton to French Avenues in an amount not to exceed \$638,623, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.
- (F) [2015-7741-R](#): Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP, (KPA) of Temple for professional services required for the Pepper Creek Wastewater Line Extension in northwest Temple in an amount not to exceed \$144,885 as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.
- (G) [2015-7742-R](#): Consider adopting a resolution authorizing an agreement with MuniServices, LLC of Fresno, California to conduct lodging auditing services.
- (H) [2015-7743-R](#): Consider adopting a resolution authorizing a renewal to the Services Agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.

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

- (I) [2015-4720](#): SECOND READING - Z-FY-15-20: Consider adopting an ordinance to rezone property located at 7425 West Adams Avenue from Neighborhood Service District (NS) to Planned Development-Neighborhood Service District (PD-NS) with a development plan to allow drive-in restaurants, and a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages.

#### **Misc.**

- (J) [2015-7744-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

### **V. REGULAR AGENDA**

#### **ORDINANCES – FIRST READING / PUBLIC HEARING**

- 5. [2015-4721](#): FIRST READING – PUBLIC HEARING - Z-FY-15-21: Consider adopting an ordinance authorizing a rezoning of approximately 64.09 acres located at 4767, 4849, and 5141 North General Bruce Drive from Agriculture District (AG) to Light Industrial District (LI) with a Conditional Use Permit for a Distribution Center.



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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 11:15 AM, on Friday, July 10, 2015.



City Secretary, TRMC

City of Temple





## COUNCIL AGENDA ITEM MEMORANDUM

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07/16/15  
Item #4(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) [July 2, 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:**

July 2, 2015 Special Called & Regular Meeting (To Be Provided)





## COUNCIL AGENDA ITEM MEMORANDUM

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07/16/15  
Item #4(B)  
Consent Agenda  
Page 1 of 1

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

Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution rejecting all bids received on March 4, 2015, for the renovation of the restrooms at the Draughon Miller Airport.

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

**ITEM SUMMARY:** As shown on the attached bid tabulation, on March 4, 2015, three (3) bids were received to remodel the Airport terminal restrooms with new flooring, tiled walls, petitions, vents and fixtures at the Draughon-Miller Central Texas Regional Airport. The lowest bid was from Trinity Trans Con, LLC, in the amount of \$45,020, but this bid exceeded the designated project budget.

Based on the bids exceeding budget, the project was re-designed by Architectural Edge. Bids were opened for the re-designed project on July 7, 2015. The low bidder for the re-designed project was Cody Stanley Construction, LLC of Holland at a price of \$24,950, which was lower than the \$25,000 threshold that requires Council authorization.

In accordance with the Local Government Code §252.043, only the governing body may reject bids. Accordingly, Staff is hereby requesting that Council reject all bids received on March 4, 2015, which will allow staff to administratively execute a contract with Cody Stanley Construction for the re-designed renovations.

**FISCAL IMPACT:** Funding in the amount of \$30,338.74 is appropriated for this project in account #110-3634-560-6310, project #101269.

### **ATTACHMENTS:**

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



Tabulation of Bids Received  
 on March 4, 2015 at 2:00 p.m.  
 Draughton Miller Airport Restroom Renovation  
 Bid# 36-04-15

	<b>Bidders</b>		
	Trinity Trans Con, LLC Lantana, TX	Vanguard Contractors, LP Temple, TX	Camden Enterprises, LLC Belton, TX
<b>Description</b>			
Total Base Bid	\$46,200.00	\$78,400.00	\$68,898.00
Alternate #1	-\$1,180.00	-\$16,000.00	-\$12,396.00
Acknowledge Addendum	Yes	Yes	Yes
Local Preference	No	Yes	No
Bid Bond	5% (Not on City form)	5%	5%
Bond Requirement Affidavit	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REJECTING ALL BIDS RECEIVED FOR THE RENOVATION OF THE RESTROOMS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on March 4, 2015, three bids were received to remodel the airport terminal restrooms with new flooring, tiled walls, partitions, vents and fixtures at the Draughon-Miller Central Texas Regional Airport;

**Whereas**, the lowest bid received exceeded the designated project budget so the project was redesigned and bids were opened for the redesigned project on July 7, 2015;

**Whereas**, the low bidder for the redesigned project, Cody Stanley Construction, LLC of Holland, Texas, came in at a price of \$24,950 which is lower than the \$25,000 threshold that requires Council authorization;

**Whereas**, in accordance with the Local Government Code §252.043, only the governing body may reject bids;

**Whereas**, therefore, staff recommends Council reject all bids received on March 4, 2015 for the airport terminal restroom remodel, which will allow staff to administratively execute a contract with Cody Stanley Construction for the re-designed renovations;

**Whereas**, funding for this project is available in Account No. 110-3634-560-6310, Project No. 101269; 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 rejects all bids received on March 4, 2015, for the renovation of the restrooms at the Draughon-Miller Central Texas Regional Airport.

**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 **16<sup>th</sup>** day of **July**, 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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07/16/15  
Item #4(C)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Manager  
Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a 15-year extension to the lease agreement with McLane Company, Inc., for a 300 foot x 334.75 foot tract of land at the Draughon-Miller Central Texas Regional Airport.

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

**ITEM SUMMARY:** On October 20, 2011, the City Council approved a 25-year land lease with McLane Company, Inc. (McLane) for a 300 foot x 334.75 foot tract of land at the Airport. McLane has since constructed a hangar on the property to house its corporate jets. The original lease is set to expire on March 31, 2037.

McLane has requested an additional 15-year extension on the lease through March 31, 2052 at \$0.10 per square foot per year for a total annual amount of \$10,042.50.

Approval of the item will extend the current lease with McLane for the 300 foot x 334.75 foot tract of land for an additional 15-years through March 31, 2052.

**FISCAL IMPACT:** The Airport will receive ten (.10) cents per square foot per year in the amount of \$10,042.50. The lease revenue will be deposited into account 110-0000-446-3026. Lessee's rental rates may be adjusted at the end of each lease year computed accordingly to the Consumer Price Index (CPI).

**ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A 15-YEAR EXTENSION TO THE LEASE AGREEMENT WITH MCLANE COMPANY, INC., FOR A 300 X 334.75 FOOT TRACT OF LAND AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 20, 2011, the City Council approved a 25-year land lease with McLane Company, Inc. (McLane) for a 300 X 334.75 foot tract of land at the Draughon-Miller Central Texas Regional Airport;

**Whereas**, McLane has since constructed a hangar on the property to house its corporate jets - the original lease is set to expire on March 31, 2037;

**Whereas**, McLane has requested an additional 15-year extension on the lease which will extend the current lease through March 31, 2052;

**Whereas**, staff recommends authorizing a 15-year extension to the lease agreement with McLane Company, Inc. through March 31, 2052 with a rental rate of \$0.10 per square foot per year for a total annual amount of \$10,042.50;

**Whereas**, the lease revenue will be deposited into Account No. 110-0000-446-3026; 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 15-year extension to the lease agreement with McLane Company, Inc., after approval as to form by the City Attorney, for a 300 X 334.75 foot tract of land at the Draughon-Miller Central Texas Regional Airport, at the lease rate of \$0.10 per square foot per year, for a total annual amount of \$10,042.50.

**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 16<sup>th</sup> day of **July**, 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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07/16/15  
Item #4(D)  
Consent Agenda  
Page 1 of 2

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

Kevin Beavers, Parks and Recreation Director  
Chuck Ramm, Parks and Recreation Assistant Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Vanguard Contractors, LP of Temple for the construction of a new playscape and shade structure in Wilson Community Park including the base bid and alternates #1 and #2 the amount of \$258,300.

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

**ITEM SUMMARY:** On June 30, 2015, the City received four base bids for the second and last phase of improving the Wilson Park Playground through a Community Development Block Grant. Included was alternate #1 and #2 that ranged from a high of \$296,141.61 to a low bid of \$258,300 submitted by Vanguard Contractors, LP.

The base bid of this project involves removal of the existing playscape, retaining wall, fall safe surface, relocation of an existing water line, installation of a new playscape and retaining wall along with a fall safe surface, and associated flatwork.

Alternate #1 of this project provides for the installation of a shade structure for the playscape to make the playscape more useable during the summer months.

Alternate #2 provides for the installation of 6 new picnic tables under the pavilion at this location that was constructed during phase 1 of this project earlier this year.

This project is funded with Community Development Block Grant and Parks Buildings and Grounds funds.

**FISCAL IMPACT:** Total funding in the amount of \$258,300 is available as follows for award of a construction contract with Vanguard Contractors, LP.

Account #	Project #	Available Funding
110-3500-552-6310 (Parks)	101124	\$ 11,422
260-6100-571-6516 (CDBG)	101124	\$246,878
Total		\$258,300



**ATTACHMENTS:**

[Bid tabulation](#)  
[Resolution](#)



Tabulation of Bids Received  
on June 30, 2015 at 2:00 p.m.  
2015 CDBG Wilson Park Playscape Addition  
Bid#61-03-15

	Bidders			
	Mitchell Construction Company, Inc. Lorena, TX	TCB Construction Inc. Austin, TX	RM Rodriguez Construction, LP Temple, TX	Vanguard Contractors, LP Temple, TX
Description				
Total Base Bid	\$243,594.37	\$278,172.00	\$233,500.00	\$210,000.00
Add Alternate 1	\$45,161.62	\$59,870.00	\$48,000.00	\$41,700.00
Add Alternate 2	\$7,395.62	Nonresponsive	\$8,500.00	\$6,600.00
Total Base Bid + Add Alternates 1&2	\$296,141.61	Nonresponsive	\$290,000.00	\$258,300.00
Acknowledge Addendums (4)	Yes	3 Addenda's acknowledged	Yes	Yes
Bid Bond	5%	5%	5%	5%
Bond Requirement Affidavit	Yes	Yes	Yes	Yes
Credit Check Authoriztion	Yes	Yes	Yes	Yes
Statement of Bidder's Qualifications	Yes	Yes	Yes	Yes
Contractor Certifications	Yes	Yes	Yes	Yes
NonCollusion Affidavit of Prime Bidder	Yes	Yes	Yes	Yes
Business Certification for Business Concerns Seeking Section 3 Preference in Contracting (submit if applicable)	N/A	N/A	N/A	N/A
Employee Certification for Business Concerns Seeking Section 3 Preference in Contracting (submit if applicable)	N/A	Yes	N/A	N/A
Contractor's Section 3 Compliance Plan (required if bid is greater than \$100,000)	Yes	Yes	Yes	Yes



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH VANGUARD CONTRACTORS, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$258,300, FOR CONSTRUCTION OF A NEW PLAYScape AND SHADE STRUCTURE IN WILSON COMMUNITY PARK, INCLUDING BASE BID AND ALTERNATES NO. 1 AND NO. 2; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on June 30, 2015, the City received four bids for the second and last phase of improving the Wilson Park Playground through a Community Development Block Grant;

**Whereas**, included in those bids were alternate #1 and #2 that ranged from a high bid of \$296,141.61 to a low bid of \$258,300 which was submitted by Vanguard Contractors, LP, of Temple, Texas;

**Whereas**, the base bid for this project involves removal of the existing playscape, retaining wall, fall safe surface, relocation of an existing water line, installation of a new playscape and retaining wall, along with a fall safe surface, and associated flatwork;

**Whereas**, alternate #1 will provide for the installation of a shade structure for the playscape which will make the playscape more useable during the summer months and alternate #2 will provide for the installation of 6 new picnic tables under the pavilion that was constructed during phase 1 of this project earlier this year;

**Whereas**, this project will be funded with Community Development Block Grant and Parks Buildings and Grounds funds;

**Whereas**, total funding for this construction is available in Account Nos. 110-3500-552-6310 and 260-6100-571-6516, Project No. 101124; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract with Vanguard Contractors, LP of Temple, Texas, in the amount of \$258,300 and after approval as to form by the City Attorney, for the construction of a new playscape and shade structure in Wilson Community Park, which includes the base bid and alternates #1 and #2.

**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 **16<sup>th</sup>** day of **July**, 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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07/16/15  
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 a construction contract with Ace Pipe Cleaning, Inc. of Kansas City, Missouri for construction required for the water and wastewater replacement between 2<sup>nd</sup> and 4<sup>th</sup> Streets from Barton to French Avenues in an amount not to exceed \$638,623, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.

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

**ITEM SUMMARY:** The utility infrastructure in these areas are over 50 years old. The cast iron water main with lead poured joints and the clay wastewater main are deteriorating and must be replaced to improve maintenance problems and ensure continuous service. This project will replace 1,025 linear feet of 2" water main with new 8" PVC pipe and 2,730 linear feet of 6" wastewater main with new 6" and 8" PVC pipe. If these lines are not replaced, they could fail, leaving the area without water or sewer service.

On June 11, 2015, four bids were received. Per the attached Bid Tabulation, Ace Pipe Cleaning submitted the low bid on the project in the amount of \$638,623. The opinion of probable construction cost was \$645,000. Clark & Fuller checked references and recommends awarding construction to the low bidder, Ace Pipe Cleaning, in their attached letter. Construction time allotted for the project is 170 days.

**FISCAL IMPACT:** This project is being partially funded with issuance of Utility Revenue Bonds in FY 2015. Funding will be available in the accounts shown below for construction award to Ace Pipe Cleaning, Inc. in the amount not to exceed \$638,623.

Account #	Project #	Available Funding
520-5900-535-6361	101192	\$260,046
561-5400-535-6957	101192	\$378,577
Total		\$638,623



**ATTACHMENTS:**

Engineer's Letter of Recommendation  
Bid Tabulation  
Project Map  
Resolution





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

July 1, 2015

City of Temple  
Sharon Carlos EIT  
3210 E. Ave H, Bldg A  
Temple, Texas 76501

Re: Wastewater Line Replacement 2nd and 4th from Barton Ave to French Ave

Dear Ms. Carlos,

On June 11<sup>th</sup>, we received four (4) bids for the Wastewater Line Replacement Project 2nd and 4th from Barton Ave to French Ave. We have reviewed each of the bids for accuracy and completeness. Ace Pipe Cleaning, Inc. submitted a Bid totaling \$ 638,623.00 making them the apparent low bidder. *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

The engineer's opinion of probable cost for this project is \$ 645,000.00.

Our firm has no previous experience working with Ace Pipe Cleaning, Inc. Therefore we attempted to contact numerous entities on the list of references provided by Ace Pipe Cleaning, Inc. There was some difficulty verifying some of the references provided but eventually enough were contacted and verified that Ace Pipe Cleaning, Inc. had worked on similar projects with positive results. When asked if Ace Pipe Cleaning, Inc. were the low bidder on their next project all would recommend them.

We are recommending that you award the contract to Ace Pipe Cleaning, Inc. We believe, through documentation and personal verbal contact with the contractor's list of provided references, that Ace Pipe Cleaning, Inc. is qualified and is capable of providing the new utility improvements as required in this project.

Please advise us as to which contractor you select.

Sincerely,

Monty Clark, P.E., CPESC

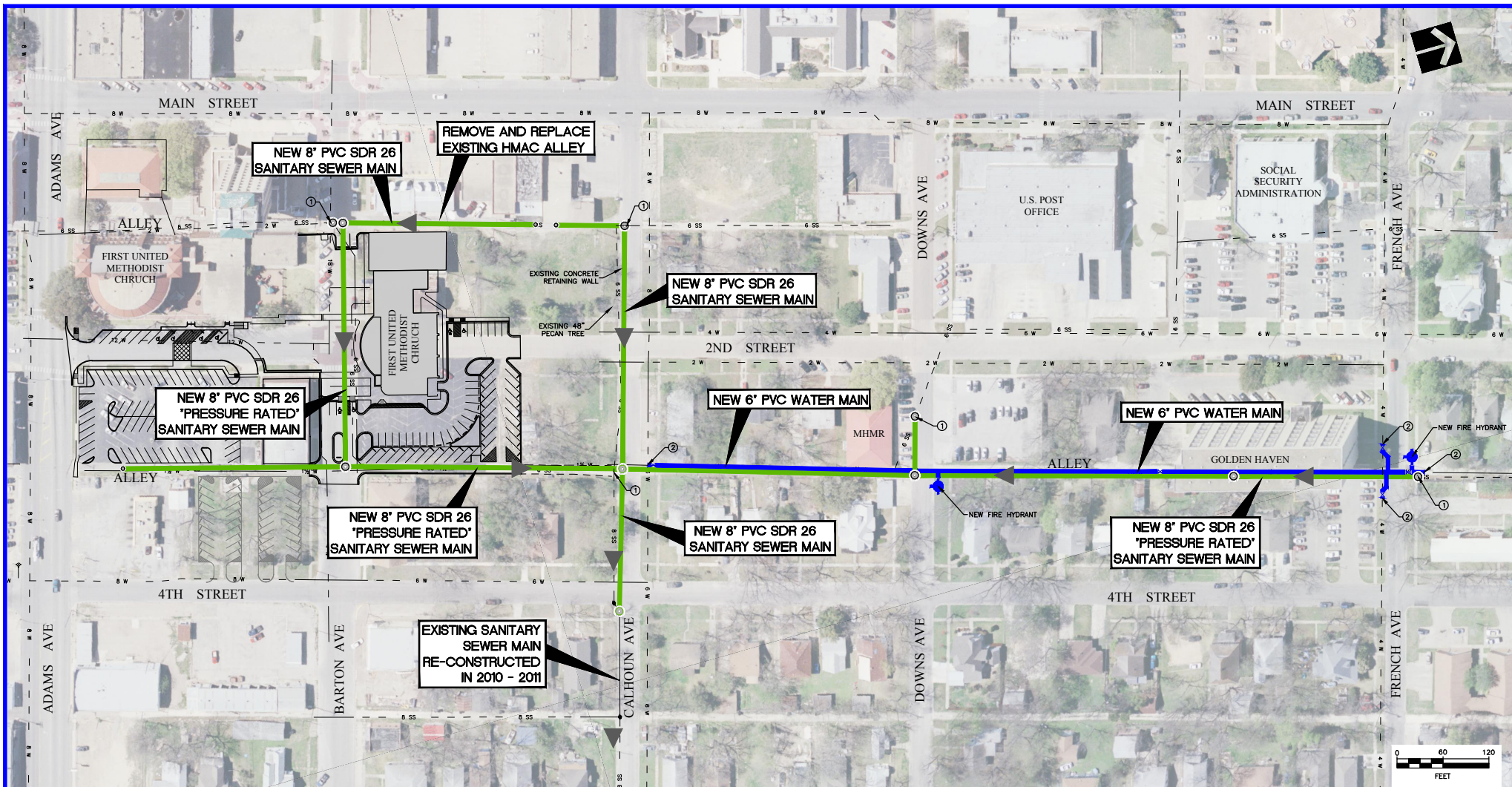


<p align="center"><b>Bid Tabulation Sheet</b></p> <p align="center"><b>2014 Wastewater Line Replacement (2nd &amp; 4th from Barton to French)</b></p> <p align="center">Bid Date: June 11th, 2015</p>	
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[illegible]

No.	Base Bid	Est. Quan.	Unit	TTG Utilities, LP		Ace Pipe Cleaning, Inc.		Skyble Utilities, Inc.		Bell Contractors, Inc.	
	Item Description			Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
	Base Bid										
1	Site R.O.W. Preparation & Clearing	26.5	STA	\$ 1,150.00	\$ 30,475.00	\$ 450.00	\$ 11,925.00	\$ 575.00	\$ 15,237.50	\$ 1,800.00	\$ 47,700.00
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 20,000.00	\$ 20,000.00	\$ 5,000.00	\$ 5,000.00	\$17,250.00	\$ 17,250.00	\$ 36,500.00	\$ 36,500.00
3	Saw Cut, Remove, and Replace HMAc Pavement Section	1675	SY	\$ 31.00	\$ 51,925.00	\$ 55.00	\$ 92,125.00	\$ 48.30	\$ 80,902.50	\$ 32.00	\$ 53,600.00
4	Saw Cut, Remove, and Replace existing Reinforced Concrete Valley Gutter	140	LF	\$ 102.50	\$ 14,350.00	\$ 60.00	\$ 8,400.00	\$ 35.65	\$ 4,991.00	\$ 17.10	\$ 2,394.00
5	Saw Cut, Remove, and Replace existing Reinforced Concrete Pavement	220	SY	\$ 149.75	\$ 32,945.00	\$ 90.00	\$ 19,800.00	\$ 74.75	\$ 16,445.00	\$ 36.00	\$ 7,920.00
6	Remove and Replace Existing Gravel Pavement	454	SY	\$ 25.00	\$ 11,350.00	\$ 17.00	\$ 7,718.00	\$ 9.20	\$ 4,176.80	\$ 7.70	\$ 3,495.80
7	Disconnect, Cap, and Abandon Existing Utilities	100%	LS	\$ 5,750.00	\$ 5,750.00	\$ 3,000.00	\$ 3,000.00	\$ 9,200.00	\$ 9,200.00	\$ 10,800.00	\$ 10,800.00
8	Provide and Implement a Traffic Control Plan	100%	LS	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 7,475.00	\$ 7,475.00	\$ 10,600.00	\$ 10,600.00
9	Provide and Implement a Trench Saftey Plan	100%	LS	\$ 1,500.00	\$ 1,500.00	\$ 7,000.00	\$ 7,000.00	\$ 8,165.00	\$ 8,165.00	\$ 19,200.00	\$ 19,200.00
10	Provide and Implement a Storm Water Pollution Prevention Plan	100%	LS	\$ 3,500.00	\$ 3,500.00	\$ 4,000.00	\$ 4,000.00	\$ 9,200.00	\$ 9,200.00	\$ 6,500.00	\$ 6,500.00
11	Provide Cored Connection to Existing Sanitary Sewer Manhole	1	EA	\$ 2,250.00	\$ 2,250.00	\$ 1,500.00	\$ 1,500.00	\$ 2,875.00	\$ 2,875.00	\$ 2,100.00	\$ 2,100.00
12	Demolish and Remove Existing Sanitary Sewer Manhole	8	EA	\$ 1,750.00	\$ 14,000.00	\$ 1,000.00	\$ 8,000.00	\$ 1,035.00	\$ 8,280.00	\$ 1,900.00	\$ 15,200.00
13	Provide new 4' Diameter Precast Eccentric Concrete Manhole	13	EA	\$ 4,400.00	\$ 57,200.00	\$ 5,000.00	\$ 65,000.00	\$ 7,117.03	\$ 92,521.39	\$ 4,400.00	\$ 57,200.00
14	Provide Connection to Existing Sanitary Sewer Main	18	EA	\$ 1,000.00	\$ 18,000.00	\$ 700.00	\$ 12,600.00	\$ 1,840.00	\$ 33,120.00	\$ 1,400.00	\$ 25,200.00
15	Provide new Internal Drop Connection	11	EA	\$ 2,650.00	\$ 29,150.00	\$ 1,000.00	\$ 11,000.00	\$ 2,027.00	\$ 22,297.00	\$ 920.00	\$ 10,120.00
16	Provide new End to Line Cleanout	1	EA	\$ 1,450.00	\$ 1,450.00	\$ 3,000.00	\$ 3,000.00	\$ 2,133.37	\$ 2,133.37	\$ 740.00	\$ 740.00
17	Provide new 8" PVC SDR 26 class 160 "Pressure Rated" Sanitary Sewer Main	2640	LF	\$ 130.70	\$ 345,048.00	\$ 66.00	\$ 174,240.00	\$ 84.71	\$ 223,634.40	\$ 73.40	\$ 193,776.00
18	Provide new 6" PVC SDR 26 class 160 "Pressure Rated" Sanitary Sewer Main	90	LF	\$ 100.35	\$ 9,031.50	\$ 66.00	\$ 5,940.00	\$ 84.50	\$ 7,605.00	\$ 79.50	\$ 7,155.00
19	Provide new 6" Sanitary Sewer Service and Service Connection	5	EA	\$ 2,250.00	\$ 11,250.00	\$ 900.00	\$ 4,500.00	\$ 1,955.00	\$ 9,775.00	\$ 3,100.00	\$ 15,500.00
20	Provide new 4" Sanitary Sewer Service and Service Connection	30	EA	\$ 1,950.00	\$ 58,500.00	\$ 900.00	\$ 27,000.00	\$ 1,481.03	\$ 44,430.90	\$ 2,700.00	\$ 81,000.00
21	Provide Miscellaneous 4" Sanitary Sewer Service Pipe	100	LF	\$ 42.15	\$ 4,215.00	\$ 50.00	\$ 5,000.00	\$ 40.25	\$ 4,025.00	\$ 66.90	\$ 6,690.00
22	Provide ALL TESTING per TCEQ and CoT Requirements	100%	LS	\$ 8,850.00	\$ 8,850.00	\$ 10,000.00	\$ 10,000.00	\$ 4,025.00	\$ 4,025.00	\$ 1,500.00	\$ 1,500.00
23	Provide Connection to existing Water Main	4	EA	\$ 2,100.00	\$ 8,400.00	\$ 2,000.00	\$ 8,000.00	\$ 5,217.04	\$ 20,868.16	\$ 2,000.00	\$ 8,000.00
24	Provide new 8" PVC C900 Class 150 Water Main	1025	LF	\$ 60.25	\$ 61,756.25	\$ 66.00	\$ 67,650.00	\$ 46.83	\$ 48,000.75	\$ 67.00	\$ 68,675.00
25	Provide new 1" Poly Water Service	95	LF	\$ 48.25	\$ 4,583.75	\$ 55.00	\$ 5,225.00	\$ 19.25	\$ 1,828.75	\$ 130.00	\$ 12,350.00
26	Provide new 8" x 8" MJ Tee	2	EA	\$ 1,185.00	\$ 2,370.00	\$ 1,200.00	\$ 2,400.00	\$ 601.38	\$ 1,202.76	\$ 670.00	\$ 1,340.00
27	Provide new 8" MJ Gate Valve	8	EA	\$ 1,300.00	\$ 10,400.00	\$ 2,000.00	\$ 16,000.00	\$ 1,484.96	\$ 11,879.68	\$ 1,300.00	\$ 10,400.00
28	Provide new 8" x 6" MJ Reducer	2	EA	\$ 400.00	\$ 800.00	\$ 900.00	\$ 1,800.00	\$ 410.98	\$ 821.96	\$ 400.00	\$ 800.00
29	Provide new 8" x 4" MJ Reducer	2	EA	\$ 375.00	\$ 750.00	\$ 900.00	\$ 1,800.00	\$ 407.10	\$ 814.20	\$ 380.00	\$ 760.00
30	Provide new 8" MJ 45 Degree Bend	2	EA	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 402.50	\$ 805.00	\$ 470.00	\$ 940.00
31	Provide new standard Fire Hydrant Assembly	3	EA	\$ 5,000.00	\$ 15,000.00	\$ 6,000.00	\$ 18,000.00	\$ 4,346.29	\$ 13,038.87	\$ 3,900.00	\$ 11,700.00
32	Provide new 8" PVC DR14 Water Service and Connection to Existing Fire Service	20	LF	\$ 300.00	\$ 6,000.00	\$ 100.00	\$ 2,000.00	\$ 310.86	\$ 6,217.20	\$ 82.60	\$ 1,652.00
33	Provide new Connection to existing Domestic Water Service and Meter	25	EA	\$ 1,200.00	\$ 30,000.00	\$ 600.00	\$ 15,000.00	\$ 920.00	\$ 23,000.00	\$ 1,800.00	\$ 45,000.00
34	Provide ALL TESTING per TCEQ and CoT Requirements	100%	LS	\$ 4,500.00	\$ 4,500.00	\$ 2,000.00	\$ 2,000.00	\$ 2,875.00	\$ 2,875.00	\$ 1,500.00	\$ 1,500.00
	Total				\$ 886,299.50		\$ 638,623.00		\$ 759,117.19		\$ 778,007.80





**2014 CITY OF TEMPLE  
 WASTEWATER MAIN REPLACEMENT  
 2ND & 4TH FROM  
 BARTON AVENUE TO FRENCH AVENUE  
 (NORTH OF ADAMS AVENUE)**



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH ACE PIPE CLEANING, INC. OF KANSAS CITY, MISSOURI, IN AN AMOUNT NOT TO EXCEED \$638,623, FOR CONSTRUCTION REQUIRED FOR WATER AND WASTEWATER LINE REPLACEMENT BETWEEN 2<sup>ND</sup> AND 4<sup>TH</sup> STREETS, FROM BARTON TO FRENCH AVENUES; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2015 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the utility infrastructure in the area between 2<sup>nd</sup> and 4<sup>th</sup> Streets from Barton to French Avenues is over 50 years old - the cast iron water main with lead poured joints and the clay wastewater main are also deteriorating and must be replaced to improve maintenance and ensure continuous service in this area;

**Whereas**, this project will replace 1,025 linear feet of 2-inch water main with new 8-inch PVC pipe and 2,730 linear feet of 6-inch wastewater main with new 6-inch and 8-inch PVC pipe - if these lines are not replaced, they could fail, leaving the area without water or sewer service;

**Whereas**, on June 11, 2015, four bids were received for this project and Ace Pipe Cleaning, Inc. of Kansas City, Missouri submitted the low bid on the project in the amount of \$638,623;

**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 project is being partially funded with issuance of 2015 Utility Revenue Bonds and additional funding will be available in Account Nos. 520-5900-535-6361 and 561-5400-535-6957, Project No. 101192; and

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



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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract with Ace Pipe Cleaning, Inc. of Kansas City, Missouri, in an amount not to exceed \$638,623 and after approval as to form by the City Attorney, for construction required for water and wastewater line replacement between 2<sup>nd</sup> and 4<sup>th</sup> Streets from Barton to French Avenues, as well as declares an official intent to reimburse the expenditure with the issuance of 2015 Utility Revenue Bonds.

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

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution 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 **16<sup>th</sup>** day of **July**, 2015.

THE CITY OF TEMPLE, TEXAS

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

APPROVED AS TO FORM:

ATTEST:

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

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





## **COUNCIL AGENDA ITEM MEMORANDUM**

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07/16/15  
Item #4(F)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP, (KPA) of Temple for professional services required for the Pepper Creek Wastewater Line Extension in northwest Temple in an amount not to exceed \$144,885 as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.

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

**ITEM SUMMARY:** Properties in the Industrial Park along the future Research Parkway and the new McLane Parkway to Research Parkway Connector currently is served with potable water but not sanitary sewer. A wastewater line is required to support development in this area. The scope comprises of designing approximately 8,700 linear feet of 10" and 8" wastewater line. A proposal and map of the project area are attached.

In order for KPA to provide the engineering services required for completion of this project, the following is a list of costs associated with each task:

### **I. Basic Services**

Design Surveys	\$ 15,400
Plans and Specifications	\$ 50,960
Bidding	\$ 7,000
Construction Staking	\$ 6,380
Construction Administration	\$ 22,100
<b>Total Basic Services</b>	<b>\$ 101,840</b>

### **II. Special Services**

Environmental / Archeological	\$ 13,145
Easement Documents (4 Parcels)	\$ 5,200
On-Site Representation	\$ 24,700
<b>Total Special Services</b>	<b>\$ 43,045</b>

**Total** **\$ 144,885**

Time required for design is 120 days. The engineer's opinion of probable cost for construction is approximately \$890,000 resulting in a total estimated project cost of \$1,034,885.



**FISCAL IMPACT:** This project is being funded with the issuance of Utility Revenue Bonds in FY 2015. Funding will be available in account 561-5400-535-6956, project #101199, for the engineering agreement with KPA in the amount of \$144,885.

**ATTACHMENTS:**

[Engineer's Proposal](#)  
[Project Map](#)  
[Resolution](#)





**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

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

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

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

July 2, 2015

Mr. James Billeck, P.E.  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Pepper Creek Wastewater Line Extension

Dear Mr. Billeck:

This letter proposal is in response to your request for engineering services required for final design and easement documents for the referenced project. This project includes approximately 8,700 linear feet of 10" and 8" wastewater line as shown on the attached Exhibit A. Our preliminary opinion of probable construction cost for this project is \$890,000.

In order for us to provide the services required for completion of the final design and easement documents, the following not-to-exceed lump sum amounts will be applicable:

I. Basic Services

A. Design Surveys	\$	15,400.00
B. Plans and Specifications		50,960.00
C. Bidding		7,000.00
D. Construction Staking		6,380.00
E. Contract Administration		22,100.00
Total Basic Services	\$	101,840.00

II. Special Services

A. Environmental/Archeological	\$	13,145.00
B. Easement Documents (4 parcels)		5,200.00
C. On-Site Representation		24,700.00
Total Special Services	\$	43,045.00

**TOTAL \$ 144,885.00**



Mr. James Billeck, P.E.  
July 2, 2015  
Page Two

Exhibit B provides a more detailed breakdown and description of the tasks included in our Scope of Services. Exhibit C outlines the rates which would be used to charge for special or additional services authorized beyond the scope.

KPA will begin work once a written notice to proceed is received in our office and right of entry has been obtained by the City. The Contract Documents and Specifications will be completed within a 120 calendar day period. We are available to address any questions or comments that you may have about this proposal.

Sincerely,

A handwritten signature in blue ink that reads "Ginger R. Tolbert". The signature is written in a cursive, flowing style.

Ginger R. Tolbert, P.E.

GRT/



:\Temple Reinvestment\2013\2013-129\CAD\exhibits\prop improvements 2.dwg - Exhibit A



**CITY OF TEMPLE, TEXAS**

**PEPPER CREEK WASTEWATER LINE EXTENSION**



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76701  
Firm Registration No. F-510

**JULY 2015**

**EXHIBIT A**



## **Exhibit B – Scope of Services**

### **City of Temple Pepper Creek Wastewater Line Extension**

**Kasberg, Patrick & Associates, LP  
July 2, 2015**

#### **I. BASIC SERVICES**

The basic services for the preparation of plans and specifications will include:

##### **A. Design Surveys**

1. Field Surveys for design purposes including horizontal and vertical control and any other field surveying services during final design.

##### **B. Final Design**

1. Prepare construction drawings and specifications showing the character and extent of the project. The construction plans will be drawn on 11-inch by 17-inch sheets (half-scale). The 11x17 prints will be used for bidding purposes and for field copies. The 11x17 prints will also be used for record drawings. This proposal includes thirty (30) sets of 11x17 prints for bidding and construction purposes;
2. Prepare plan and profile drawings of trunk sewer pipeline;
3. Prepare a revised opinion of probable total project costs based on the final drawings and specifications;
4. Prepare and submit TCEQ 217 Submittal for Approval;
5. Basic documents related to construction contracts will be provided by the City. These will include contract agreement forms, general conditions and supplementary conditions, invitations to bid, instructions to bidders, insurance and bonding requirements and other contract-related documents. KPA will provide the technical specifications and bid schedule for the project documents;
6. Progress meetings with City Staff for status reports and plan reviews;
7. Prepare a revised opinion of probable total project costs based on the final drawings and specifications.

##### **C. Bidding**

1. Provide final opinion of probable construction cost, sealed by Project Engineer/Manager;
2. Assist in soliciting bidders;
3. Monitor status/number of bidders on plan holders list;
4. Answer potential bidders questions;
5. Conduct pre-bid conference;
6. Prepare addenda as required;
7. Attend bid opening;
8. Tabulate bids and recommend contract award.



**D. Construction Staking**

1. Construction Surveys with level notes for horizontal and vertical control.

**E. Contract Administration**

1. Conduct pre-construction conference;
2. Prepare Partial Payment forms and review partial payment requests;
3. Make periodic project visits during construction;
4. Communicate with City Project Manager weekly regarding project status and schedule;
5. Conduct construction progress meetings;
6. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
7. Review submittals;
8. Prepare cut sheets;
9. Check final pay quantities and pay requests;
10. Conduct final walk through of project with Contractor and City Staff;
11. Prepare and distribute punch list;
12. Verify completion of punch list items;
13. Provide recommendation to City Staff regarding acceptance of project;
14. Prepare Record Drawings.

**II. SPECIAL SERVICES**

**A. Environmental/Archeological Services**

1. KPA will utilize Terracon Consulting Engineers & Scientists to perform the Phase I Environmental Investigation including a report to explain the findings and recommendations for further action, if any;
2. Terracon will also provide Archeological Services. Archival research shall be performed in the electronic and mapping files of the Texas Historical Commission (THC) Atlas Sites database, the Texas Archeological Research Laboratory (TARL) and/or any other relevant archives for information on previous cultural resource investigations conducted and previously recorded sites and historic properties recorded in the vicinity of the project's Area of Potential Effect (APE). The results of this research shall be presented in a final report.

**B. Easement Documents**

1. KPA will utilize All County Surveying Inc. (ACS) to perform surveys and prepare easement documents for each parcel. We anticipate four (4) separate easement descriptions will be required.;
2. Easement Documents will include field note descriptions and sketches for each property;
3. Our services do not include obtaining right of entry and acquisition of easements from impacted property owners, therefore, the cost for these services are not included in our proposal.



C. On-Site Representation

1. KPA will respond to Contractor's requests for information (RFI);
2. Observe equipment and pipe materials for compliance with the plans and specifications and approved shop drawing submittals;
3. Verify installed quantities and materials on hand for monthly pay estimates to Contractors;
4. Confirm and note changes on as-built plans submitted by Contractors.
5. Observe trench excavations and backfill for compliance with plans and specifications;
6. Prepare written daily reports on construction activities summarizing work performed, quantities installed, number of laborers on site, equipment used, weather conditions and significant activities and test results;
7. Participate in pre-construction meetings, progress meetings and final walkthroughs;
8. Provide information for monthly evaluation regarding Contractor quality of work, timeliness, cooperation with City Staff and Public;
9. Meet with impacted property owners to address concerns and informing them of project schedules and events which may impact access to their property and resolving complaints.



EXHIBIT C

Charges for Additional Services

City of Temple

Pepper Creek Wastewater Line Extension

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 70.00 – 90.00/hour
Project Manager	2.4	55.00 – 70.00/hour
Project Engineer	2.4	45.00 – 55.00/hour
Engineer-in-Training	2.4	35.00 – 45.00/hour
Engineering Technician	2.4	25.00 – 45.00/hour
CAD Technician	2.4	20.00 – 40.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	100.00 – 135.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$144,885, FOR SERVICES REQUIRED FOR THE PEPPER CREEK WASTEWATER LINE EXTENSION IN NORTHWEST TEMPLE; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2015 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, properties in the Industrial Park along the future Research Parkway and the new McLane Parkway to Research Parkway Connector, are currently served with potable water but not sanitary sewer;

**Whereas**, a wastewater line is required to support development in this area and will require approximately 8,700 linear feet of 10-inch and 8-inch wastewater line;

**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 project is being funded with the issuance of 2015 Utility Revenue Bonds and funds will be available in Account No. 561-5400-535-6956, Project No. 101199; 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 Kasberg, Patrick & Associates, LP, of Temple, Texas, in an amount not to exceed \$144,885 and after approval as to form by the City Attorney, for professional services required for the Pepper Creek Wastewater Line Extension in northwest Temple, as well as declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.



**Part 2:** This Resolution is a declaration of official intent by the City, under Section 1.150.2 of the Treasury Regulations, 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 **16<sup>th</sup>** day of **July**, 2015.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## **COUNCIL AGENDA ITEM MEMORANDUM**

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07/16/15  
Item #4(G)  
Consent Agenda  
Page 1 of 2

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an agreement with MuniServices, LLC of Fresno, California to conduct lodging auditing services.

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

**ITEM SUMMARY:** MuniServices, LLC, a Delaware limited liability company, and wholly owned subsidiary of Portfolio Recovery Associates, Inc., of Fresno, California, will perform on-site examinations of records and educate lodging providers to ensure appropriate collection of lodging taxes are performed. Additional services performed by MuniServices, LLC will include but are not limited to:

- On-site examinations of records requested by the City which warrant further investigations;
- Provide a detailed list of all records required to be made available by lodging providers for further review;
- Schedule and conduct reviews at the property locations of those providers identified and authorized for examination;
- Verify accuracy of filed lodging tax returns;
- Review random samples of daily and monthly summary's for reconciliation purposes;
- Review bank statements to verify deposits reconcile with reported revenue;
- Review exempted revenue for proper qualifying documentations;
- Review random sample of exempted guest revenue and trace registration to verify compliance with City ordinance;
- Compare State lodging tax filings with City's tax returns;
- Submit substantiating documentation to designated City staff for each error/omission identified and confirmed;
- Coordinate with designated City officials to review findings and recommendations;
- Prepare draft notices, commendations, warnings and credit letters, as applicable, for City to advise lodging providers of examination results;
- Provide assistance to the City in reviewing any matters submitted in extenuation and mitigation by lodging providers in contesting a deficiency determination; and
- Prepare and document any changes to the review findings and provide revised tax, interest or penalty amounts due the City.



MuniServices will also assist the City in:

- Notifying and submitting relevant information to the Texas Comptroller if, as a result of an audit conducted which shows failure to collect or pay local and state occupancy taxes when due.
- MuniServices will act as the authorized agent for the City with the Comptroller.

**FISCAL IMPACT:** The fee for the services outlined above will be \$2,000 per hotel, plus out-of-pocket expenses. The engagement will include the selection of 11 hotels for review and audit. In addition, a fee of \$400 per hotel will apply for submitting information to the Texas Comptroller. This fee will only apply to the hotels which require information to be submitted to the State Comptroller's office. Upon collection by the State for any unpaid taxes, the City will collect 20% of the amount paid. Funding for the services was included in the FY 2015 operating budget and is available in account 240-4400-551-2616.

**ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, AUTHORIZING AN AGREEMENT WITH MUNISERVICES, LLC  
OF FRESNO, CALIFORNIA TO CONDUCT LODGING AUDITING  
SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, MuniServices, LLC, a Delaware limited liability company, and wholly owned subsidiary of Portfolio Recovery Associates, Inc., of Fresno, California, will perform on-site examinations of records and educate lodging providers to ensure appropriate collection of lodging taxes are performed;

**Whereas**, services performed by MuniServices, LLC will include, but are not limited to:

- On-site examinations of records requested by the City which warrant further investigations;
- Providing a detailed list of all records required to be made available by lodging providers for further review;
- Scheduling and conducting reviews at the property locations of those providers identified and authorized for examination;
- Verifying accuracy of filed lodging tax returns;
- Reviewing random samples of daily and monthly summary's for reconciliation purposes;
- Reviewing bank statements to verify deposits reconcile with reported revenue;
- Reviewing exempted revenue for proper qualifying documentations;
- Reviewing random samples of exempted guest revenues and trace registrations to verify compliance with City ordinance;
- Comparing State lodging tax filings with City's tax returns;
- Submitting substantiating documentation to designated City staff for each error/omission identified and confirmed;
- Coordinating with designated City officials to review findings and recommendations;
- Preparing of draft notices, commendations, warnings and credit letters, as applicable, for City to advise lodging providers of examination results;
- Providing assistance to the City in reviewing any matters submitted in extenuation and mitigation by lodging providers in contesting a deficiency determination; and
- Preparing and documenting any changes to the review findings and provide revised tax, interest or penalty amounts due the City;

**Whereas**, MuniServices will also assist the City in:

- Notifying and submitting relevant information to the Texas Comptroller if, as a result of an audit conducted, the audit shows failure to collect or pay local and state occupancy taxes when due; and
- MuniServices will act as the authorized agent for the City with the Comptroller;



**Whereas**, MuniServices will be paid \$2,000 per hotel audit, plus out-of-pocket expenses - the engagement will include the selection of 11 hotels for review and audit;

**Whereas**, a fee of \$400 per hotel will apply for submitting information to the Texas Comptroller and will only apply to the hotels which require information to be submitted to the State Comptroller's office;

**Whereas**, upon collection by the State for any unpaid taxes, the City will collect 20% of the amount paid - funding for these services was included in the fiscal year 2015 operating budget and is available in Account No. 240-4400-551-2616; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an Agreement with MuniServices, LLC of Fresno, California, after approval as to form by the City Attorney, to conduct lodging auditing services.

**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 **16<sup>th</sup>** day of **July**, 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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07/16/15  
Item #4(H)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a renewal to the Services Agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.

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

**ITEM SUMMARY:** James Construction Group, LLC ("James") is the general contractor on TXDOT's I-35 Reconstruction Project. James has requested a one-year renewal to the current Services Agreement which utilizes Temple police officers and Temple police vehicles to provide traffic control services on the I-35 project. All police officers working on the project will continue to remain under the supervision and control of the Temple Police Department. James will reimburse the City for overtime salary and benefits paid to the police officers. James will also pay the City \$20 per hour, per vehicle for each police vehicle used on any portion of the I-35 project that lies in whole or in part within the Temple city limits and \$30 per hour, per vehicle for each police vehicle used on any portion of the project that lies completely outside of the Temple city limits. The agreement is for a term of one year beginning August 1, 2015.

**FISCAL IMPACT:** Based on the average hours worked over the last nine months, it is estimated that the City will be reimbursed by James Construction approximately \$527,000 for overtime incurred and approximately \$250,000 for vehicle costs during FY 2015.

### **ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RENEWAL TO THE SERVICES AGREEMENT WITH JAMES CONSTRUCTION GROUP, LLC, OF TEMPLE, TEXAS, TO PROVIDE TEMPLE POLICE OFFICERS FOR TRAFFIC CONTROL SERVICES AND USE TEMPLE POLICE VEHICLES ON THE I-35 RECONSTRUCTION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, James Construction Group, LLC (James) is the general contractor on TxDOT's I-35 Reconstruction Project – James has requested a one-year renewal to the current Services Agreement which utilizes Temple police officers and Temple police vehicles to provide traffic control services on the I-35 project;

**Whereas**, all police officers working on this project will continue to remain under the supervision and control of the Temple Police Department;

**Whereas**, James will reimburse the City for overtime salary and benefits paid to the police officers and pay the City \$20.00 per hour, per vehicle used on any portion of the I-35 project that lies in whole or in part within the Temple city limits;

**Whereas**, James will also pay the City \$30.00 per hour, per vehicle for each police vehicle used on any portion of the project that lies completely outside of the Temple city limits;

**Whereas**, this agreement is for a term of one year beginning August 1, 2015;

**Whereas**, based on the average hours worked over the last nine months, it is estimated that the City will be reimbursed \$527,000 by James Construction for overtime incurred and approximately \$250,000 for vehicle costs during fiscal year 2015; 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 renewal to the Services Agreement with James Construction Group, LLC of Temple, Texas, after approval as to form by the City Attorney, to provide Temple police officers for traffic control services and use Temple police vehicles on the I-35 Reconstruction 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 **16<sup>th</sup>** day of **July**, 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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07/16/15  
Item #4(I)  
Consent Agenda  
Page 1 of 4

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

Mark Baker, Planner

**ITEM DESCRIPTION:** SECOND READING - Z-FY-15-20: Consider adopting an ordinance to rezone property located at 7425 West Adams Avenue from Neighborhood Service District (NS) to Planned Development-Neighborhood Service District (PD-NS) with a development plan to allow drive-in restaurants, and a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its June 1, 2015 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the requested rezoning from Neighborhood Service (NS) to Planned Development – Neighborhood Service (PD-NS) subject to the conditions recommended by Staff. The Planning and Zoning Commission also voted 6 to 0 to recommend approval of a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages, subject to the conditions recommended by Staff.

During the meeting, the applicant clarified that anticipated tenants would not include bars, taverns or similar-type of uses. Further, it was requested by Commissioner Crisp, for Staff to confirm that approval did not include package stores, bars and/or sale of alcoholic beverages for off-premise consumption. Staff confirmed.

**STAFF RECOMMENDATION:** This request for rezoning:

1. Is in compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
2. Is in compliance with the specific standards in UDC Section 5.3.15A & B;
3. Is in compliance with Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages;
4. Is consistent with adjacent Suburban Commercial land uses and the Neighborhood Service zoning district established, adjacent to and across the property on West Adams Ave (FM 2305);
5. Is in compliance with the Thoroughfare Plan; and
6. Public facilities are also available to serve the subject property.



Staff recommends approval of the requested rezoning from Neighborhood Service (NS) to Planned Development - Neighborhood Service (PD-NS), subject to the following conditions:

1. As listed by UDC Section 5.1, all permitted uses within the Neighborhood Service (NS) district are allowed, with the addition of drive-in restaurants, which will be allowed only in the northerly 2.037 acre portion of Westfield Market;
2. Drive-in restaurants are prohibited in the southerly 2.879 acre portion of Westfield Market but applicant may request approval of a new and separate development plan in the future;
3. Drive-in restaurants are restricted to a drive-aisle and drive-in (pick-up) window only;
4. The Director of Planning may be authorized to approve minor modifications to the City Council-approved Development Plan, including but not limited to the selection of exterior building materials, screening, buffering, landscaping and minor modifications to the overall site layout;
5. Submittal of a Development Plan at the time of Construction Documents, that is in substantial compliance to Exhibit A of the Rezoning Ordinance or as amended by subsequent action by the Director of Planning or City Council, is required;
6. Prior to development of the southerly 2.879 acre portion of the Westfield Market, a subdivision plat is filed for review with the Planning Department;
7. Upon residential development or residential rezoning of the undeveloped property between the First Baptist Church and Westfield Market, the owner/developer of the Westfield Market shall be responsible for the submittal of a revised development plan to the Planning Department, confirming compliance of the required buffering and screening.

Staff recommends approval of the requested Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages, subject to the following conditions:

1. The use may be allowed in any of the developed building suites within the total 4.916 acre Westfield Market;
2. The use is subject to compliance with Chapter 4 of the City Code of Ordinances related to alcoholic beverages;
3. The Conditional Use must comply with UDC Section 5.3.15A related to alcoholic beverage sales for on-premise consumption and UDC Section 5.3.15B related to the 50% to 75% range of gross revenue, from all alcoholic beverage sales with on-premise consumption; and
4. As listed in UDC Section 5.1 and upon separate request, all other conditional uses identified in the NS district, are subject to review by a separate conditional use permit application process.

**ITEM SUMMARY:** The applicant, John Kiella on behalf of Tem-Tex Investments LLC, requests rezoning of a 4.916 +/- acre property, comprised of a 2.037 +/- acre northern portion and a 2.879 +/- acre southern portion, from Neighborhood Service (NS) district to Plan Development – Neighborhood Service (PD-NS) district and requests allowance of “pickup” or drive-in windows on two suites along with two separate drive aisles within the Westfield Market development. Drive-in restaurant uses are not permitted in the Neighborhood Service (NS) district but are permitted in the General Retail (GR) district. If approved, the requested Planned Development would include the additional use by-right.



In addition, a Conditional Use Permit, for establishments where between 50% and 75% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, is being requested. This use normally requires a conditional use in all non-residentially-zoned districts (Office through Heavy Industrial), with the exception of Office-1 (O-1), where it is prohibited altogether. If approved as a conditional use, the applicant is requesting that this use be permitted anywhere within the property without the need for multiple applications for a separate conditional use permit.

**BACKGROUND:** The 4.916 +/- acre subject property in its entirety was rezoned from General Agriculture (AG) to Neighborhood Service (NS) district by Ordinance 2013-4594 on June 20, 2013. The need for the rezoning to Planned Development was identified by staff during the review of Construction Documents for the proposed Westfield Market. The plans for the northern 2.037 +/- acre portion, show two (2) drive aisles along with “pickup”, drive-in windows, as identified and represented on the attached building elevations.

Staff has worked closely with the applicant to identify the nature of potential uses which utilize this feature, most notably drive-in restaurants with a “pickup” window were identified as potential tenants. A base zoning of Neighborhood Service does not permit restaurants with this feature. Therefore, the current request entails a combination of Planned Development as well as Conditional Use Permit consideration.

Per UDC Section 3.4.5, when considering a Planned Development, the approving body must consider 10 criteria. Compliance to the criteria are discussed in the attached Planned Development Criteria and compliance summary. Further, per UDC Sec 3.4.3A, as a Planned Development, a Development Plan for consideration and approval by City Council is required.

UDC Section 3.4.1 defines a Planned Development as:

“A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”

As a Planned Development, a Development Plan (Exhibit A) is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The submitted Development Plan, provides the boundaries and the layout for the proposed building footprint, parking area, and drive aisles. While enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, the nature and location of this request did not generate the extensive need for such enhancements.

In this case, the Applicant is requesting a CUP that would allow the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages. The use could be applied in any of the building suites.

Additional discussion and analysis can be found in the attached Planning & Zoning Commission staff report dated June 1, 2015.



**PUBLIC NOTICE:** Owners of Thirty-six (36) properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday June 23, 2015 at 12:00 PM, five notices, representing eight properties, for approval and one notice for disapproval have been received.

The newspaper printed notice of the public hearing on May 21, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Planning & Zoning Commission Staff Report – June 1, 2015  
Chapter 4 – Code of Ordinances – Alcoholic Beverages  
Planned Development Criteria and Compliance Summary Table  
Site and Surrounding Property Photos  
Development Plan (Exhibit A)  
Landscape Plan  
Building Elevations (Pickup Windows Encircled)  
Aerial Map  
Zoning Map  
Future Land Use and Character Map  
Utility Map  
Localized area of the Thoroughfare Plan  
Localized area of the Trails Plan  
Notification Map  
Returned Property Owner Notices  
Ordinance





## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

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06/01/15  
Item #2  
Regular Agenda  
Page 1 of 10

**APPLICANT / DEVELOPMENT:** John Kiella (On behalf of Tem-Tex Investments LLC)

**CASE MANAGER:** Mark Baker, Planner

**ITEM DESCRIPTION:** Z-FY-15-20: Hold a public hearing to consider and recommend action on a rezoning from Neighborhood Service District (NS) to Planned Development-Neighborhood Service District (PD-NS) with a development plan to allow drive-in restaurants, and a Conditional Use Permit to allow establishments where between 50% & 75% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, on approximately 4.916 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 7425 West Adams Avenue.

**STAFF RECOMMENDATION:** Based on the following analysis and reasons that:

1. That the proposed Development Plan has demonstrated compliance with the provisions of the Planned Development Criteria as required by UDC Section 3.4.5;
2. The project has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 5.3.15A & B;
3. The project has demonstrated compliance to Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages;
4. The request is consistent with adjacent Suburban Commercial land uses and the Neighborhood Service zoning district established, adjacent to and across the property on West Adams Ave (FM 2305);
5. The request is in compliance with the Thoroughfare Plan; and
6. Public facilities are available to serve the subject property.

Staff recommends approval of the requested rezoning from Neighborhood Services (NS) to Planned Development - Neighborhood Services (PD-NS), subject to the following conditions:

1. As listed by UDC Section 5.1, all permitted uses within the Neighborhood Service (NS) district are allowed, with the addition of drive-in restaurants, in the northerly 2.037 +/- acre portion of Westfield Market;
2. That drive-in restaurants are prohibited in the southerly 2.879 +/- acre portion of Westfield Market but subject to approval of a revised development plan;
3. That drive-in restaurants are restricted to a drive-aisle and drive-in (pick-up) window only;
4. That the Director of Planning may be authorized discretion to approve minor modifications to the City Council-approved Development Plan, including but not limited to the selection of



exterior building materials, screening, buffering, landscaping and minor modifications to the overall site layout;

5. At the time of development, of the southerly 2.879 +/- acre portion of the Westfield Market, a Development Plan is submitted for review by the Planning & Zoning Commission & City Council;
6. Submittal of a Development Plan at the time of Construction Documents that is in substantial compliance to the Development Plan attached as Exhibit A of the Rezoning Ordinance or as amended by subsequent action by the Director of Planning or City Council;
7. That prior to development of the southerly 2.879 +/- acre portion of the Westfield Market, a subdivision plat is filed for review with the Planning Department; and
8. That upon residential development or residential rezoning of the undeveloped property between the First Baptist Church and Westfield Market, the owner/developer of the Westfield Market shall be responsible for the submittal of a revised development plan to the Planning Department, confirming compliance of the required buffering and screening; and

Staff recommends approval of the requested Conditional Use Permit to allow establishments where between 50% & 75% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, subject to the following conditions:

1. That the use may be allowed in any of the developed building suites within the total 4.916 +/- acre Westfield Market;
2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages;
3. That the Conditional Use, complies with UDC Section 5.3.15A related to alcoholic beverage sales for on-premise consumption and UDC Section 5.3.15B related to the 50% to 75% range of gross revenue, from all alcoholic beverage sales with on-premise consumption; and
4. That as listed in UDC Section 5.1 and upon separate request, all other conditional uses identified in the Neighborhood Service (NS) district, are subject to review by a separate conditional use permit application process.

**ITEM SUMMARY:** The applicant, John Kiella on behalf of Tem-Tex Investments LLC, requests rezoning of a 4.916 +/- acre property, comprised of a 2.037 +/- acre northern portion and a 2.879 +/- acre southern portion, from Neighborhood Service (NS) district to Plan Development – Neighborhood Service (PD-NS) district and allow “pickup” or “bank teller-style”, drive-in windows on two suites along with two separate drive aisles within the Westfield Market development. Drive-in restaurant uses are not permitted in the Neighborhood Service (NS) district but are permitted in the General Retail (GR) district. If approved, the requested Planned Development would include the additional use by-right.

In addition, a Conditional Use Permit, for establishments where between 50% & 75% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, is being requested. This use normally requires a conditional use in all non-residentially-zoned districts (Office through Heavy Industrial), with the exception of Office-1 (O-1), where it is prohibited altogether. If approved as a conditional use, the applicant is requesting that this use be permitted anywhere within the property without the need for multiple applications for a separate conditional use permit.



**BACKGROUND:** The 4.916 +/- acre subject property in its entirety was rezoned from General Agriculture (AG) to Neighborhood Service (NS) district by Ordinance 2013-4594 on June 20, 2013. The need for the rezoning to Planned Development was identified by staff during the review of Construction Documents for the proposed Westfield Market. The plans for the northern 2.037 +/- acre portion, show two (2) drive aisles along with “pickup”, drive-in windows, as identified and represented on the attached building elevations.

Staff has worked closely with the applicant to identify the nature of potential uses which utilize this feature, most notably drive-in restaurants with a pickup-style window were identified as potential tenants. A base zoning of Neighborhood Services does not permit restaurants with this feature.

In addition, establishments with alcoholic beverage sales with on-premise consumption that is between 50% and 75% of the gross total revenue were also identified. This use requires a conditional use permit within the Neighborhood Service (NS) district. Therefore, the current request entails a combination of Planned Development as well as Conditional Use Permit consideration.

**Planned Development:** Per UDC Section 3.4.5, when considering a Planned Development, the approving body must consider 10 criteria. Compliance to the criteria are discussed and provided in the attached Planned Development Criteria and compliance summary.

Further, per UDC Sec 3.4.3A, as a Planned Development, a Development Plan for consideration and approval by City Council is required.

UDC Section 3.4.1 defines a Planned Development as:

“A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”

As a Planned Development, a Development Plan (Exhibit A) is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The Development Plan that has been submitted, provides the boundaries and the layout for the proposed building footprint, parking area, and drive-in aisles. While enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, the nature and location of this request did not generate the extensive need for such enhancements.

The current request for a Planned Development (PD) is proposed to retain the Neighborhood Service base-zoning with the addition of the use of allowing drive-in restaurants. Uses that are permitted by-right in the Neighborhood Service (NS) district which utilize the drive-in window include:

1. Bank,
2. Cleaning, pressing or pick-up shop, and
3. Pharmacy

It should be noted that package stores are not permitted and require a minimum Commercial (C) zoning with approval of a separate conditional use permit. Establishments that generate 75% or



more of their revenue from on-premise sales of all alcoholic beverages with on-premise consumption are also not permitted. Additionally, sale of beer and wine, which include beer and wine-based products with off-premise consumption, such as those using the pickup window for sales would also be prohibited in the Neighborhood Service district and require review of a separate conditional use permit.

A drive-in restaurant is defined by Section 11.2 of the UDC as follows:

“An establishment designed and constructed to serve food for consumption on premises in an automobile or for carry-out for off-premises consumption and that establishment may or may not have an on-premise dining room or counter”.

It should be noted that the UDC does not specifically differentiate between a drive-in and a drive-thru (through) window in the general development standards. However, a drive-thru (through) window, as anticipated by this application, is provided for and listed exclusively in the Temple, Medical and Educational Overlay district (TMED). Per UDC Sections 6.3.6E.2 & 10, the TMED district provides for locational standards on the building for the drive-thru as well as vehicle stacking space for the drive-aisles. While not required by the Neighborhood Service zoning district, the standards appear to have been met.

Since a restaurant with a drive-in window is a consideration of the Planned Development, it should be noted that per UDC Section 7.1.2, there are performance standards related to noise and noise levels received at the property line of any zoned property. Further, UDC Section 7.1.8 is applicable related to glare on any zoned property.

Per UDC Section 7.7, since this adjacent property is Agriculture-zoned (AG), it is considered residentially-zoned and triggers the buffering and screening requirements. According to the applicant, both the applicant and the pastor of the church have expressed a desire to forego the requirement of solid fencing to meet the buffering and screening requirement.

Further, the applicant has indicated that a letter is forthcoming from the First Baptist Church regarding the solid fence, as of staff report preparation, it has not been received. Staff is in agreement that a solid fence would not be appropriate but would request enhanced landscaping to serve as a buffer instead. While the applicant acknowledges that additional landscaping will be provided along the western boundary, currently, this additional landscaping has not been finalized. As such, the applicant is requesting flexibility to identify locations for some additional landscaping at the time of construction permit review. This request is addressed by a proposed condition allowing the needed flexibility by staff when reviewing the development plan at the time of Construction Plan review.

Buffering and screening enhancements the applicant has agreed to specifically are as follows:

- I. **Replacement of chain-link fencing with solid wood panels on southern boundary:** While required for buffering and screening, the applicant has agreed to replace the existing chain-link fencing to create a continuous solid wood fence along the southern boundary of the property. This is immediately adjacent to the developed lots of the Meadows, Phase I residential subdivision.



- II. Enhanced Landscaping:** The attached Landscape Plan for Construction Plan review shows 15% of the 2.037 +/- acre site being provided with landscape materials. This exceeds the minimum requirement of 5% landscaping.

In addition, discussions between the applicant and the church pastor identified potential uses of the church's undeveloped portion of property to the west of the proposed Westfield Market. It was speculated that the land will be sold-off and developed with non-residential uses, if that occurs, the buffer requirement would no longer be necessary. The only time this buffer is required, is if developed with residential uses. The buffer would likely be in the form of landscaping and a condition of approval is proposed to address this possibility.

**Additional Site Development (Future 2<sup>nd</sup> Phase):** Since a site plan for the southerly 2.879 +/- acre portion of the property is not available, buffering and screening as well as discussion about impacts related to noise, light and buffering standards is problematic. Any impacts would be evaluated at the time the site development is proposed.

As a result, staff is recommending that the use of the drive-in window feature be limited to the building suites depicted in the Development Plan attached as Exhibit A for the northerly 2.037 +/- acre portion.

Further, it is being recommended that restaurants that meet the drive-in definition be limited to those with the drive-in window and drive aisles features exclusively. Effectively, this restriction would prohibit a drive-in restaurant, such as "Sonic" or other similar type of "50's" / "60's – style" restaurant establishments in their entirety. This restriction is consistent with the intent of the base zoning, since the zoning is Neighborhood Service (NS).

**Conditional Use Permit:** In this case, the use of allowing establishments which generate between 50% and 75% of their gross revenue may be from the sale and on-premise consumption of all alcoholic beverages is being requested. The use would be applied in any of the building suites.

UDC Section 5.1 – Use Table, differentiates between four (4) different categories of alcoholic beverage sales for on-premise consumption and are shown by the following table:

<b>Alcoholic Beverage Sales with On-Premise Consumption UDC Section 5.1 (Use Table)</b>	
<b><i>Percentage of Alcohol Sales to Gross Revenue</i></b>	<b><i>Permitted with CUP in NS</i></b>
A. Beer & Wine Only Less Than 75% Revenue from Alcohol	YES
B. All Alcoholic Beverages 75% or more from Revenue from Alcohol	NO
C. All Alcoholic Beverages >50% & <75%	YES
D. All Alcoholic Beverages 50% or less Revenue from Alcohol	YES

The request to "blanket" the use in any of the proposed suites would reduce the processing of multiple conditional use permits. To date, no other conditional uses have been identified. If at a later date, other conditional uses are identified, they will require a separate consideration of a conditional use permit application.



Whether permitted by-right or conditionally permitted, UDC Section 5.3.15, addresses provisions for establishments where there is alcoholic beverage sales for on-premise consumption. These provisions, address permitting requirements through the Texas Alcohol Beverage Commission (TABC), distance requirements from sensitive uses, as well as cancelation, suspension and revocation of the conditional use permit. Adherence to these standards in their entirety are included by reference in the conditions of approval for the permit.

Additionally, UDC Section 5.3.15B provides standards for establishments with alcoholic beverage sales with on-premise consumption that is between 50% and 75% of the gross total revenue. The standards are as follows:

1. The establishment must not be within 300 feet of a place of worship, public school or public hospital;
2. The distance between the establishment where alcoholic beverages are sold and a place of worship or public hospital must be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The distance between the place of business where alcoholic beverages are sold and the public school must be measured in a straight, direct line from the property line of the public school to the property line of the establishment, and in a direct line across intersections;
3. If the permit or license holder is located on or above the fifth story of a multi-story building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permittee is located.

Staff has considered these three (3) standards and “as the crow flies”, is about 1300 feet to the closest point from door to door. However, that measurement is not provided for by the UDC.

Using the prescribed measurement method provided by the UDC, the northerly 2.037 +/- acre portion of Westfield Market to the adjacent First Baptist Church is approximately 1,700 feet, confirming that the minimum 300-foot distance has been exceeded. There are no other sensitive uses such as a public hospital or public school within the immediate area.

With regard to the southerly 2.879 +/- acre portion of the subject property, as indicated earlier in the report, there is no proposed site plan at this time. Staff has estimated the distances, using the minimum Neighborhood Service dimensional standards for a hypothetical building footprint, and determined that the 300-foot distance has also been exceeded at over 2,000 feet to the adjacent First Baptist Church.

It should be noted that UDC Section 5.3.15C.1 requires a 300 foot distance between the establishment serving alcoholic beverages and a residentially zoned or developed lot. This distance provision only applies in cases where the percentage of alcohol sales exceeds 75% of gross revenue and is not applicable to this case.



In addition, Chapter 4 of the City of Temple Code of Ordinances reiterates state laws for distancing with regard to alcohol sales and consumption restrictions. This is regardless of whether UDC Section 5.3.15 is applicable to a given instance. Compliance to Chapter 4 standards are required and are included as a condition.

Development of the southerly 2.879 +/- acre portion of the property will trigger a subdivision plat. The plat will be required to be reviewed by the Development Review Committee (DRC) and recorded with Bell County. Since this is part of the Planned Development, when the southerly portion is developed, staff is required per UDC Section 3.4.2, to bring forward the development plan to DRC. Staff is requesting that based on review by the DRC, that the Director of Planning can be authorized discretion to approve any future development plan.

In conclusion, in accordance with UDC Section 3.4.5, in determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider specific criteria. While more detailed discussion can be found throughout this report, a synopsis to compliance with the required criteria can be found in the attached table entitled "Planned Development Criteria and Compliance Summary"

Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance as follows:

In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.

Therefore, the requested Planned Development and Conditional Use Permit have been requested for the entire 4.916 +/- acres. Based on the above discussion, while the conditional use permit is being applied to the entire 4.916 +/- acre property, the Planned Development would be restricted to the northerly 2.037 +/- acre portion, with a condition that would authorize the DRC and Director of Planning to consider any future Development Plan without requiring City Council review.

Although the subject property as Planned Development-Neighborhood Service is anticipated to be developed with retail and service uses, there are a number of uses that are permitted by-right. As shown in the following table, the uses include but are not limited to:

Residential uses

Single Family Attached/Detached  
Industrialized Housing  
Townhouse

Nonresidential uses

Farm or Ranch  
Place of Worship  
Pre-School

**Prohibited uses** include HUD-Code manufactured homes and land lease communities, duplexes and apartments. All commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit, such as a temporary asphalt concrete batching plants, a petroleum or gas well or a cemetery, crematory or mausoleum and establishments which sells beer and wine with off-premise consumption.



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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Residential	NS	Undeveloped
North	Suburban Commercial	GR	Retail & Service Uses
South	Auto-Urban Residential	SF-3	The Meadows, Phase I, subdivision
East	Auto-Urban Residential	NS, GR, AG	Retail & Service Uses & Undeveloped
West	Suburban Residential	AG	First Baptist Church / Undeveloped

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

<b>Document</b>	<b>Policy, Goal, Objective or Map</b>	<b>Compliance?</b>
CP	Map 3.1 - Future Land Use and Character (FLUP)	NO
CP	Map 5.2 - Thoroughfare Plan	YES
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

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

Per Ordinance 2013-4594, on June 20, 2013, City Council approved the rezoning of 4.916 +/- acre property from Agriculture (AG) district to Neighborhood Service (NS) district.

According to the City of Temple Comprehensive Plan / FLUP, the subject property, being a total 4.916 +/- acres, is within the Suburban Residential designation of the Future Land Use Plan (FLUP).

“The Suburban Residential designation is intended mid-size single family lots, allowing for greater separation between dwelling and more emphasis on green spaces versus the streets and driveways that predominate in an auto-urban setting. The current land use designation is not consistent with the current or proposed rezoning request which includes the Neighborhood Service base zoning.

While the proposed zoning is not consistent with the underlying Future Land Use Plan, the request is consistent with the Suburban Commercial Future Land Use Plan designation established across West Adams Ave (FM 2305) and that is established on both sides of West Adams, east of Meadowbrook Drive.

In addition, Neighborhood Service (NS) zoning is established on the south side of West Adams Ave (FM 2305) and General Retail (GR) on the north side of West Adams Ave. This would be expected and is consistent with zoning designations along this corridor under the Suburban Commercial Future Land Use Plan designation.



Additional discussion regarding compliance to UDC Section 3.4.3, Planned Development, is provided in the “Background” section in this report.

If the rezoning from Neighborhood Service (NS) to Planned Development - Neighborhood Service (PD-NS) is approved, the Future Land Use Plan will need to be updated.

#### **Thoroughfare Plan (CP Map 5.2)**

The property has frontage along West Adams Ave (FM 2305). The Thoroughfare Plan (see attached map) identifies West Adams Ave (FM 2305) as a major arterial. The property takes access from West Adams Ave (FM 2305) from existing driveways. No new driveways are proposed and no issues have been identified relative to access. The existing driveways are a result of previous development on the subject property.

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

Water is available through a 3-inch waterline on the south side of West Adams Ave (FM 2305). Sewer is available from an 8-inch sewer line on the eastern side of the subject property.

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

According to the Trails Master Plan Map, a City-Wide Spine Trail has been identified on the north side of West Adams Ave (FM 2305). As a major arterial, a minimum 6-foot sidewalk is required. The building plans, which are currently in review for the Westfield Market, show a 6-foot sidewalk, as required by code.

**DEVELOPMENT REGULATIONS:** Non-Residential setbacks for this planned development with a base-zoning of Neighborhood Service district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	15'
Side	10'
Side (corner)	10'
Rear	10' (UDC sec. 4.4.4.F3)
Max Height	ALH (Any legal height not prohibited by other laws)

Per UDC Section 8.2.3, sidewalks are required on both sides of the road for arterial streets. A 6-foot sidewalk will be installed at the time of development and is shown on the building plans, which are currently in review with the Construction Safety Department. The building plans are on-hold pending the outcome of the requested rezoning.

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

- \* Evergreen hedges with a minimum planted height of six feet, placed on 36-inch centers or, fences and walls constructed of wood , masonry, stone or pre-cast concrete from 6 to 8 feet in height above the adjacent grade (UDC Section 7.7.4),



- \* Refuse containers are to be located in the side or rear of the property and screened from view per UDC Section 7.7.6, and
- \* Outdoor storage is permitted in the NS zoning district, where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material (UDC Section 7.7.8.B1).

**DEVELOPMENT REVIEW COMMITTEE (DRC):** As required by UDC Section 3.4.2B, the Development Plan for the proposed Westfield Market was reviewed by the DRC on May 18, 2015. No issues were identified.

**PUBLIC NOTICE:** Owners of Thirty-six (36) properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday May 28, 2015 at 12:00 PM, no notices have been received. Staff will provide an update, if necessary at the Planning and Zoning Commission meeting.

The newspaper printed notice of the public hearing on May 21, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Chapter 4 – Code of Ordinances – Alcoholic Beverages  
Planned Development Criteria and Compliance Summary Table  
Site and Surrounding Property Photos  
Development Plan (Exhibit A)  
Landscape Plan  
Building Elevations (Pickup Windows Encircled)  
Aerial Map  
Zoning Map  
Future Land Use and Character Map  
Utility Map  
Localized area of the Thoroughfare Plan  
Localized area of the Trails Plan  
Notification Map





## **Chapter 4**

### **ALCOHOLIC BEVERAGES**

#### **ARTICLE I. EXTENDED HOURS**

**Sec. 4-1. Extended hours.**

#### **ARTICLE II. SPACING**

**Sec. 4-2. Sales near school, church or hospital**

**Sec. 4-3. Measurement for church or public hospital**

**Sec. 4-4. Measurement for public school.**

**Secs. 4-5--4-10. Reserved.**

#### **ARTICLE III. LICENSE AND PERMIT FEES**

**Sec. 4-11. Alcoholic beverage license and permit fees.**

**Sec. 4-12. Display**

**Secs. 4-13 -- 4-20. Reserved.**

#### **ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

**Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.**



## **Chapter 4**

### **ALCOHOLIC BEVERAGES**

#### **ARTICLE I. EXTENDED HOURS**

##### **Sec. 4-1. Extended hours.**

The City of Temple is an “extended hours area” as that term is defined in the Texas Alcoholic Beverage Code. (Ref. V.T.C.A., Alcoholic Beverage Code § 105.06)

#### **ARTICLE II. SPACING**

##### **Sec. 4-2. Sales near school, church or hospital.**

It is an offense for any person to sell alcoholic beverages at a place of business which is within 300 feet of a church, public school or public hospital. (Ref. V.T.C.A., Alcoholic Beverage Code § 109.33)

##### **Sec. 4-3. Measurement for church or public hospital.**

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

##### **Sec. 4-4. Measurement for public school.**

The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be:

(a) in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or

(b) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

**Sections 4-5 through 4-10 reserved.**



### **ARTICLE III. LICENSE AND PERMIT FEES**

#### **Sec. 4-11. Alcoholic beverage license and permit fees.**

A license fee and permit fee is levied in the amount of one-half of the state license and permit fees for each permit issued for premises located within the City, except for permits that are exempted from municipal fees. The city license and permit fees shall be paid to the City at the same time that the state license and permit fees are paid to the state. (Ref. V.T.C.A. Alcoholic Beverage Code § 11.38, § 61.36.

#### **Sec. 4-12. Display.**

It is an offense for any person licensed under this article to fail to display ~~such~~ the City license and keep the same displayed in a conspicuous place in the place of business licensed.

**Sections 4-13 through 4-20 reserved.**

### **ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

#### **Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.**

(a) **City Property.** It shall be unlawful for any person to sell alcoholic beverages in any public park of the city, or on or in other publicly owned property, save and except that the city and concessionaires or caterers having a contract with the city to sell alcoholic beverages at the Frank W. Mayborn Civic and Convention Center, Santa Fe Depot, and at Sammons Park, if properly licensed, may sell alcoholic beverages upon the premises of the civic and convention center, depot, and within the Sammons Park Restaurant, Clubhouse, and deck exclusively. The city manager or his designee may authorize a special event permit for the sale of alcoholic beverages on city property other than a city park.

(b) **Criteria for Permits.** The City Council shall from time to time by resolution establish criteria for special event permit applications and approvals under this section.

(Ordinance No. 2009-4323, 11-05-09)



## PLANNED DEVELOPMENT CRITERIA AND COMPLIANCE SUMMARY

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
<b>A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.</b>	YES	It is fully anticipated that the site plan design will conform to the UDC as well as to dimensional, developmental and design standards adopted by the City. Review and determination of compliance is made at several review stages prior to the issuance of permits for construction and occupancy.
<b>B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding properties and neighborhood is mitigated.</b>	YES	No environmental impacts associated with the preservation of existing natural resources, the surrounding properties and neighborhood are anticipated that can't be mitigated at the construction plan review phase.
<b>C. The development is in harmony with the character, use and design of the surrounding area.</b>	YES	The surrounding area is being developed with non-residential uses fronting along W. Adams Ave, area (FM2305) which is identified as a major arterial. Both Neighborhood Service (NS) and General Retail (GR) has been established in the immediate area which allows a variety of non-residential uses. Proposed character is consistent with existing character. Full compliance is anticipated.
<b>D. Safe and efficient vehicular and pedestrian circulation systems are provided.</b>	YES	Existing driveway cuts will be utilized and circulation will be addressed at the construction plan review stage of processing. Full compliance is anticipated.
<b>E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.</b>	YES	Compliance determination is made Construction plan review. Full compliance is anticipated.
<b>F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.</b>	YES	West Adams Ave is existing. No new streets are proposed. Compliance with related requirements will be determined with the review of construction documents. Full compliance is anticipated.
<b>G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.</b>	YES	West Adams Ave (FM 2305) is existing. No new streets are proposed. Compliance to related requirements will be determined with the review of construction documents. Full compliance is anticipated.
<b>H. Landscaping and screening are integrated into the overall site design:</b> 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings.	YES / TBD	Landscaping which exceeds minimal code requirements has been provided. Discussion between staff and the applicant is on-going. A condition of approval has been proposed to allow flexibility to negotiate additional landscaping on the western and southern boundaries as identified during the construction plan review. Additional landscaping would be triggered if undeveloped portion of church property to the west is sold-off and developed with residential uses. It is anticipated that land will eventually be developed with non-residential uses. Full compliance to buffering and screening standards is anticipated.
<b>I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.</b>	YES	Compliance will be determined with review of construction documents. Full compliance is anticipated.
<b>J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.</b>	YES	All facilities are available. Compliance to standards will be addressed with the review of construction documents. Full compliance is anticipated.



# Site & Surrounding Property Photos



**Site: Undeveloped Property (NS)**



**Site: Undeveloped Property – Close Up (NS)**





**East: Retail & Service Uses & Undeveloped (NS & GR & AG)**



**West: First Baptist Church / Undeveloped (AG)**





**North: Retail & Service Uses (GR)**



**North: Retail & Service Uses (GR)**





**South: Single Family Residential - The Meadows, Phase 1 (SF-3)**



**South: Existing Fencing (Both Chain-Link & Solid Wood)**







# GENERAL NOTES:

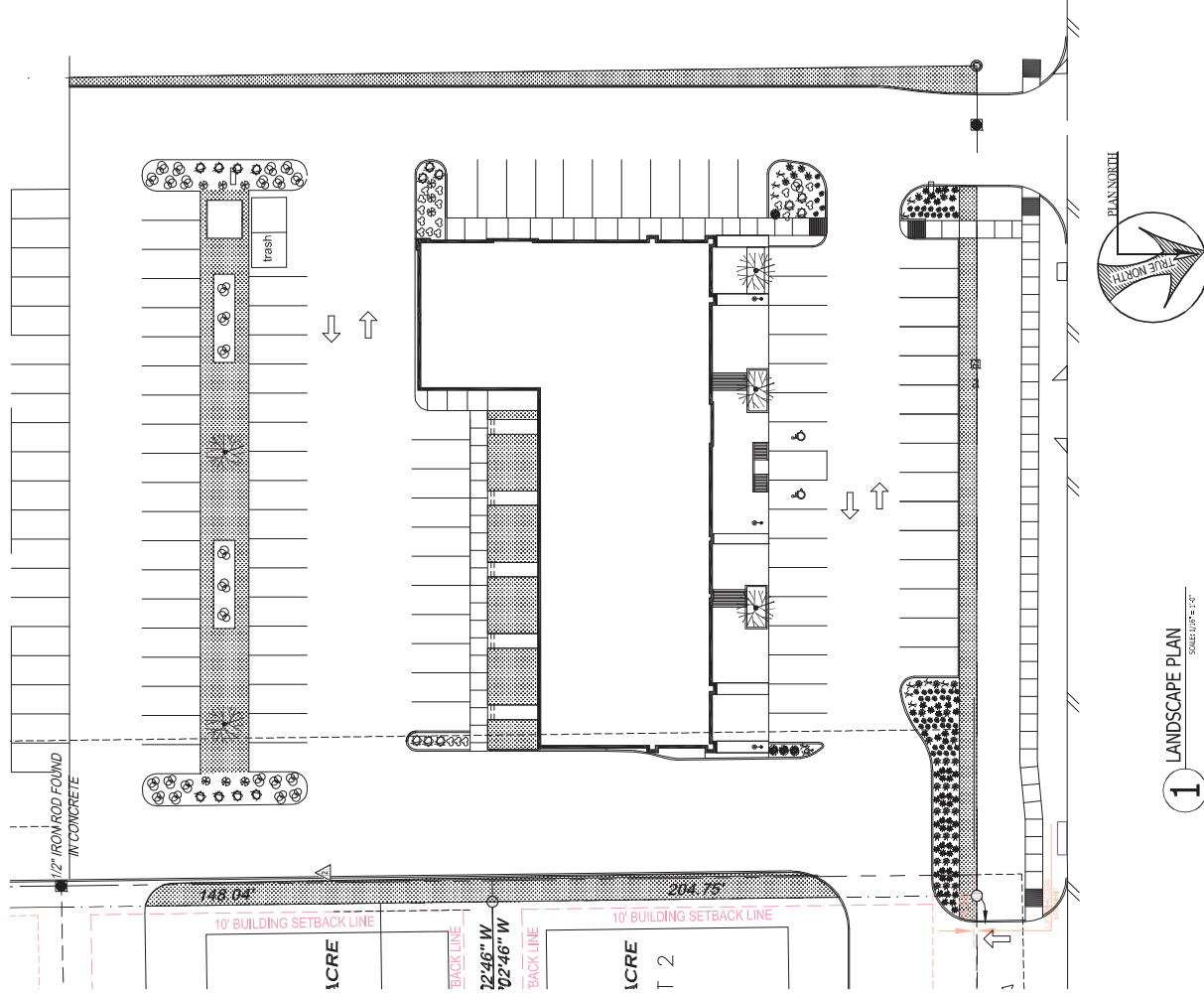
1. SITE ALL DISTURBED AREAS.
2. ALL LANDSCAPE SHOWN SHALL BE SPECIFIED WITH AN AUTOMATIC SPRAWLER SYSTEM.
3. EROSION CONTROL MEASURES SHALL BE SUBMITTED FOR APPROVAL PRIOR TO BEGINNING ANY LANDSCAPE INSTALLATION.

AREA CALCULATIONS REPRESENT THE PROPERTY AS IT IS CURRENTLY PLATTED. IF ADDITIONAL BUILDINGS OR REPLANTING OCCUR IN THE FUTURE, THE LANDSCAPING PERCENTAGES WILL BE CODE COMPLIANT.

LOT SQFT =	88,720
GRASS/SOD/	
OTHER SQFT =	13,400
GRASS/SOD/	
OTHER % =	15%

SOUTHERN WAX MYRTLE.....9
MISCANTHUS 3 GALLON.....11
CREPE MYRTLE TUSCARORA 30.....15
INDIAN HAWTHORN 3 GALLON.....13
HOLLY DWARF YALPON 3 GALLON.....5
4TH CATHEDRAL OAK TREE.....4
LANTANA WHITE.....12
DBL KNOCK OUT ROSES 3 GALLON.....13
MEXICAN FEATHER GRASS 1 GALLON.....21
YELLOW BELLS 3 GALLON.....

LANDSCAPING LEGEND	
TREES	
4' CATHEDRAL OAK TREE	
CREPE MYRTLE, TUSCARORA 30 GALLON	
ANNUALS-PERENNIALS	
LANTANA WHITE EACH	
MISCANTHUS 3 GALLON	
YELLOW BELLS 3 GALLON	
SHRUBS OVER 4 FEET	
SOUTHERN WAX MYRTLE	
SHRUBS UNDER 4 FEET	
DBL KNOCK OUT ROSES 3 GALLON	
HOLLY DWARF YALPON 3 GALLON	
INDIAN HAWTHORN 3 GALLON	
MEXICAN FEATHER GRASS 1 GALLON	
GRASS	



1 LANDSCAPE PLAN  
SCALE 1/8" = 1'-0"





This drawing is not to be reproduced or used for contracting any building without the written approval of KIELLA Commercial DFB

7425 W. Adams Ave.  
Temple, Texas 76702  
(254) 778-0955

04/14/15  
REVISED PROJECT  
NAME



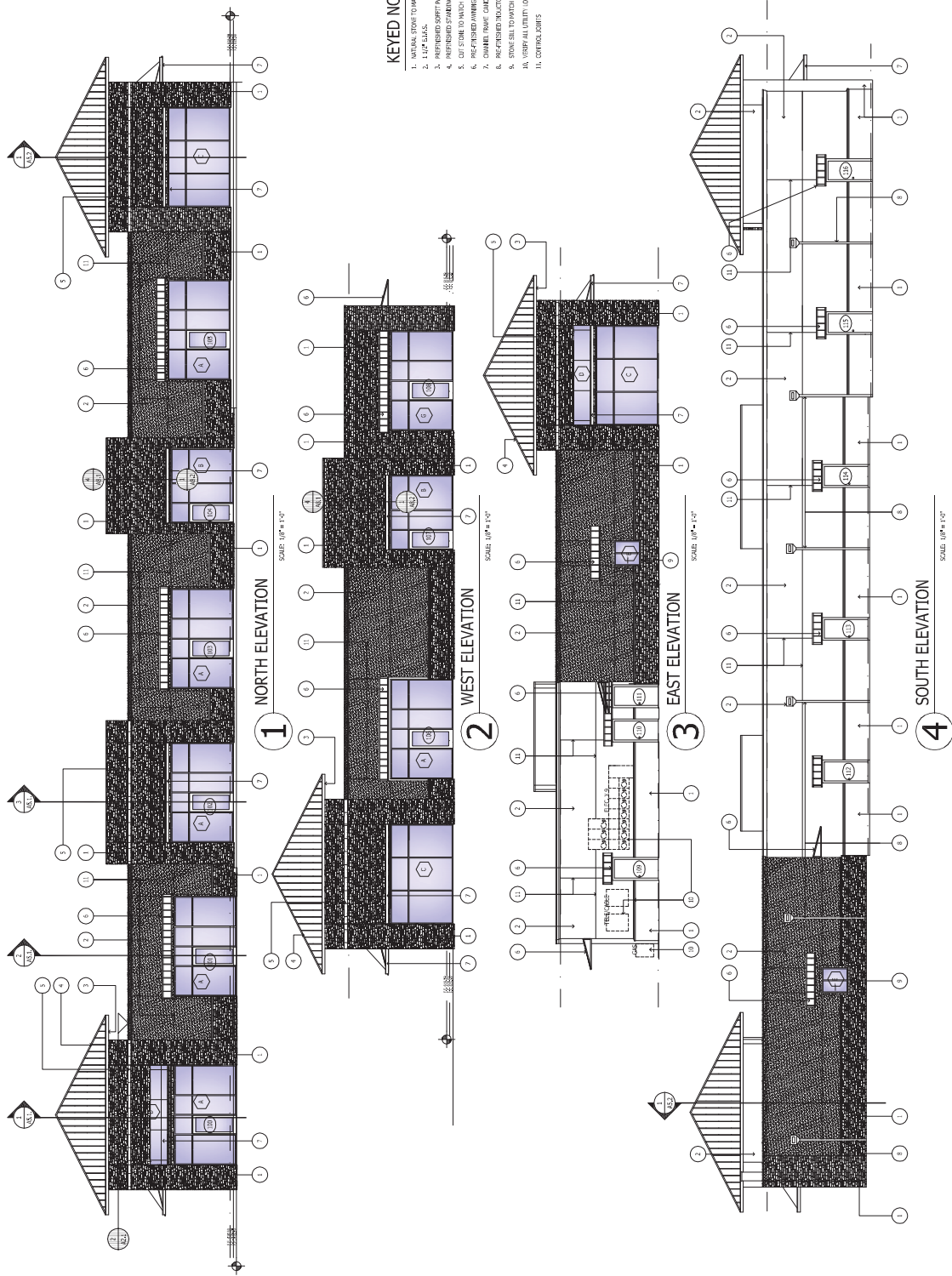
Project:  
H.O.T. WESTFIELD  
MARKET SOUTH

Address:  
7425 West Adams  
Temple, Texas  
76702

Drawn By:  
WV  
Checked By:  
WV  
Date:  
12/10/2014  
DWG  
Title:  
Elevations

Sheet #:

A3.1



KEYED NOTES:

1. MATERIAL SAME TO MATCH EXISTING
2. 1 LUP GLASS
3. PREFABRICATED SHIRT PANEL, TO MATCH EXISTING
4. PREFABRICATED SHIRT PANEL, METAL ROOF TO MATCH EXISTING
5. DOOR FRAME TO MATCH EXISTING BUILDING
6. DOOR FRAME TO MATCH EXISTING BUILDING, DOOR FRAME TO MATCH EXISTING
7. DOOR FRAME TO MATCH EXISTING BUILDING, DOOR FRAME TO MATCH EXISTING
8. PREFABRICATED SHIRT PANEL, METAL ROOF TO MATCH EXISTING
9. DOOR FRAME TO MATCH EXISTING
10. DOOR FRAME TO MATCH EXISTING
11. DOOR FRAME TO MATCH EXISTING
12. DOOR FRAME TO MATCH EXISTING





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.

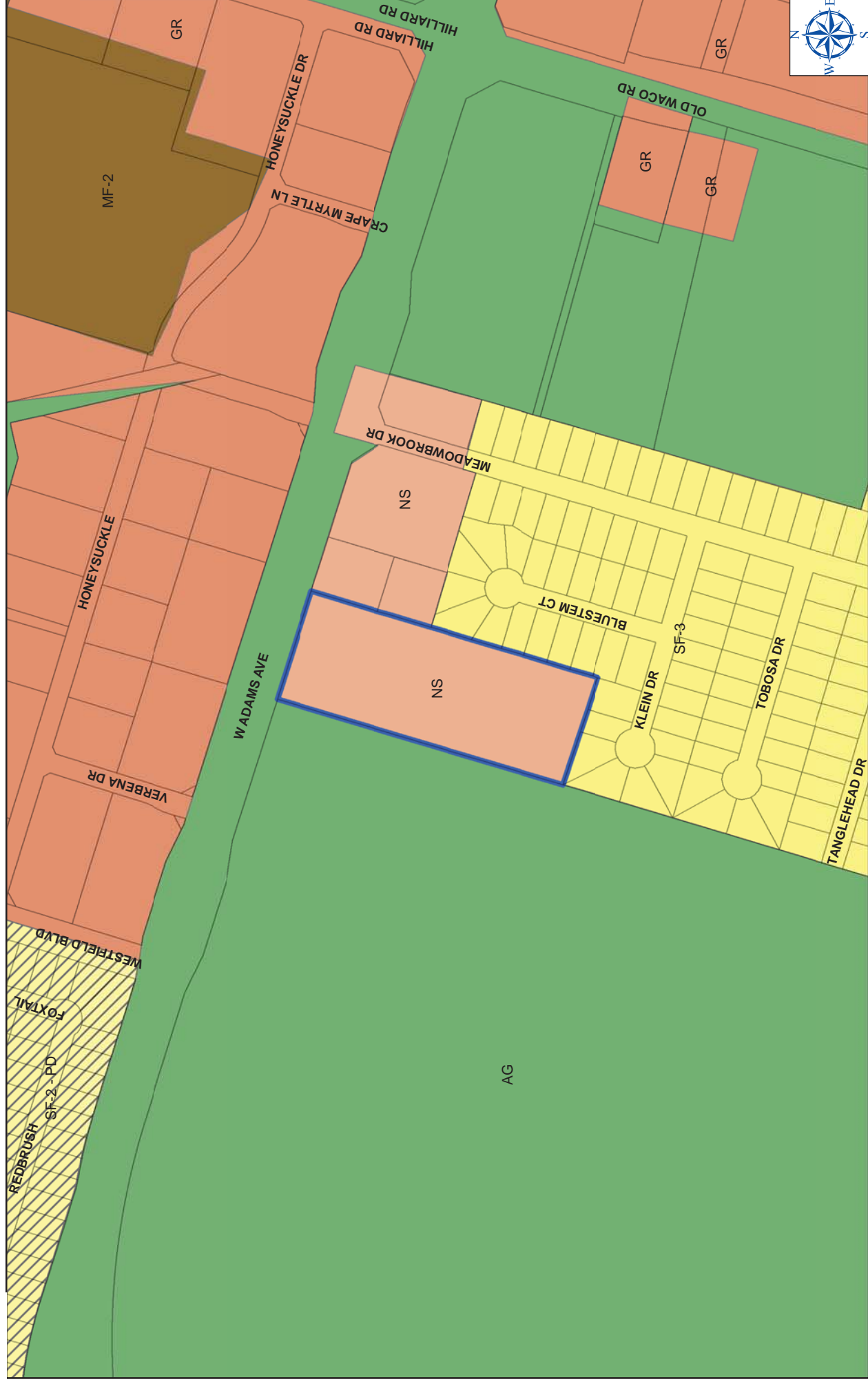




Z-FY-15-20

# Zoning Map

7425 W Adams Ave.



Case

Production.SDE.CurrentZoning

Representation: Production.SDE.CurrentZoning\_Rep

SF-2 - PD

SF-3

MF-2

NS

GR

AG

City Limits

0

750

1,500

Feet

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5/7/2015

City of Temple GIS

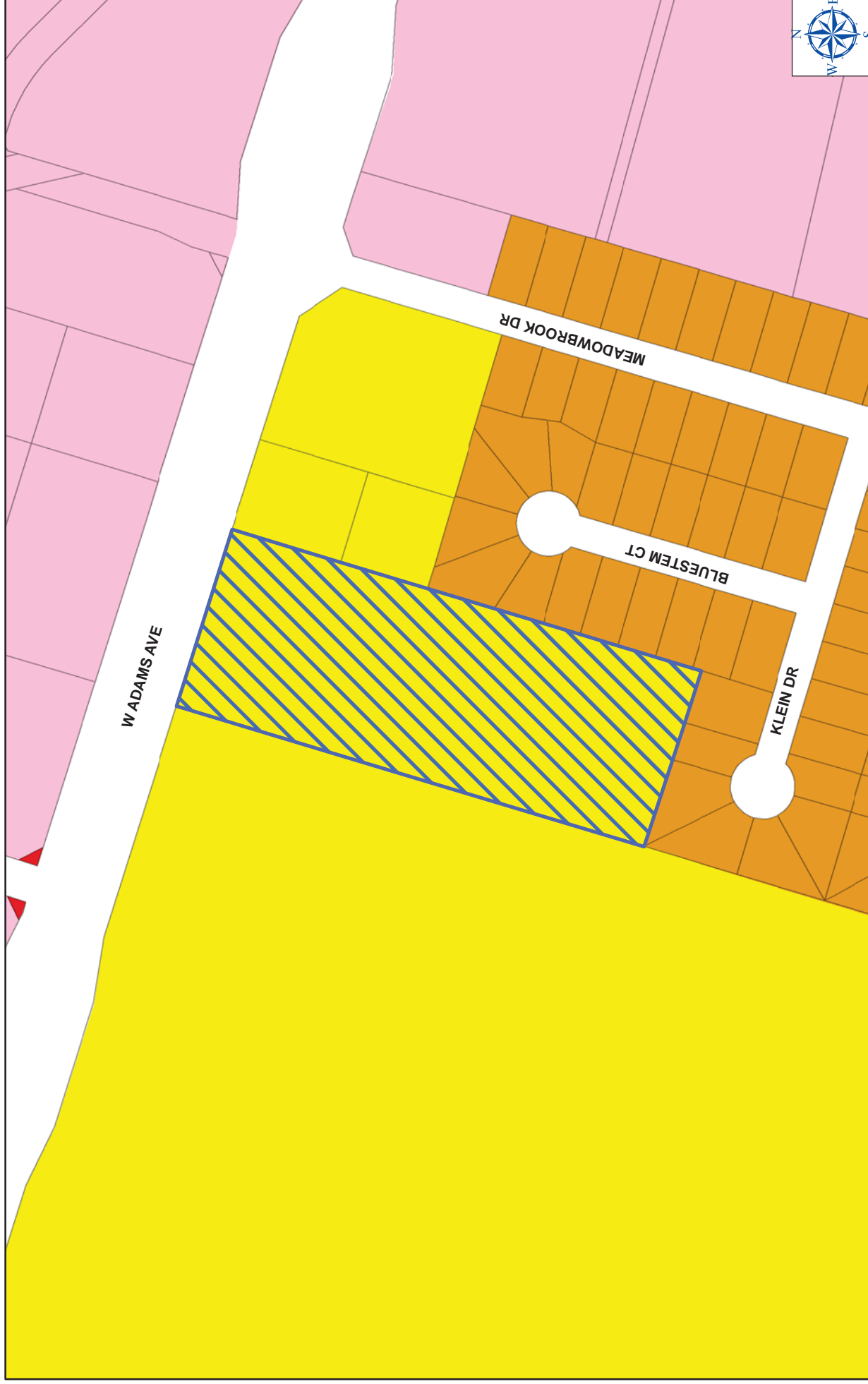




**Z-FY-15-20**

# Future Land Use Plan

**7425 W Adams Ave**



- Case
- Auto-Urban Commercial
- Suburban Residential
- Auto-Urban Residential

5/7/2015  
City of Temple GIS



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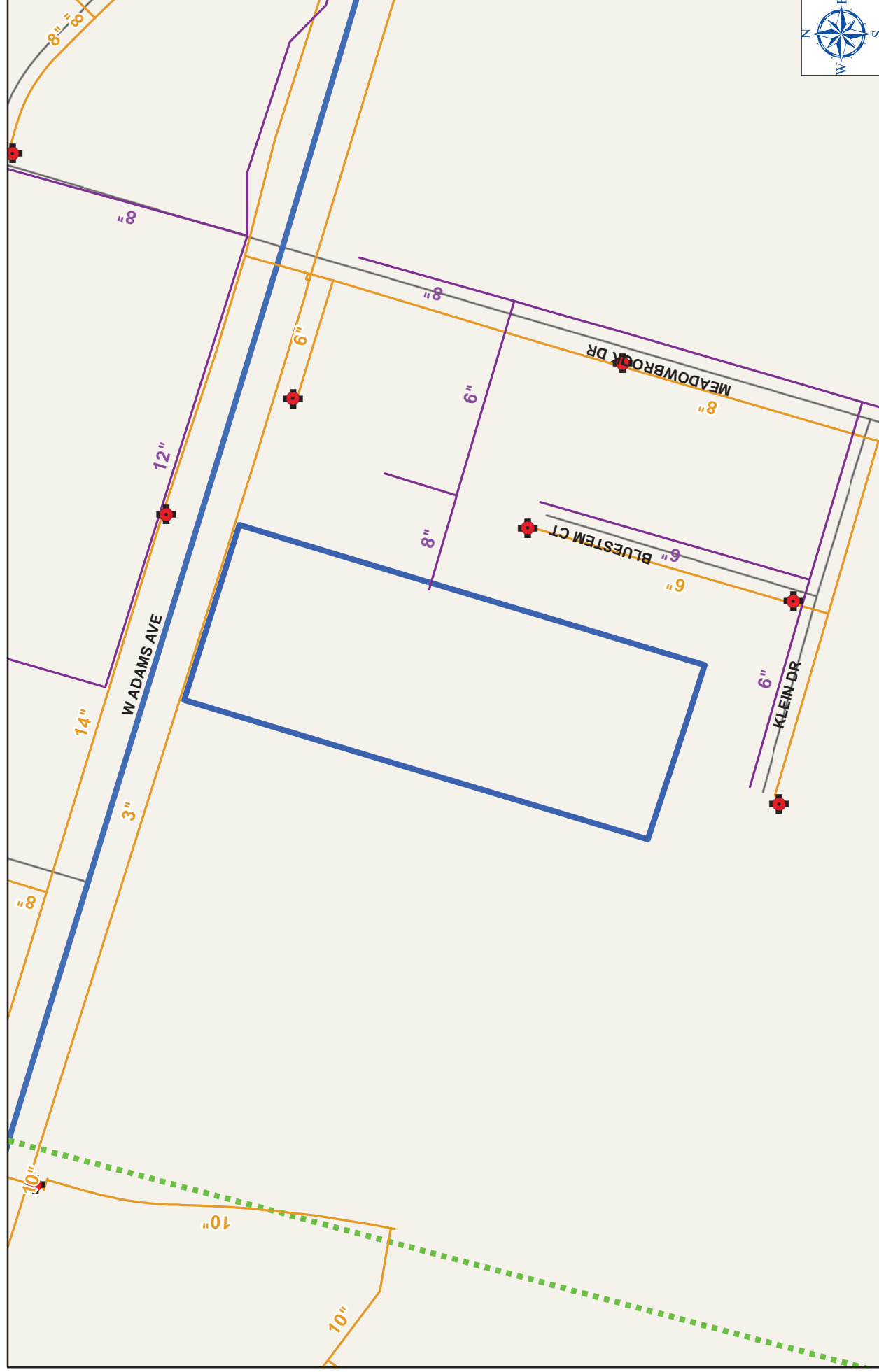




**Z-FY-15-20**

# Utility Map

7425 W Adams Ave



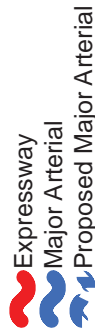
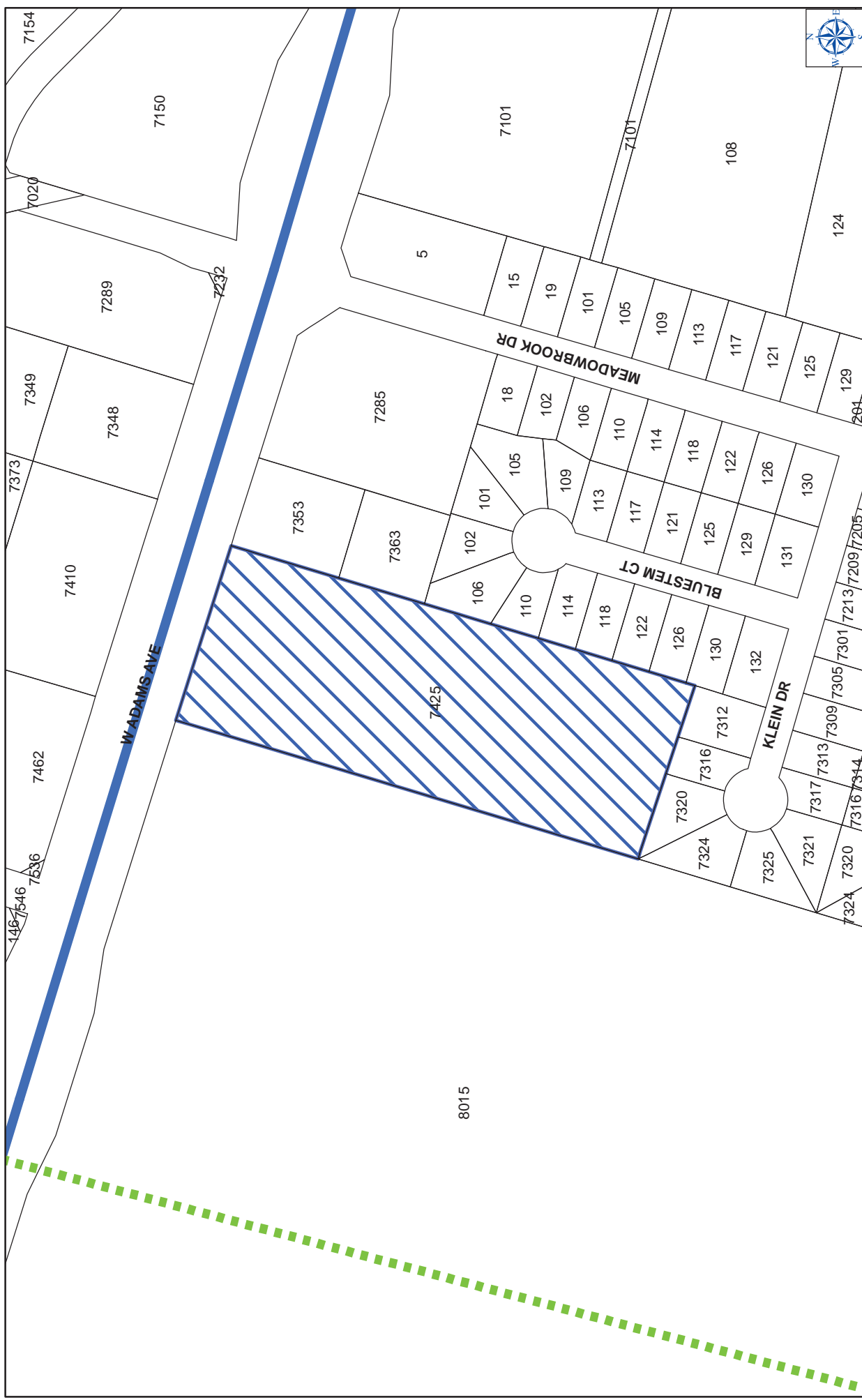




Z-FY-15-20

# Thoroughfare Plan

7425 W Adams Ave.



5/7/2015  
City of Temple GIS  
myatberry

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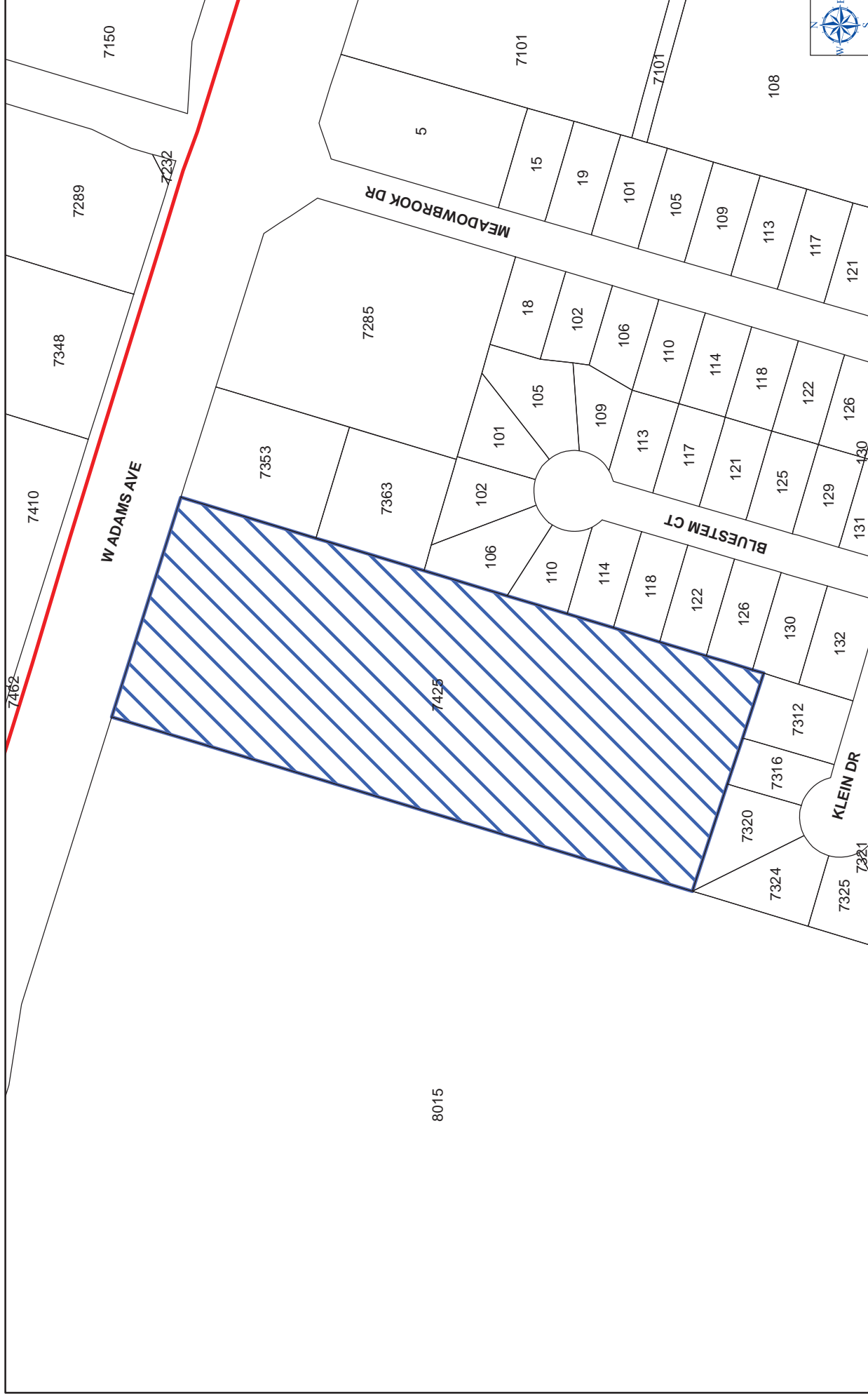




Z-FY-15-20

# Trails Plan

7425 W Adams Ave.



## Trails

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

## Under Design/Construction Community-Wide Connector Trail

- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail



5/7/2015  
City of Temple GIS  
myarberry

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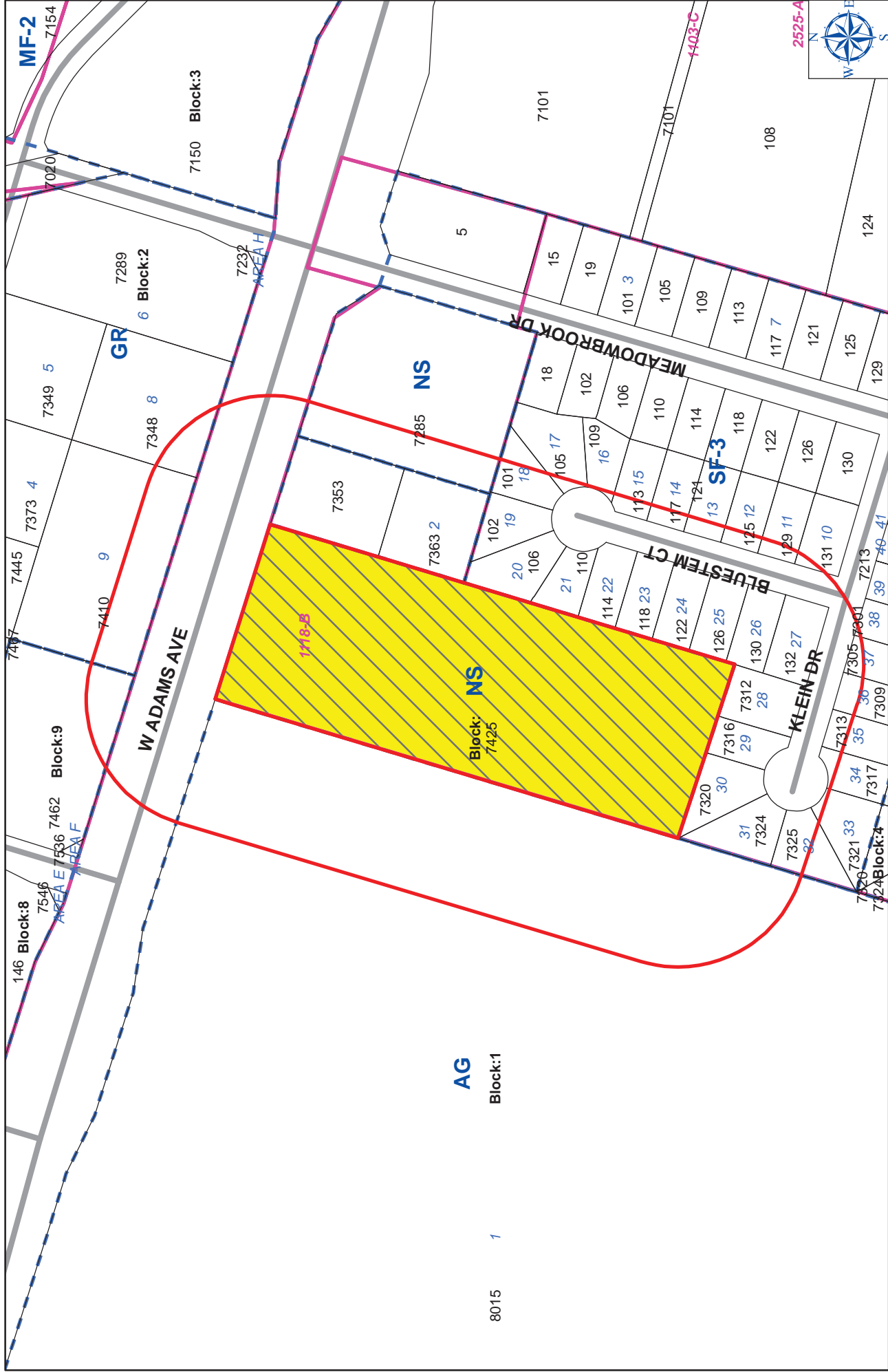



Z-FY-15-20


# Notification Map


NS to PD-NS


7425 W. Adams Ave.





**Case**


**200' Buffer**


**Zoning**


**Subdivision**


**Block Number**


**Lot Number**


**1234-A**


**1234**


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**Addresses**


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
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
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**myarberry**


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**1234**


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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
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
**2525-A**


**1403-C**


**1234-A**


**1234**


**1418-B**

**1403-C**

**2525-A**

**1403-C**

**1234-A**

**1234**





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

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

**Zoning Application Number:** Z-FY-15-20

**Project Manager:** Mark Baker

**Location:** 7425 West Adams Avenue

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 June 1, 2015.**

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

**RECEIVED**

**MAY 28 2015**

City of Temple  
Planning & Development

**Number of Notices Mailed:** 36

**Date Mailed:** May 21, 2015

\*If you own multiple properties within 200 feet of the requested change, see attached listing.





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Jesse Etux Alice Ortiz  
118 Bluestem Court  
Temple, Texas 76502

Zoning Application Number: Z-FY-15-20

Project Manager: Mark Baker

Location: 7425 West Adams Avenue

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:

*We are in favor as long as they allow us  
some type of exit from the back of our yard.*

*Jesse & Alice Ortiz*  
Signature

Jesse AND Alice Ortiz  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than  
June 1, 2015.

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

**RECEIVED**  
MAY 29 2015  
City of Temple  
Planning & Development

Number of Notices Mailed: 36

Date Mailed: May 21, 2015





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

Meadows Business Partners LP  
7353 West Adams Avenue  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-20

**Project Manager:** Mark Baker

**Location:** 7425 West Adams Avenue

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

JOHN C. HOWE  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than June 1, 2015.**

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

**RECEIVED**

**JUN 01 2015**

Number of Notices Mailed: 36

Date Mailed: May 21, 2015

City of Temple  
Planning & Development

\*If you own multiple properties within 200 feet of the requested change, see attached listing.





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Jesse Koontz  
113 Bluestem Court  
Temple, Texas 76502

Zoning Application Number: Z-FY-15-20

Project Manager: Mark Baker

Location: 7425 West Adams Avenue

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:

*This is a family oriented neighborhood & we are not supporting an establishment that will have liquor b- for large part of sales & have late hours until 2 AM in the morning. This establishment should be in a business park not a residential neighborhood. The traffic will be so bad & we do not have a traffic light at the intersection of Adams & Meadowbrook. We will need a light if the business is opened.*

  
Signature

Jesse Koontz  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 1, 2015.

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

RECEIVED

JUN 01 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 36

Date Mailed: May 21, 2015





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

Westfield Capital LLC &  
Kiella Development Inc.  
15 North Main Street  
Temple, Texas 76501

**Zoning Application Number:** Z-FY-15-20

**Project Manager:** Mark Baker

**Location:** 7425 West Adams Avenue

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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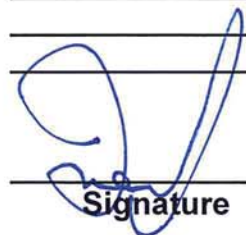
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\_\_\_\_\_  
Signature

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

**Please mail or hand-deliver this comment form to the address shown below, no later than June 1, 2015.**

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

**RECEIVED**

JUN 01 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 36

Date Mailed: May 21, 2015





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

William Etux Margaret Pearson  
7316 Klein Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-20

**Project Manager:** Mark Baker

**Location:** 7425 West Adams Avenue

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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William Pearson

Signature

William Pearson

Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than June 1, 2015.**

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

**RECEIVED**

JUN 01 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 36

Date Mailed: May 21, 2015



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

(PLANNING NO. Z-FY-15-20)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE REZONING OF PROPERTY LOCATED AT 7425 WEST ADAMS AVENUE FROM NEIGHBORHOOD SERVICE DISTRICT TO PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE DISTRICT WITH A DEVELOPMENT PLAN TO ALLOW DRIVE-IN RESTAURANTS, AND A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN ESTABLISHMENTS WHERE BETWEEN 50% AND 75% OF THE TOTAL GROSS REVENUE MAY BE FROM THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicant, John Kiella on behalf of Tem-Tex Investments LLC, requests rezoning of approximately 4.916 acres, comprised of an approximately 2.037 acre northern portion and an approximately 2.879 acre southern portion, from Neighborhood Service (NS) district to Planned Development–Neighborhood Service (PD-NS) district and requests allowance of “pickup” or drive-in windows on two suites along with two separate drive aisles within the Westfield Market development;

**Whereas**, drive-in restaurant uses are not permitted in the Neighborhood Service (NS) district but are permitted in the General Retail (GR) district - the requested Planned Development would include the additional use by-right;

**Whereas**, a Conditional Use Permit (CUP) for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages, is being requested - the applicant is requesting that this use be permitted anywhere within the property without the need for multiple applications for a separate conditional use permit;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property located at 7425 West Adams Avenue, recommends that the City Council approve the application for this CUP for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of all alcoholic beverages; 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.



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

**Part 1:** The City Council approves a rezoning located at 7425 West Adams Avenue from Neighborhood Service District (NS) to Planned Development-Neighborhood Service District (PD-NS) with a development plan to allow drive-in restaurants, and a Conditional Use Permit for the sale of all alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of all alcoholic beverages, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: The City Council approves a rezoning, as described in Part 1, subject to the following conditions:

1. As listed by UDC Section 5.1, all permitted uses within the Neighborhood Service (NS) district are allowed, with the addition of drive-in restaurants, which will be allowed only in the northerly 2.037 acre portion of Westfield Market;
2. Drive-in restaurants are prohibited in the southerly 2.879 acre portion of Westfield Market but applicant may request approval of a new and separate development plan in the future;
3. Drive-in restaurants are restricted to a drive-aisle and drive-in (pick-up) window only;
4. The Director of Planning is authorized to approve minor modifications to the City Council-approved Development Plan, including but not limited to the selection of exterior building materials, screening, buffering, landscaping and minor modifications to the overall site layout;
5. Submittal of a Development Plan at the time of Construction Documents, that is in substantial compliance to Exhibit A of the Rezoning Ordinance or as amended by subsequent action by the Director of Planning or City Council, is required;
6. Prior to development of the southerly 2.879 acre portion of the Westfield Market, a subdivision plat is filed for review with the Planning Department;
7. Upon residential development or residential rezoning of the undeveloped property between the First Baptist Church and Westfield Market, the owner/developer of the Westfield Market shall be responsible for the submittal of a revised development plan to the Planning Department, confirming compliance of the required buffering and screening.

**Part 3:** The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" operating an establishment with all alcoholic beverage sales for on-premise consumption shall comply with following conditions:

1. The use may be allowed in any of the developed building suites within the total 4.916 acre Westfield Market;
2. The use is subject to compliance with Chapter 4 of the City Code of Ordinances related to alcoholic beverages;



3. The Conditional Use must comply with UDC Section 5.3.15A related to alcoholic beverage sales for on-premise consumption and UDC Section 5.3.15B related to the 50% to 75% range of gross revenue, from all alcoholic beverage sales with on-premise consumption; and
4. As listed in UDC Section 5.1 and upon separate request, all other conditional uses identified in the NS district, are subject to review by a separate conditional use permit application process.

**Part 4:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

**Part 5:** 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 6:** 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 7:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 8:** It is hereby officially found and determined that the meeting at which this Ordinance 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 **2<sup>nd</sup>** day of **July**, 2015.

PASSED AND APPROVED on Second Reading on the **16<sup>th</sup>** day of **July**, 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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07/16/15  
Item #4(J)  
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 \$234,189.

**ATTACHMENTS:**

[Budget Amendments  
Resolution](#)



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
**July 16, 2015**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
110-3110-551-2333		Repair & Maintenance / Auto & Equipment (Fleet Services)	\$ 150	
110-0000-461-0865		Other / Misc Reimbursements		\$ 150
To appropriate revenue and expenditure related to the damage done to a golf cart by a patron.				
110-3224-551-6310	<b>101442</b>	Capital Building & Grounds / Indoor Pool Deck Coating	\$ 9,048	
110-2431-519-2311		Repair & Maintenance / Building & Grounds		\$ 9,048
To reclassify a repair & maintenance transaction purchased by Facility Services to a capital asset account for Sammons' indoor pool. Asset # 14039 - indoor pool deck coating.				
110-2020-521-2533		Other Services / DARE CJD Expenses	\$ 310	
110-0000-442-0723		Police Revenue / DARE Donations		\$ 310
110-2033-521-2120		Supplies / Education/Recreation	\$ 450	
110-0000-442-0722		Police Revenue / Police Donations/Gifts		\$ 450
To appropriate revenues and expenditures related to GREAT Camp from registration fees collected, as well as, donations made to the COPS unit for community events.				
110-2100-529-6310	<b>101445</b>	Capital Building & Grounds / Roof Replacement	\$ 20,373	
110-2210-522-2516		Other Services / Judgement & Damages	\$ 11,164	
110-2410-519-2516		Other Services / Judgement & Damages	\$ 15,527	
110-2410-519-6310	<b>101446</b>	Capital Building & Grounds / Roof Replacement	\$ 19,230	
110-3110-551-2516		Other Services / Judgement & Damages	\$ 475	
110-3130-551-2516		Other Services / Judgement & Damages	\$ 6,428	
110-3222-551-2516		Other Services / Judgement & Damages	\$ 1,472	
110-3223-551-2516		Other Services / Judgement & Damages	\$ 1,619	
110-3224-551-2516		Other Services / Judgement & Damages	\$ 5,008	
110-3270-551-6310	<b>101444</b>	Capital Building & Grounds / Roof Replacement	\$ 46,478	
110-3500-552-2516		Other Services / Judgement & Damages	\$ 39,409	
110-4000-555-2516		Other Services / Judgement & Damages	\$ 12,456	
<b>110-0000-352-1345</b>		<b>General Fund - Unassigned Fund Balance</b>		<b>\$ 141,473</b>
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 38,166
240-7000-551-2516		Other Services / Judgement & Damages	\$ 19,197	
240-7000-551-6310	<b>101447</b>	Capital Building & Grounds / Roof Replacement	\$ 15,007	
240-0000-461-0554		Insurance Claims / Insurance Claims		\$ 34,204
520-5000-535-2516		Other Services / Judgement & Damages	\$ 1,275	
520-5110-535-2516		Other Services / Judgement & Damages	\$ 5,501	
520-5122-535-2516		Other Services / Judgement & Damages	\$ 212	
520-5123-535-2516		Other Services / Judgement & Damages	\$ 150	
520-5521-535-2516		Other Services / Judgement & Damages	\$ 3,250	
<b>520-0000-373-0412</b>		<b>Water/Sewer Fund - Unassigned Fund Balance</b>		<b>\$ 3,895</b>
520-0000-443-3054		Other Charges / Insurance Claims		\$ 6,493
To appropriate insurance proceeds from TML for reimbursement for hair damage that during May 2013 to several City facilities. As of today, the City has received three reimbursements for a total of \$208,171.35: (1) \$135,066.69 on 09/30/13, (2) \$50,409.32 on 12/30/13, and (3) \$22,695.64 on 04/24/14. Of the total reimbursements to date, only \$27,848 has been appropriated during 08/21/14 council meeting for the HVAC repairs at City Hall. In addition, this budget adjustment recognizes the anticipated amount of \$50,359 from TML upon completion of all repairs.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 234,189</b>	<b>\$ 234,189</b>



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
**July 16, 2015**

		APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit      Credit
GENERAL FUND			
		Beginning <b>Contingency</b> Balance	\$ -
		Added to Contingency Sweep Account	-
		Carry forward from Prior Year	-
		Taken From Contingency	-
		Net Balance of Contingency Account	\$ -
		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	\$ -
WATER & SEWER FUND			
		Beginning <b>Contingency</b> Balance	\$ 50,000
		Added to Contingency Sweep Account	-
		Taken From Contingency	(21,098)
		Net Balance of Contingency Account	\$ 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>
HOTEL/MOTEL TAX FUND			
		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>\$ 7,415</b>
DRAINAGE FUND			
		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>



CITY OF TEMPLE  
BUDGET AMENDMENTS FOR FY 2015 BUDGET  
July 16, 2015

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
FED/STATE GRANT FUND				
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year		89,040
		Added to Contingency Sweep Account		-
		Taken From Contingency		(29,008)
		Net Balance of Contingency Account	\$	<b>60,032</b>



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 16<sup>th</sup> day of **July**, 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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07/16/15  
Item #5  
Regular Agenda  
Page 1 of 4

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

Beverly Zendt Assistant Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-15-21: Consider adopting an ordinance authorizing a rezoning of approximately 64.09 acres located at 4767, 4849, and 5141 North General Bruce Drive from Agriculture District (AG) to Light Industrial District (LI) with a Conditional Use Permit for a Distribution Center.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its June 15, 2015 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the requested rezoning from AG to LI with a Conditional Use Permit for a Distribution Center.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning from Agriculture District (AG) to Light Industrial District (LI) with a Conditional Use Permit for a Distribution Center as it demonstrates compliance with the following:

1. Compatibility with surrounding zoning and land uses; and
3. Compliance with the Thoroughfare Plan and Master Trails Plan.

Additionally, public facilities will be available to serve the subject property.

**ITEM SUMMARY:** The applicant has requested a rezoning of approximately 64.09 acres from AG to LI with a Conditional Use Permit for a Distribution Center. The subject property includes three parcels located on North General Bruce Drive located (primarily) in the I-35 Corridor Overlay Industrial Sub-District. The subject site will be developed for the purpose of locating a distribution center for the Baylor Scott and White Health Care System. The I-35 Corridor Overlay Industrial Sub-District permits a distribution center with a Conditional Use Permit.

The proposed zoning is not compatible with the *Choice '08* Comprehensive Plan- Future Land Use Map. The subject property is located in the Suburban Commercial land use character area according to the Comprehensive Plan / Future Land Use Plan (FLUP). The Suburban Commercial land use character area is appropriate for office, retail and services abutting residential neighborhoods and in other areas where the community's image and aesthetic value should be promoted such as gateways and high profile corridor locations. The *Choices '08* Comprehensive Plan recommends specific design standards that promote a "residential in appearance" look in proposed construction - calling for an architectural style that contributes to the suburban character. Additionally, the comprehensive plan calls for extensive landscaping and/or open space in this character area.



As an industrial use, this project is not compatible with the Future Land Use map. Nevertheless, the property is surrounded by undeveloped commercial and agriculturally zoned land. Although the southernmost portion of the tract is in the I-35 Corridor Overlay Civic Entry Sub-District, most of the subject property is and proposed construction will be located in the Industrial Sub-District which was clearly envisioned for industrial uses. At the center of the subject property is the city owned Troy Sanitary Sewer Lift Station located on a ½ acre site. Additionally, future uses along the I-35 corridor Industrial Sub-District are likely to be more urban commercial than suburban commercial based on the proximity to the interstate, the character of the surrounding area and the highest and best use of property with that level of exposure. It is not anticipated that the city will see residential uses in this area. While the proposed project will not likely be designed to have a residential appearance – it will need to comply with the architectural and landscaping requirements for the I-35 Corridor Overlay District as applicable.

**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:

Direction	FLUP	Zoning	Current Land Use
<b>Subject Property</b>	<b>Suburban Commercial</b>	<b>AG</b>	<b>Undeveloped</b>
North	<b>Suburban Commercial</b>	AG	Undeveloped
South	<b>Suburban Commercial</b>	AG	Undeveloped
East	<b>Industrial</b>	AG	Undeveloped
West	<b>Suburban Commercial</b>	C	Industrial and office uses

The I-35 Corridor Overlay district identifies permitted and prohibited uses for each sub-district. Uses in the Industrial Sub-district are more restrictive that uses allowed in the Light Industrial District although most uses allowed in LI are still permitted. The following table summarizes allowed uses and uses that require a CUP in the I-35 Industrial Sub-District.

Residential Uses	Nonresidential Uses	Prohibited Uses
Boarding House	Most Commercial Uses	Auto-Storage and Auction
Convent or Monastery	Most Recreational and Entertainment Uses	Correctional Facility
Family or Group Home (CUP)	All Transportation Uses	Flea market Outdoors
Home for the Aged	Distribution Center (CUP)	Sexually Oriented Business
Fraternity or Sorority House	Upholstery Repair (CUP)	Wrecking or salvage yard
	All industrial uses in Section 5.1 (CUP)	

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



Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	No
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

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

The property is within the Suburban Commercial character district. The requested Light Industrial zoning (LI) is incompatible zoning for the character area. Nevertheless, the LI zoning district is an appropriate for this site based on the I-35 Overly Industrial Sub-district location and standards, the surrounding zoning, the surrounding uses and the general location and character of the area – which lends itself to more intensive commercial and light industrial uses.

**Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance**

The subject property is located on North General Bruce Drive. There are no new roads proposed in the general area on the Future Thoroughfare Plan. A citywide spine trail is proposed on the west side of the abutting property along the existing railroad.

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

Sewer is available to the subject property through an existing 12" sewer line on crossing the subject property on the south side to and from the existing sanitary sewer lift station. Water is being extended from an existing 12" water line currently located along Pegasus Drive to the west part of the Elm Creek Water Extension Project. The project is currently under design now with completion date anticipated within the next twelve months.

**DEVELOPMENT REGULATIONS:** Dimensional regulations for the base district apply except where the I-35 Industrial Sub-District regulations supersede such requirements.

Regulation	Measurement
Min. Lot Area	1 acre
Min. Lot Width	160 ft.
Min. Lot Depth	160 ft.
Min. Front Yard Setback	50 ft.
Min. Side Yard Setback	20 ft.
Min. Side Yard Setback at Street	50 ft.
Min. Rear Yard Setback	20 ft. (30 ft. adjacent to residential)
Min. Landscape	10% of lot area
Min. Landscape Buffer	35 ft. front and adjacent to public street 10 ft. rear (20 ft. adjacent to residential) 10 ft. side
Max. Building Coverage	50%
Max. FAR	1 to 1
Max. Building Height	42 ft. including mechanical and roof structure



## **I-35 Corridor Overlay District**

I-35 Overlay Industrial Sub-District standards address the following:

- Tree Preservation,
- Screening and Wall Standards,
- Landscaping,
- Parking, and
- Architectural Design.

The applicant will have to meet all the special corridor standards or request an appeal per UDC Section 2.2.2.

**PUBLIC NOTICE:** Eleven 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 Wednesday June 10, 2015 at 12:00 PM, no notices had been received either in favor or against the proposed rezoning. The newspaper printed notice of the public hearing on June 4, 2015, in accordance with state law and local ordinance.

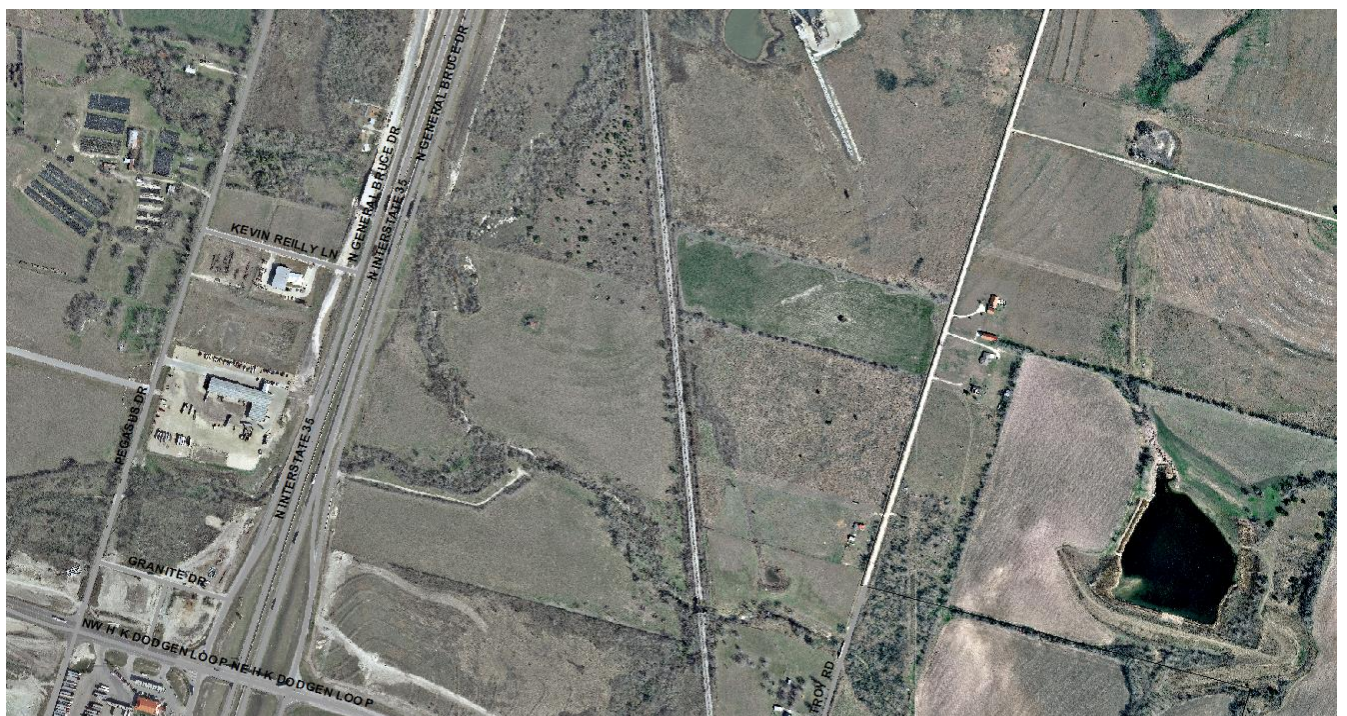
**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

[Site and Surrounding Property Photos](#)  
[Zoning & Location Map](#)  
[Future Land Use and Character Map](#)  
[Localized area of the Thoroughfare & Trails Plan \(combined\)](#)  
[Utility Map](#)  
[Elm Creek Waterline Map](#)  
[Preliminary Site Plan](#)  
[Notification Map](#)  
[Ordinance](#)



Subject Property: 4767, 4849, and 5141 North General Bruce Drive.





Direction	FLUP	Zoning	Current Land Use
South	Suburban Commercial	AG	Undeveloped



Direction	FLUP	Zoning	Current Land Use
East	Industrial	AG	Undeveloped





Direction	FLUP	Zoning	Current Land Use
West	Suburban Commercial	C	Industrial and Offices Uses



Direction	FLUP	Zoning	Current Land Use
North	Suburban Commercial	AG	Undeveloped



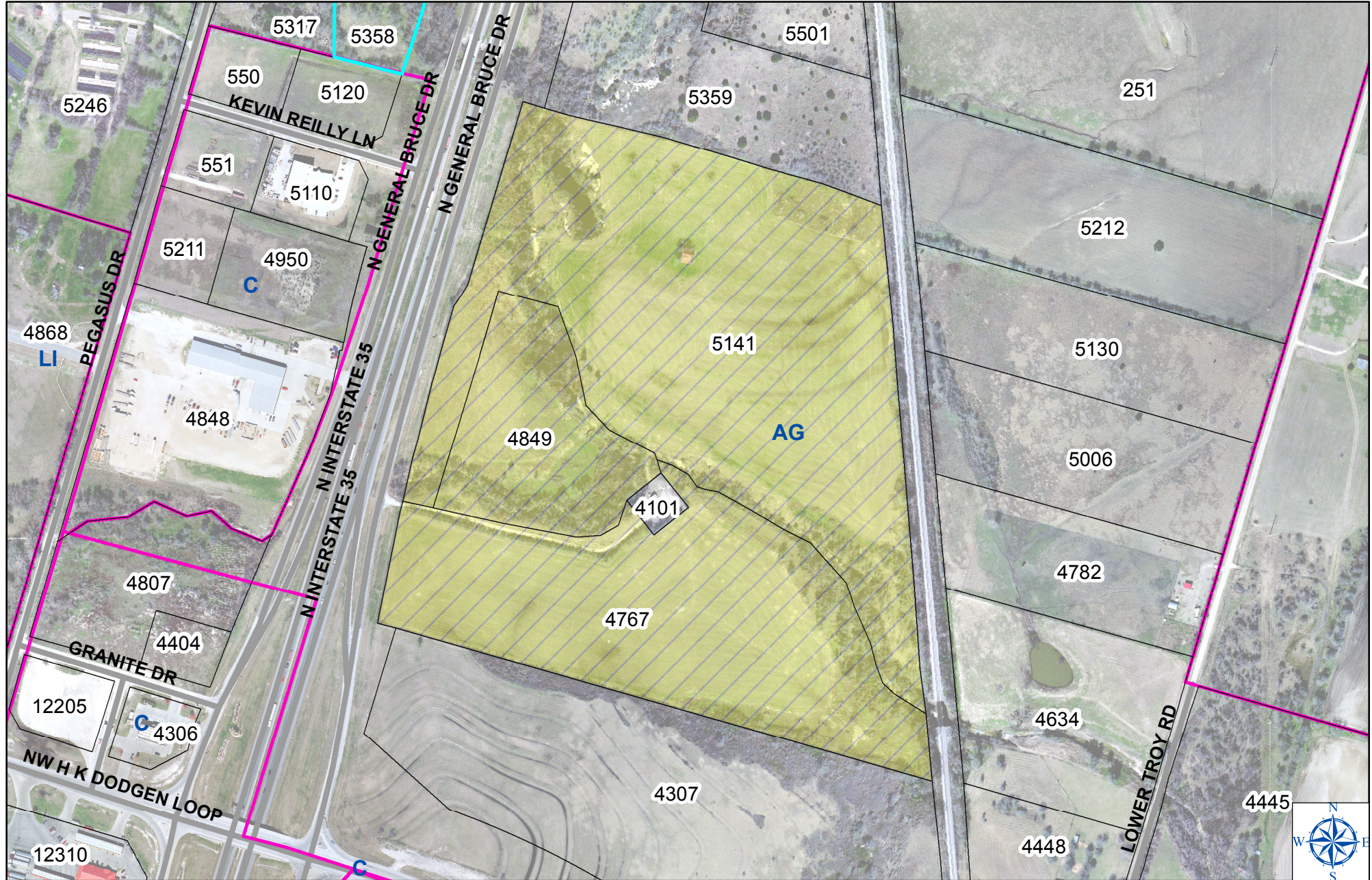




**Z-FY-15-21**

Rezoning Request: Agricultural (AG) to Light Industrial (LI)  
with a Conditional Use Permit for a Distribution Center

**5141, 4849, and 4767  
N General Bruce Drive**



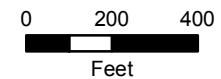
Case



Zoning

1234 Addresses

5-28-15  
Temple Planning Department  
bzndt



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.

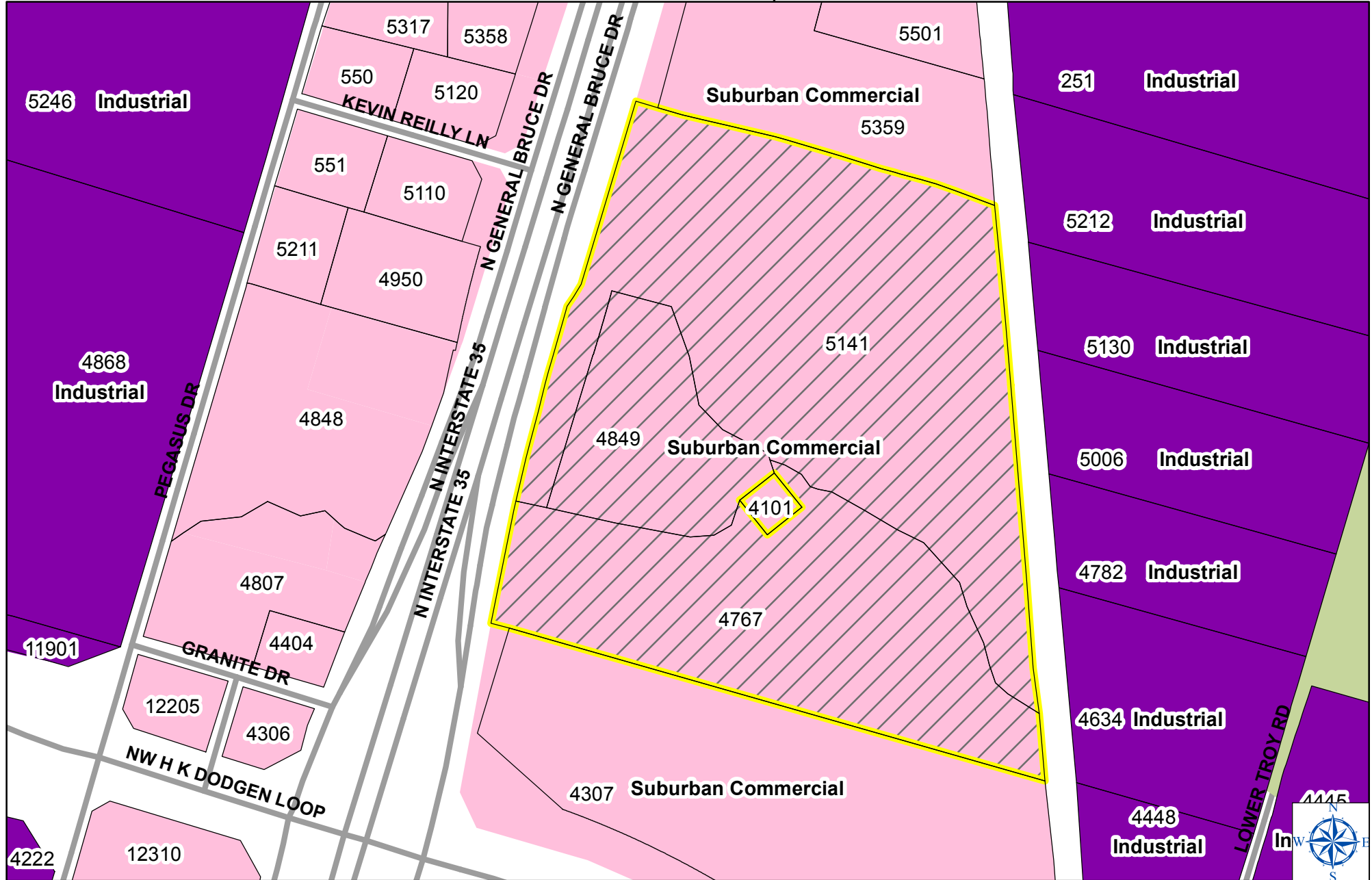




**Z-FY-15-21**

Rezoning Request: Agricultural (AG) to Light Industrial (LI)  
with a Conditional Use Permit for a Distribution Center  
Future Land Use Map

**5141, 4849, and 4767  
N General Bruce Drive**



Case 1234 Addresses

6-9-2015  
Temple Planning Department  
bzndt

0 200 400  
Feet

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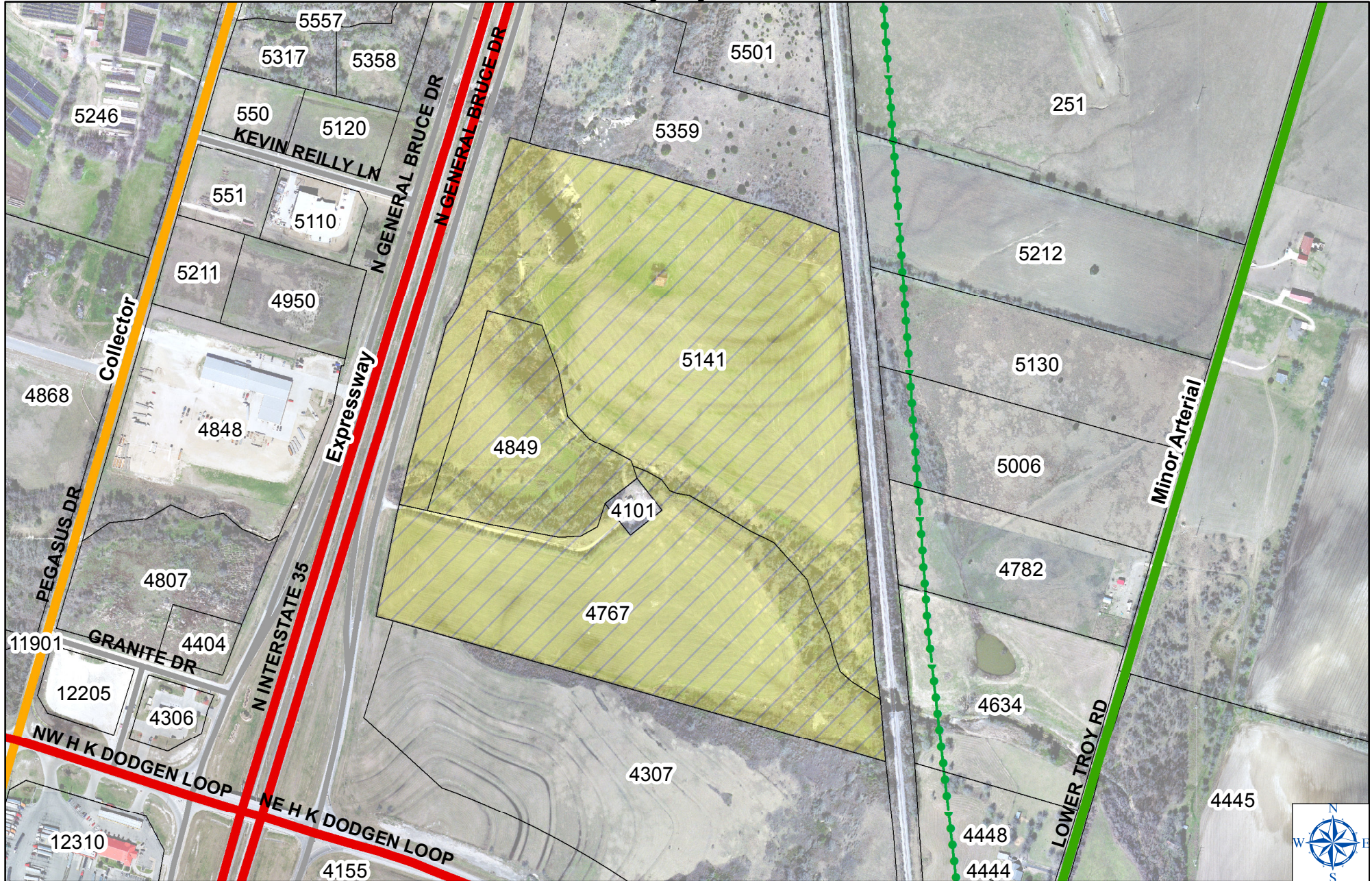




**Z-FY-15-21**

**Rezoning Request: Agricultural (AG) to Light Industrial (LI)  
with a Conditional Use Permit for a Distribution Center  
Utility Layout**

**5141, 4849, and 4767  
N General Bruce Drive**



 Case  CITY WIDE SPINE  COMMUNITY WIDE CONNECTOR  LOCAL CONNECTOR

0 200 400  
Feet



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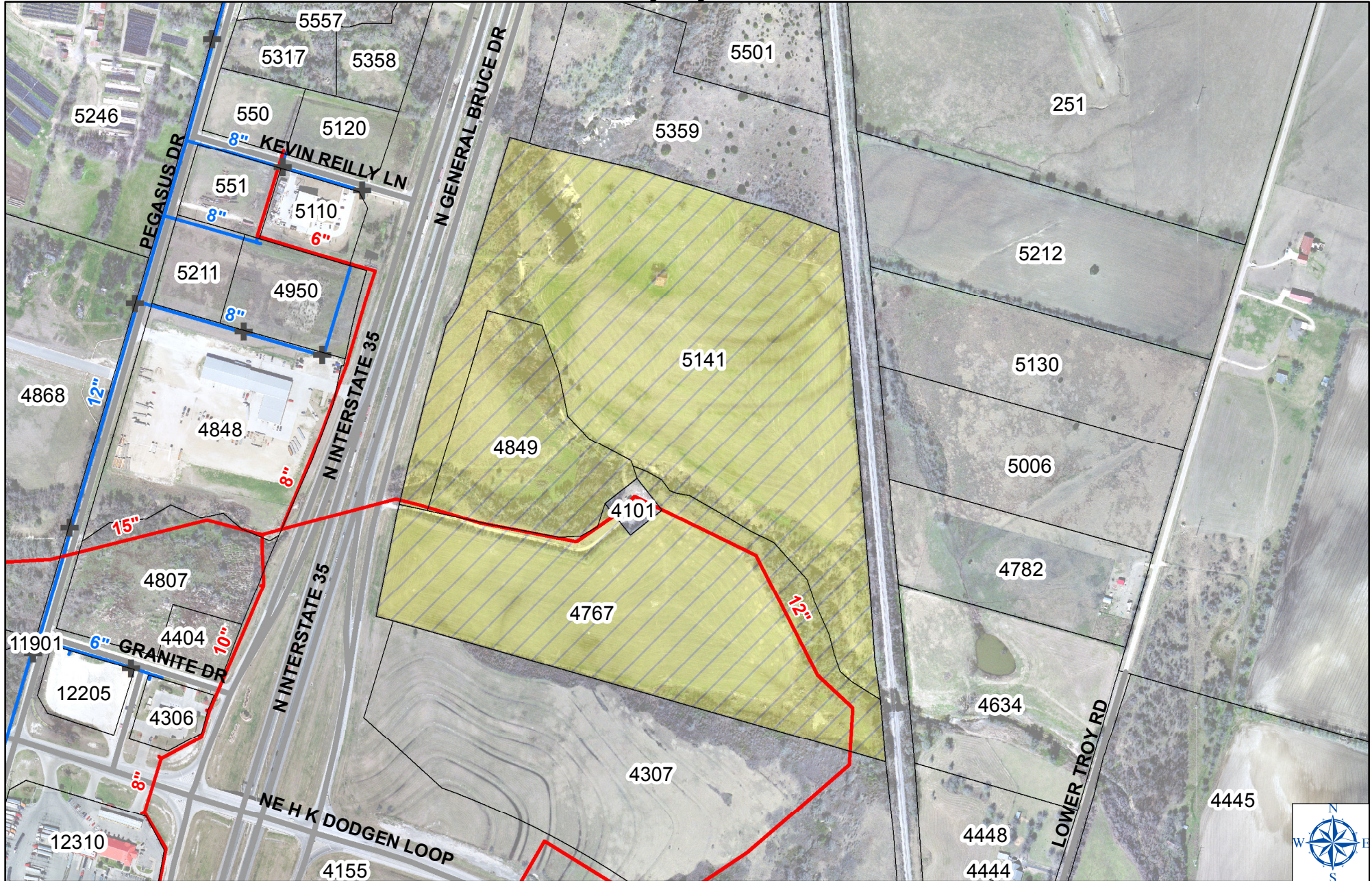




**Z-FY-15-21**

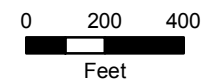
**Rezoning Request: Agricultural (AG) to Light Industrial (LI)  
with a Conditional Use Permit for a Distribution Center  
Utility Layout**

**5141, 4849, and 4767  
N General Bruce Drive**



✚ Fire Hydrant    — Sewer Line    — Water Line    Case

5-28-15  
Temple Planning Department  
bzndt



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# **NORTH LOOP 363 PROPOSED 12" WATERLINE EXTENSION**

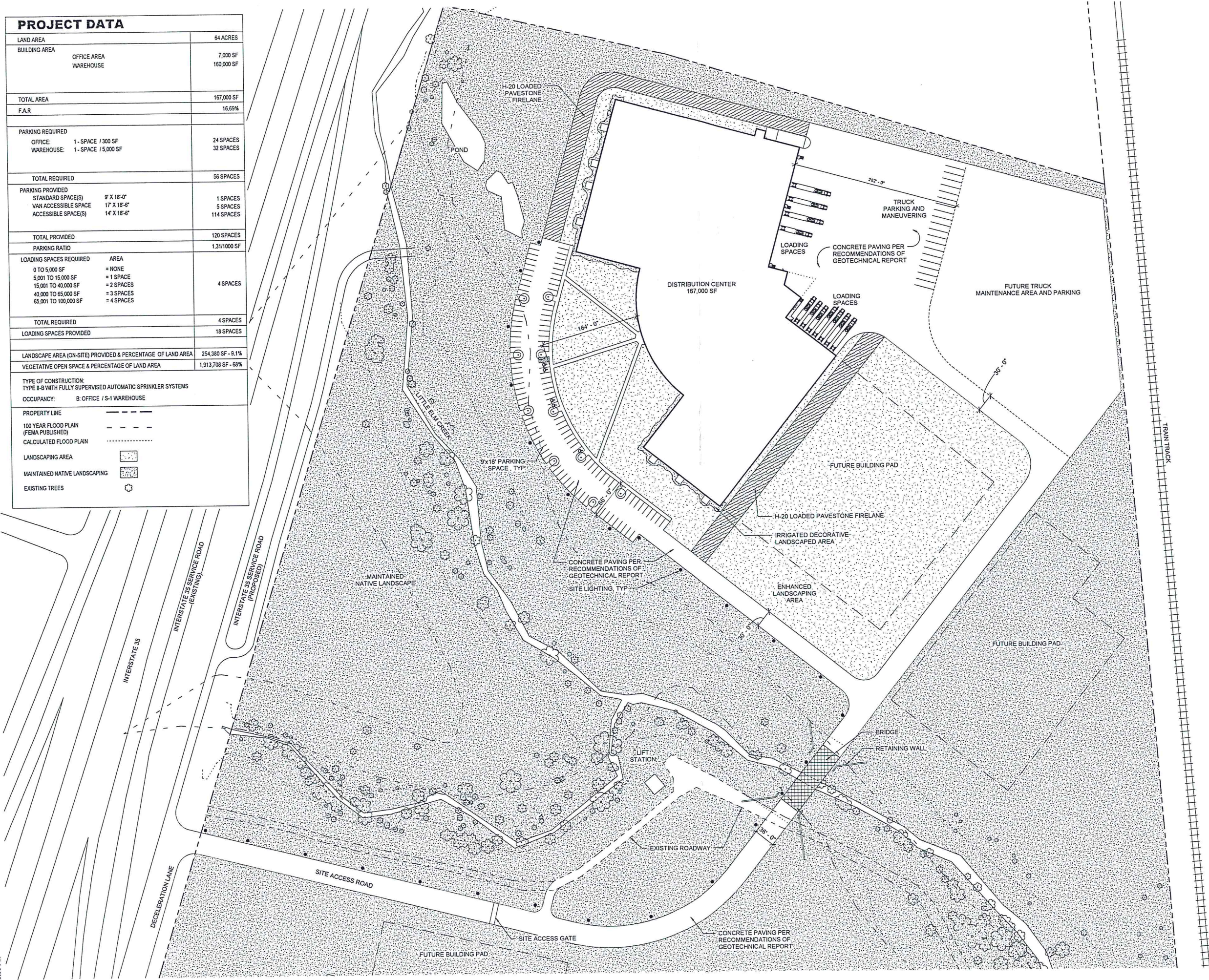
## **EXHIBIT A**

### **LEGEND**

- 12" W EXIST. WATER
- PROP. 12" WL



PROJECT DATA		
LAND AREA		64 ACRES
BUILDING AREA	OFFICE AREA	7,000 SF
	WAREHOUSE	160,000 SF
TOTAL AREA		167,000 SF
F.A.R.		16.69%
PARKING REQUIRED		
OFFICE:	1 - SPACE / 300 SF	24 SPACES
	WAREHOUSE:	1 - SPACE / 5,000 SF
TOTAL REQUIRED		56 SPACES
PARKING PROVIDED		
STANDARD SPACE(S)		9' X 18'-0"
VAN ACCESSIBLE SPACE		17' X 18'-6"
ACCESSIBLE SPACE(S)		14' X 18'-6"
TOTAL PROVIDED		120 SPACES
PARKING RATIO		1.31/1000 SF
LOADING SPACES REQUIRED		
0 TO 5,000 SF		= NONE
5,001 TO 15,000 SF		= 1 SPACE
15,001 TO 40,000 SF		= 2 SPACES
40,000 TO 65,000 SF		= 3 SPACES
65,001 TO 100,000 SF		= 4 SPACES
TOTAL REQUIRED		4 SPACES
LOADING SPACES PROVIDED		18 SPACES
LANDSCAPE AREA (ON-SITE) PROVIDED & PERCENTAGE OF LAND AREA		254,380 SF - 9.1%
VEGETATIVE OPEN SPACE & PERCENTAGE OF LAND AREA		1,913,708 SF - 68%
TYPE OF CONSTRUCTION: TYPE II-B WITH FULLY SUPERVISED AUTOMATIC SPRINKLER SYSTEMS		
OCCUPANCY: B: OFFICE / S-1 WAREHOUSE		
PROPERTY LINE		
100 YEAR FLOOD PLAIN (FEMA PUBLISHED)		
CALCULATED FLOOD PLAIN		
LANDSCAPING AREA		
MAINTAINED NATIVE LANDSCAPING		
EXISTING TREES		



ISSUED FOR	REVISION	DATE

**PRELIMINARY  
FOR REVIEW ONLY**

Issued for review only.  
Drawings are preliminary and not intended for construction, construction  
bidding, or construction permitting purposes.  
They were prepared by, or under the supervision of:

Chris Christian  
Type or Print Name  
13621  
Reg. NO. #  
06/19/2015  
Date

**RECEIVED**  
**MAY 22 2015**  
City of Temple  
Planning & Development

SITE PLAN

**A100**

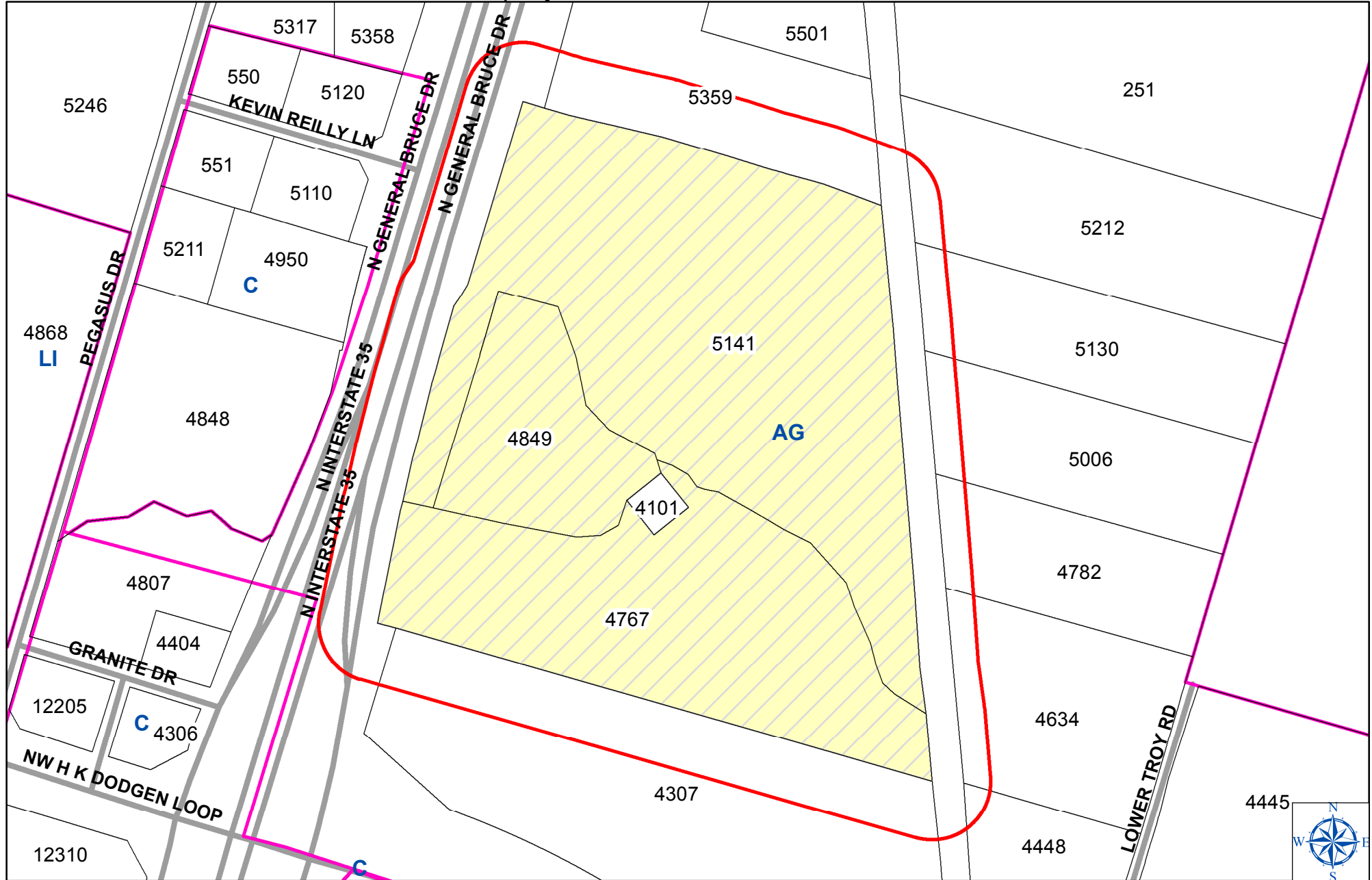




**Z-FY-15-21**

Rezoning Request: Agricultural (AG) to Light Industrial (LI)  
with a Conditional Use Permit for a Distribution Center  
Property Owner Notification 200' Buffer

**5141, 4849, and 4767  
N General Bruce Drive**



 Case  200' Buffer  Zoning 1234 Addresses

5-28-15  
Temple Planning Department  
bzndt

0 200 400  
Feet

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

(Z-FY-15-21)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING ON APPROXIMATELY 64.09 ACRES LOCATED AT 4767, 4849 AND 5141 NORTH GENERAL BRUCE DRIVE, FROM AGRICULTURAL DISTRICT TO LIGHT INDUSTRIAL DISTRICT WITH A CONDITIONAL USE PERMIT FOR A DISTRIBUTION CENTER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

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

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the approximately 64.09 acres located at 4767, 4849, and 5141 North General Bruce Drive, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council approves a rezoning on approximately 64.09 acres located at 4767, 4849, and 5141 North General Bruce Drive from Agriculture District (AG) to Light Industrial District (LI) with a Conditional Use Permit for a Distribution Center, more fully described in Exhibit A attached hereto.

**Part 2:** 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 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 **16<sup>th</sup>** day of **July**, 2015.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
RUSSELL SCHNEIDER, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

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

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