



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, AUGUST 20, 2015
3:00 P.M.**

AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 20, 2015.
2. Discuss the City's purchasing procedures relating to annual contract bidding and renewals.
3. Receive a presentation regarding a proposed ordinance regulating Credit Access Businesses, also commonly referred to as payday lenders.
4. Receive third quarter financial results for Fiscal Year 2015.
5. Discuss the possible purchase of approximately 80 acres of land located to the south of Poison Oak Road and east of State Highway 317 and approximately 10 acres of land located on Tower Road for potential use by the Parks and Recreation Department.

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

5:00 P.M.

MUNICIPAL BUILDING

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

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. BUDGET ITEMS

3. **PUBLIC HEARING** – Conduct the second of two public hearings to receive comments on the proposed tax rate of 62.98 cents per \$100 valuation for fiscal year 2016 (2015 tax year), and announce meeting to adopt the proposed tax rate on August 27, 2015.

IV. CONSENT AGENDA

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

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

Minutes

- (A) [May 14, 2015 Special Meeting](#)
- (B) [August 6, 2015 Special Called & Regular Meeting](#)

Contracts, Leases, & Bids

- (C) [2015-7763-R](#): Consider adopting a resolution authorizing a towing services contract with 121 Towing & Recovery.
- (D) [2015-7764-R](#): Consider adopting a resolution authorizing a two-year contract with McCreary, Veselka, Bragg & Allen of Round Rock for delinquent account collection services.
- (E) [2015-7765-R](#): Consider adopting a resolution authorizing change order #1 to the construction contract with Austin Engineering Co., Inc. of Austin, in the amount not to exceed \$33,632, for rehabilitation of the Hickory Lift Station as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.
- (F) [2015-7766-R](#): Consider adopting a resolution authorizing a Contract Amendment #1 for a professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$105,255, required to design Research Parkway improvements from Central Pointe Parkway to I35 within the Reinvestment Zone No.1 in northwest Temple.
- (G) [2015-7767-R](#): Consider adopting a resolution authorizing an increase in the estimated expenses in FY2015 for the hauling and disposal of sludge by S&M Vacuum & Waste, Ltd of Killeen from \$160,000 to \$200,000.
- (H) [2015-7768-R](#): Consider adopting a resolution authorizing execution of an amendment to the October 2014 easement agreement with Magellan Pipeline Company, L.P., to enlarge the easement area to accommodate the pipeline as constructed.
- (I) [2015-7769-R](#): Consider adopting a resolution authorizing a Memorandum of Understanding, in the amount of \$7,500, with the Bell/Lampasas Counties Community Supervision and Corrections Department to provide supervision for probationers performing community service projects.
- (J) [2015-7770-R](#): Consider adopting a resolution authorizing renewal of a Memorandum of Understanding with the U.S. Department of Justice Drug Enforcement Agency for participation in the Waco Task Force.
- (K) [2015-7771-R](#): Consider adopting a resolution authorizing an amendment to the Memorandum of Understanding with the Office of the Attorney General for participation in the Internet Crimes Against Children Task Force.
- (L) [2015-7772-R](#): Consider a resolution authorizing an Interlocal Agreement with the Temple Independent School District to provide school locations for after school latchkey programming.
- (M) [2015-7773-R](#): Consider adopting a resolution authorizing renewal of an Interlocal Assistance Agreement with the Bell County Sheriff's Office, Bell County, and the cities of Belton, Harker Heights and Killeen for participation in the Bell County Organized Crime Unit.
- (N) [2015-7774-R](#): Consider adopting a resolution authorizing renewal of an Interlocal Agreement with the Texas Department of Public Safety for participation in the DPS Sex Offender Registration program.

- (O) [2015-7775-R](#): Consider adopting a resolution authorizing renewal of an Interlocal Cooperation Agreement with the Texas Department of Public Safety for participation in the DPS Breath Testing and Laboratory Alcohol and Drug Testing Program.
- (P) [2015-7776-R](#): Consider adopting a resolution authorizing the City of Temple to enter into a Certification Election Agreement with the Temple Police Association.
- (Q) [2015-7777-R](#): Consider adopting a resolution authorizing a three year lease extension with Central Texas Workforce Board for lease of space in the Public Services Building.
- (R) [2015-7778-R](#): Consider adopting a resolution authorizing a two year lease extension with Morris & Pursley Financial Plans, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

ORDINANCES – SECOND & FINAL READING

- (S) [2015-4723](#): SECOND READING – Z-FY-15-22: Consider adopting an ordinance authorizing a rezoning of +/- 12.999 acres from Multiple Family Dwelling Two District (MF-2) to Neighborhood Service District (NS) on Lot 4, Block 3, The Groves at Lakewood Ranch Phase 1, located at 301 Clinite Grove Boulevard.

Misc.

- (T) [2015-7779-R](#): Consider adopting a resolution approving third quarter financial results for Fiscal Year 2015.
- (U) [2015-7780-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

V. REGULAR AGENDA

ORDINANCES – FIRST READING / PUBLIC HEARING

- 5. [2015-4725](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the Code of Ordinances, Chapter 6, “Animals and Fowl.”
- 6. [2015-4724](#): FIRST READING – PUBLIC HEARING - Z-FY-15-23: Consider adopting an ordinance authorizing a Conditional Use Permit for Lots 4-6, Block 3, Moore's Knight Addition, located at 111-119 South 33rd Street, allowing a Substance Abuse Treatment Facility.
- 7. [2015-4726](#): FIRST READING – PUBLIC HEARING – A-FY-15-02: Consider adopting an ordinance abandoning a right-of-way consisting of 0.089 +/- acre, approximately 31.60 feet wide, formerly known as part of Old Belton Road, partially established by use, and partially dedicated by the plat of Hillside Addition, according to the plat recorded in Volume 397, Page 280, of the Deed Records of Bell County, Texas, and requiring conveyance of a 15 foot wide public utility easement on the property addressed as 3010 South General Bruce Drive.

ORDINANCES – SECOND & FINAL READING

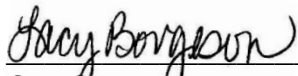
8. [2015-4721](#): SECOND READING – Z-FY-15-21: Consider adopting an ordinance authorizing a rezoning of approximately 64.09 acres located at 4767, 4849, and 5141 North General Bruce Drive from Agriculture District (AG) to Light Industrial District (LI) with a Conditional Use Permit for a Distribution Center.

RESOLUTIONS

9. [2015-7781-R](#): Consider adopting a resolution authorizing a construction contract for the Phase II bid with RT Schneider Construction Co. Ltd., in the amount of \$139,643, for the construction of additional parking and lighting to serve the Summit Recreation Center.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 12:30 PM, on Friday, August 14, 2015.



City Secretary, TRMC
City of Temple



COUNCIL AGENDA ITEM MEMORANDUM

08/20/15
Item #3
Regular Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the proposed tax rate of 62.98 cents per \$100 valuation for fiscal year 2016 (2015 tax year), and announce meeting to adopt the proposed tax rate on August 27, 2015.

STAFF RECOMMENDATION: Conduct a public hearing but no action is required.

ITEM SUMMARY: At the August 6, 2015 regular meeting, Council discussed the proposed tax rate of 62.98 cents per \$100 valuation and adopted a resolution scheduling the adoption of the proposed tax rate for August 27, 2015, and setting public hearings for August 14, 2015 and August 20, 2015 on the proposed tax rate for FY 2015-2016. On August 7, 2015 the “Notice of Proposed (Exceeds) Tax Rate” was published.

The proposed meeting dates and publication schedule comply with the Truth-In-Taxation requirements set forth by State Law and the City Charter.

The FY 2015-2016 budget was prepared with a preliminary total tax rate of 63.64 cents per \$100 valuation and a preliminary tax base of \$3,902,505,382 (an estimated 5.49% increase from prior year).

On July 20, 2015, the Chief Appraiser certified the tax roll of \$3,840,746,157 (a 3.83% increase from prior year). On July 28, 2015, the Chief Appraiser calculated the effective tax rate of 57.20 cents. Changes in the tax rate components as compared to the preliminary budget filed June 26, 2015 are as follows:

Comparing the proposed tax rate of 62.98 cents to the *preliminary* rate of 63.64 cents as proposed in the budget filed on June 26, 2015:

	PRELIMINARY FY 2016	PROPOSED FY 2016	Increase (Decrease)
Proposed Tax Rate			
M&O (Maintenance & Operation)	\$ 0.3300	\$ 0.3234	\$ (0.0066)
I&S (Interest & Sinking - Debt)	0.3064	0.3064	-
	<u>\$ 0.6364</u>	<u>\$ 0.6298</u>	<u>\$ (0.0066)</u>

An adjustment of the certified taxable value (\$3,840,746,157) from the preliminary taxable value (\$3,902,505,382); and a decrease in the frozen tax levy to \$2,048,325 from a preliminary levy of \$2,049,789 will result in a net decrease to the M&O revenue by \$312,142 as compared to the preliminary budget filed on June 26, 2015. The decrease in the certified taxable value as compared to the preliminary taxable value will result in a net decrease in the I&S debt revenue by \$189,423 and impact the transfer in by \$105,000.

Comparing the proposed tax rate of 62.98 cents to the *current FY 2015 adopted* tax rate of 58.64 cents:

	FY 2015	PROPOSED FY 2016	Increase (Decrease)
Proposed Tax Rate			
M&O (Maintenance & Operation)	\$ 0.3300	\$ 0.3234	\$ (0.0066)
I&S (Interest & Sinking - Debt)	0.2564	0.3064	0.0500
	<u>\$ 0.5864</u>	<u>\$ 0.6298</u>	<u>\$ 0.0434</u>

The estimated tax rate impact for the Parks' General Obligation Bond projects approved by voters on May 9, 2015 is 5 cents. The I&S component of the tax rate includes the additional 5 cents.

Example 1 – Annual Property Tax - \$100,000 Taxable Value:

With the proposed tax rate of 62.98 cents per \$100 valuation, the cost to a homeowner with a taxable value of \$100,000 would increase by \$43.40 per year (\$3.62 per month) if there was no change in taxable value from the prior year.

Example 2 – Annual Property Tax - Average Taxable Value for City of Temple:

The preceding tax year's average taxable value of a residence homestead in Temple was \$100,044. In the current tax year, the average taxable value a residence homestead in Temple is \$103,075. With the proposed tax rate of 62.98 cents per \$100 valuation, there would be an annual increase of \$62.51 in taxes (\$5.21 per month).

FISCAL IMPACT:

Changes from the preliminary tax rate and base used to calculate the filed budget on June 26, 2015 to the proposed rate with the certified tax roll as presented August 14, 2015 are as follows:

	Filed Budget 6/26/15	Proposed Budget 8/14/15	Increase/ (Decrease)
<i>Tax Base*</i>	\$3,902,505,382	\$3,840,746,157	(\$61,759,225)
<i>Tax Rate:</i>			
M&O	33.00¢	32.34¢	(0.66¢)
I&S	30.64¢	30.64¢	0.00¢
Total Tax Rate	63.64¢	62.98¢	(0.66¢)
<i>Tax Levy:</i>			
M&O	\$11,570,345	\$11,140,000	(\$430,345)
Frozen Taxes	2,049,789	2,048,325	(1,464)
I&S	10,742,890	10,554,409	(188,481)
Total Tax Levy*	\$24,363,024	\$23,742,734	(\$620,290)
<i>Budget:</i>			
Project Revenues	\$66,246,836	\$65,934,694	(\$312,142)
Proposed Expenditures	69,042,358	68,730,216	(312,142)

*Excludes Reinvestment Zone No. 1

**FY 2016
GENERAL FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-26-15	Current as of 08-20-15	
Projected Revenues	\$ 66,246,836	\$ 65,934,694	\$ (312,142) ^A
Proposed Budget Expenditures	67,996,088	67,788,946	(207,142) ^B
Excess Revenues Over (Under) Expenditures	<u>(1,749,252)</u>	<u>(1,854,252)</u>	<u>(105,000)</u>
Transfers In (Out):			
Less: Transfer Out To Debt Service Fund -			
Solid Waste/CNG	(753,300)	(753,300)	-
FY 2016 Bldg Improvements/Garbage Trucks	(105,000)	-	105,000 ^B
Landfill CO's	(187,970)	(187,970)	-
Total Transfer In (Out)	<u>(1,046,270)</u>	<u>(941,270)</u>	<u>105,000</u>
Excess Revenues Over (Under) Expenditures for FY 2015	<u>\$ (2,795,522)</u>	<u>\$ (2,795,522)</u>	<u>\$ -</u>
Recommended Use of Undesignated Fund Balance - Capital Projects			
- TEDC Matrix Funding	\$ 700,000	\$ 700,000	\$ -
- Capital Equipment Funding	2,095,522	2,095,522	-
	<u>\$ 2,795,522</u>	<u>\$ 2,795,522</u>	<u>\$ -</u>

Explanation of Changes from Filed Budget to Proposed Budget @ 08/20/2015:

^A **Revenue Changes:**

Required adjustment from preliminary to certified tax roll	\$ (427,491)
Adjusted discount for current taxes	61,279
Adjusted revenue estimates	54,070
Total Revenue Changes	<u>\$ (312,142)</u>

^B **Expenditure and Transfer Out Changes:**

Decreased transfer out	\$ (105,000)
Various operational adjustments	(98,729)
Adjusted allocation estimated for Public Service Agencies	(50,000)
Adjusted allocation estimated for Civil Service Compensation Study	(25,000)
Adjusted electric utility estimates	(24,325)
Decreased operations & maintenance component with TEDC	(9,808)
Adjusted contingency for adjustment from preliminary to certified tax roll	720
Total Expenditures Changes	<u>\$ (312,142)</u>

Net Revenue Over (Under) Expenditures

\$ -

FY 2016

DEBT SERVICE FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-26-15	Current as of 08-20-15	
Projected Revenues	\$ 12,015,828	\$ 11,826,405	\$ (189,423) ^A
Proposed Budget Expenditures	13,614,332	13,319,332	(295,000) ^B
Excess Revenues Over (Under) Expenditures	<u>\$ (1,598,504)</u>	<u>\$ (1,492,927)</u>	<u>105,577</u>
Transfers In (Out):			
Plus: Transfer In From General Fund -			
Solid Waste/CNG	753,300	753,300	-
FY 2016 Bldg Improvements/Garbage Trucks	105,000	-	(105,000) ^A
Landfill CO's	187,970	187,970	-
Total Transfer In (Out)	<u>1,046,270</u>	<u>941,270</u>	<u>(105,000)</u>
Excess Revenues Over (Under) Expenditures for FY 2016	<u>\$ (552,234)</u>	<u>\$ (551,657)</u>	<u>\$ 577</u>
Recommended Use of Undesignated Fund Balance	552,234	551,657	(577) ^A
	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Explanation of Changes from Filed Budget to Proposed Budget @ 08/20/2015:

^A **Revenue and Transfer In Changes:**

Required adjustment from preliminary to certified tax roll	\$ (189,423)
Decreased transfer in	(105,000)
Decreased recommended use of Undesignated Fund Balance	(577)
Total Revenue Changes	<u>\$ (295,000)</u>

^B **Expenditure Changes:**

Decreased principal to be paid on G.O., Series 2015	\$ (120,000)
Decreased principal to be paid on LTN, Series 2016	(85,000)
Decreased interest to be paid on C.O., Series 2015	(70,000)
Decreased interest to be paid on LTN, Series 2016	(20,000)
Total Expenditures Changes	<u>\$ (295,000)</u>

Net Revenue Over (Under) Expenditures

\$ -



COUNCIL AGENDA ITEM MEMORANDUM

08/20/15
Item #4(A-B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) May 14, 2015 Special Meeting
- (B) August 6, 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:

[May 14, 2015 Special Meeting](#)
[August 6, 2015 Special Called & Regular Meeting](#)

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

MAY 14, 2015

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 14, 2015 at 8:30 AM, at the Municipal Building, 2 North Main Street, in the 2nd Floor Council Chambers.

Present:

Councilmember Perry Cloud
Councilmember Timoty Davis
Mayor Pro Tem Russell T.
Schneider
Councilmember Judy Morales
Mayor Daniel A. Dunn

Mayor Dunn called the meeting to order.

Mayor Pro Tem Schneider voiced the invocation; while Councilmember Davis led the Pledge of Allegiance.

1. 2015-7698-R: Consider adopting a resolution canvassing the returns of the May 9, 2015, City of Temple Parks Bond Election.

Kayla Landeros, City Attorney gave a brief presentation on the official results for the Bond Election. She noted the proposition was for the Issuance of \$27,765,000 of the City of Temple Tax Bonds for Park and Recreational Purposes. The proposition passed with a 69.05% of the vote. Total voter turnout was 1,877 votes casts; 1,025 for early voting and 852 on election day.

Motion by Councilmember Judy Morales adopt resolution canvassing the results of the May 9, 2015 Parks Bond Election. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

Mayor Dunn stated that this time he would turn the meeting over to Mayor Pro Tem Schneider; and exited the meeting.

2. 2015-7699-R: Consider adopting a resolution authorizing an Economic Development Agreement between the City of Temple and Baylor Scott & White Health. Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has

received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.

Mayor Pro Tem Schneider stated that at this time approximately 8:34 a.m., the Council would enter into executive session.

At approximately 8:48 a.m., Mayor Pro Tem Schneider reconvened the regular session of the Council with regards to item 2; and Mayor Dunn re-entered the meeting.

Kayla Landeros, City Attorney presented this item to the Council. She stated that Baylor Scott & White Health ("BS&W") desires to acquire real property and construct a new distribution facility within the city limits of Temple. BS&W will utilize the facility as a distribution point for medical and other supplies utilized by its system of hospitals and clinics. BS&W anticipates making at least a \$10,000,000 investment in the construction of the approximately 100,000 square foot facility. BS&W's construction will also benefit Temple's economy by creating approximately 40 new jobs. In order to induce BS&W to make the improvements, the City has offered certain economic incentives that are discussed below.

Staff seeks approval of an Economic Development Agreement between the City and BS&W which includes the following material terms. BS&W's Obligations are, (1) BS&W agrees to make a capital investment in the distribution facility of not less than \$10,000,000; (2) BS&W agrees to create at least 40 new jobs at the distribution facility; (3) BS&W agrees to make the investment not later than 2 years following the effective date of the Economic Development Agreement; and (4) BS&W agrees to convey to the City a utility easement for installation of a wastewater line.

The City's Obligations are, (1) to construct a water line to serve the distribution facility and surrounding area; and (2) to convey to BS&W approximately 41.861 acres of land located at 5141 North General Bruce Drive.

Ms. Landeros noted that if BS&W defaults with respect to its obligations under the agreement, the City may either (1) require BS&W to pay to the City the amount of \$3,957,432.53 which represents the price the City paid for the property or (2) require BS&W to convey the property back to the City.

Funding is allocated in the RZ# 1 Financing Plan for the purchase of the land. The opinion of probable cost for the water line is estimated at \$1,500,000. Funding for the water line is allocated in the Water/Waste Water CIP.

Motion by Councilmember Timoty Davis adopt resolution seconded by Councilmember Perry Cloud.

Mayor Daniel A. Dunn abstained. The other Councilmembers voted aye.
The motion passed.

Daniel A. Dunn Mayor

ATTEST:

Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

AUGUST 6, 2015

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, August 6, 2015 at 4:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud
Councilmember Judy Morales
Mayor Daniel A. Dunn

Absent:

Councilmember Tim Davis
Mayor Pro Tem Russell T. Schneider

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 6, 2015.**

Mayor Dunn noted that item 9 on the Regular Agenda would require a 4/5 (supermajority) vote; and due only three of the five councilmembers present, the item would need to be tabled.

- 2. Discuss potential amendments to the Code of Ordinances, Chapter 6, "Animals and Fowl", Sec 6-13, Additional Regulations, regarding the keeping of chickens."**

Ms. Myers, Assistant City Manager gave a brief presentation to the council. She noted the Animal Services Advisory Board requested Staff to review Chapter 6 regarding provisions regulating the keeping of chickens. Staff researched ordinances provisions in our peer cities and provided a summary of their regulations to the ASAB. The ASAB discussed potential amendments at their meeting on June 8 and requested staff prepare a draft ordinance amendment. This amendment was then presented to the ASAB at their July 13th meeting and it was vote 5/0 to recommend changes to the Council.

Ms. Myers reviewed the current ordinance which allows the keeping of chickens to be 150 feet from the nearest residence other than the owner/keeper. Ms. Myers noted that many residential lots within the City are not large enough to accommodate this distance requirement.

The potential amendments would allow for keeping of chickens (female domestic hens) be allowed in residential zoning districts if kept at least 50

feet from the nearest residence with the following provisions, (1) no more than 6 hens; (2) must be kept in a pen or enclosure; (3) enclosure must be clean, secure, ventilated, and large enough for the animal to move freely; (4) enclosure must meet any applicable standards or permit requirements found in the Unified Development Code; (5) accumulation of waste creating obnoxious odor and/or health hazard prohibited; and (6) roosters are prohibited.

Ms. Myers noted that she is working with the City Attorney's office to update Chapter 6 with other "general" clean up items; and would bring this forward to the Council on August 20th for a first reading.

3. Discuss the proposed FY 2015-2016 budget, to include the various strategic and budget related policy issues.

Mr. Graham stated his presentation would be given at the Regular Meeting at 5:00 pm.

At this time approximately, 4:42 p.m., Mayor Dunn adjourned the workshop of the Temple City Council and convened the meeting of the City of Temple Employee Benefits Trust.

1. 2015-7748-R: Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies from:

- A) Metropolitan Life Insurance Company for Dental Insurance FY 2016 - FY 2017;**
- B) Metropolitan Life Insurance Company for Basic Life, AD&D, Voluntary Life, and Voluntary AD&D Insurance for FY 2016;**
- C) Metropolitan Life Insurance Company for Long Term Disability insurance for FY 2016;**
- D) Scott and White Health Plan for Medical and Prescription Insurance for FY 2016; and**
- E) Avesis for Voluntary Vision for FY 2016 - FY 2019.**

Sandra Esqueda, Director of Human Resources, presented Agenda item to Council. First Ms. Esqueda reviewed the Medical/RX; Dental; Base Life/AD&D; Voluntary Vision; and Long Term Disability Plans and History.

On June 3, 2014, the City received seven (7) proposals for dental insurance for active and retired employees. The proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services. The proposal from Metropolitan Life Insurance Company (MetLife) was selected as providing the best value to the city. MetLife provides a greater benefit with more dental providers than the other proposers. Staff recommends

that for plan year 2015-2016, the City continue to contribute at the same level as FY2014-2015. The current benefits will remain the same. In addition, as in years past, if employees do not wish to participate in the cost of their dental insurance, they will not be required to purchase the benefit, and the City's contribution will be contributed to their Flexible Spending Account should they choose to have one. MetLife agreed to a rate pass for the FY 2016 year, or 3% increase each year for two years. Staff recommends that the Trustees authorize a two (2) year contract extension with MetLife for dental benefits at the fixed rate representing a 3% increase for FY 2016 and a 3% increase for FY 2017.

Next she discussed Basic Life, AD&D, Voluntary Life, noting that on June 3, 2014, the City received seven (7) proposals for life insurance. The proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services. The proposal from Metropolitan Life Insurance Company (MetLife) was selected as providing the best value to the city. Staff recommends that the Trustees authorize a one (1) year extension to the current contract with MetLife for Basic Life, AD&D and Voluntary Life. The option for three (3) additional 1-year extensions will remain. Long Term Disability.

On June 3, 2014, the City received five (5) proposals for Long Term Disability. The proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services. The proposal from Metropolitan Life Insurance Company (MetLife) was selected as providing the best value to the city. Staff recommends that the Trustees authorize a one (1) year extension to the current contract with MetLife for Long Term Disability. The option for three (3) additional 1-year extensions will remain.

She then reviewed the Medical and Prescription Insurance, noting that on May 9, 2013, the City received five (5) proposals for providing City employees with medical and prescription insurance for fully-insured and self-funded plans to replicate the employees' current medical benefits. The City's insurance and consultant and staff reviewed the proposals and recommended that the Trustees authorize a two (2) year contract with the Scott and White Health Plan for a fully-insured medical and prescription plan. As an element of the agreement, Scott & White Health Plan agreed to implement an onsite VitalityCare program, which provides for preventative care services to employees. The contract with Scott and White allowed for yearly extensions if proposed rates were acceptable to both the City and SWHP. The City and Scott and White agreed to a +4.5% increase to current rates for the FY 2016. Staff recommends that the Trustees authorize a one year extension with Scott and White Health Plan.

In the summer of 2011, the trustees of the Employee Benefits Trust awarded a contract to Avesis for voluntary vision insurance. Avesis has performed well, and staff desires to extend the contract through September 30, 2019, with no change in rates. Staff recommends that the Trustees authorize a four year extension with Avesis.

Funding of the contracts awarded by the Trust will be accomplished at a Council meeting in August when the budget is adopted. (NOTE: The trust was established in order to eliminate the premium tax that is passed on from the insurance companies.)

Motion made by Ms. Morales and seconded by Mr. Cloud to adopt the resolution of the Trust to purchase insurance policies from:

Metropolitan Life Insurance Company for Dental Insurance FY 2016 - FY 2017;

Metropolitan Life Insurance Company for Basic Life, AD&D, Voluntary Life, and Voluntary AD&D Insurance for FY 2016;

Metropolitan Life Insurance Company for Long Term Disability insurance for FY 2016;

Scott and White Health Plan for Medical and Prescription Insurance for FY 2016; and

Avesis for Voluntary Vision for FY 2016 - FY 2019.

At this time approximately, 4:45 p.m., Mr. Dunn adjourned the meeting of the City of Temple Employee Benefits Trust.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, August 6, 2015 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Judy Morales
Mayor Daniel A. Dunn

Absent:

Councilmember Timothy Davis
Mayor Pro-Tem Russell Schneider

I. CALL TO ORDER

1. Invocation

Father Tom Chamberlain with Our Lady of Guadalupe voiced the Invocation.

2. Pledge of Allegiance

Sandra Esqueda, Director of Human Resources, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Trevor Edward, co-owner of 121 Towing, 8473 W FM 93 Belton stated he looked forward to working with the City of Temple.

Wes Tetters, owner of Wes's Burger Shack located at 4 South Main Temple expressed his appreciation for all of the employees of the City as they have worked with him through the process of permitting the new location. Mr. Tetters also expressed his desire to participate in a parking board for downtown if one was ever created.

Julie Ramirez, 1102 N 6th Street stated she is new to Temple and loves it thus far. She did ask for assistance with removing the tennis shoes that are thrown over the time warner cable lines at 8th and King as well as Main/ King.

Joe Ramirez, 1102 N 6th Street expressed his concerns for the graffiti in the area and asked that it be addressed. Mr. Ramirez also noted the house at Lamar and 6th is an eye-sore; and needs attention. He also inquired as to who is councilmember was.

Mr. Milton Hensley, 301 Mitchell Drive invited the Council to attend the 9th Annual Life Chain event, set for October 4th. He stated the event continues to grow every year; and continues to be successful.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognition of the City of the Temple Employee of the Quarter and Employee of the Quarter finalists for the third quarter of 2015.

Mrs. Myers, Assistant City Manager presented this to the Council. She began by introducing the new Employee of the Quarter program; and explained that this program is just one component of a broader initiative to foster employee engagement. Ms. Myers then stated that engaged employees are those who are emotionally committed to the organization and goals; and go "above and beyond", giving discretionary effort. She then provided an explanation of how the program worked. Employees can be nominated by supervisors or peers, and then the nominations are reviewed by the Employee Engagement Committee.

This quarter there were 46 employees nominated for the award. It was a tough task to narrow the nominees and selecting the Employee of the Quarter.

At this time, Mrs. Myers asked that both Mayor Dunn and Mr. Graham assist in presenting the finalists: Corrie Wheeler, Customer Service Representative at the Temple Airport; Magnolia Bates, Food and Beverage Coordinator the Mayborn Center; Belinda Garcia, Program

Coordinator for the Parks and Recreation Department; and Jo-Ell Guzman, Crime Victims Coordinator for the Temple Police Department.

Next, they recognized the Employee of the Quarter, Jonathan Logue, Marketing Coordinator for the Temple Parks and Recreation Department. Mr. Logue was nominated by four of his peers for his dedicated service to both the city staff and the community.

IV. PUBLIC HEARING

4. 2014-7749-R: PUBLIC HEARING - Conduct a final public hearing and consider adopting a resolution approving the Community Development Block Grant 2015/19 Consolidated Plan and 2015/16 Annual Action Plan and Budget, including the funding recommendations and notice of thirty day public comment period June 19 - July 18, 2015.

Ashley Williams, General Service Manager, presented this item to Council. She noted the Consolidated Plan outlines how the City of Temple will meet the National Objectives of the Community Development Block Grant (CDBG) requirements from 2015/19. Five public meetings/hearing were held in 2015 at various locations. Survey forms were handed out at the meetings and made available online to collect citizen input. Based on survey results and public meetings, the consolidated plan provides a framework for the next five-years of the program, as associated with involvement pertaining to infrastructure, housing, public facilities, demolitions, and public service agencies.

The Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program. The City of Temple anticipates we will receive \$357,357 for our 2015/16 CDBG allocation; which is an 8% decrease. These funds enhance the City's community development programs, supporting safe, well-planned residential and business districts. Over 70% of the funding allocated to CDBG activities must benefit low to moderate income persons.

The City of Temple also plans to reallocate \$60,030 from the 2014 Action Plan in order to assist us with meeting the goals identified in the 2015/19 Consolidated Plan. The allocation amount of \$357,357 in FY 2015/16 CDBG funds along with the reprogramming of \$60,030 in additional funds available for a total of \$417,387 are to be allocated as recommended.

This presentation and public hearing for the proposed 2015/19 Consolidated Plan, 2015/16 Annual Action Plan and Budget was preceded by a 30-day public comment period.

Mayor Dunn declared the public hearing open with regards to item 4 and asked if anyone wished to speak. There being no one wishing to speak Mayor Dunn declared the public hearing closed.

Motion by Councilmember Judy Morales adopt Resolution. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

V. BUDGET ITEMS

5. (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the proposed 2015-2016 operating budget; and

(B) 2015-7750-R: Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 27, 2015.

Jonathan Graham, City Manager, presented this item to Council. He thank all the staff that played a huge roll in the preparation of the FY16 budget. Mr. Graham noted this is the initial public hearing on the proposed 2015-2016 budget, and complies with the State and Charter requirements that must be met before the budget can be adopted by the Council. A supplemental second public hearing on the budget will be conducted at the August 27th Special Council meeting, prior to budget adoption. He reviewed the remaining calendared meetings associated with adoption of the FY16 budget.

Mr. Graham then reviewed the parameters and provided a brief overview of the revenues and expenditures. He highlighted several departments or projects in the preliminary FY16 budget to include, Public safety; Parks and Recreation; Community Development; Downtown Redevelopment; Solid Waste; and Tax Rate.

At this time Ms. Barnard reviewed the property tax. The tax rate proposed in the budget document filed on June 26, 2015 was 63.64¢. The rate was developed based on estimates. Subsequent to the budget filing, staff received the Certified Roll and the Effective Tax Rate calculations and noted the proposed tax rate for FY 2016 is 62.98¢. This rate is comprised of two components, maintenance and operations (M&O) of 32.34¢ and the interest & sinking (I&S) rate of 30.64¢. Ms. Barnard noted the current FY 2015 tax rate is 58.64¢.

Motion by Councilmember Perry Cloud adopt the resolution setting the proposed tax rate of \$0.6298 per \$100 in value and scheduling the adoption of the proposed tax rate for the August 27, 2015 Special Called Meeting; and

adopt the resolution setting the public hearings on the proposed tax rate of \$0.6298 per \$100 in value for 8:30 a.m. August 14, 2015 and 5:00 p.m. on August 20, 2015 Regular City Council Meeting. seconded by Councilmember Judy Morales.

Motion passed unanimously.

VI. BOND ITEMS

6. **2015-4722: FIRST & FINAL READING - PUBLIC HEARING- Consider adopting an Ordinance authorizing the issuance and sale of one or more series of City of Temple, Texas General Obligation Bonds; Authorizing the levy of an ad valorem tax in support of the bonds; Approving an Official Statement, Paying Agent/Registrar Agreement and other agreements related to the sale and issuance of the bonds; Establishing the procedures for selling and delivering one or more series of the bonds; and authorizing other matters related to the issuance of the bonds.**

Traci Barnard, Director of Finance, presented this item to Council. This item is to delegate authority to the Director of Finance or in her absence, the City Manager to issue bonds and finalize pricing within parameters defined in the attached ordinance in a par amount not to exceed \$27,675,000. This delegation of authority will allow the City to obtain the most advantageous borrowing costs in order to achieve maximum debt service savings.

The proceeds of the bonds will be used for constructing, acquiring, improving, renovating, expanding, developing and equipping land and buildings for park and recreational purposes including the acquisition of any necessary sites, infrastructure and other related costs. The general obligation bonds were approved by voters on May 9, 2015. The bonds are scheduled for pricing the week of September 10th and delivery of the funds on September 29, 2015.

Ratings for the bonds will be applied for with Standard & Poors. The ratings will be published prior to the pricing and sale of the bonds. The date and method by which the bonds will be issued, sold, and delivered will be determined to achieve the most advantageous borrowing costs for the City.

The City's Financial Advisor, Specialized Public Finance Inc., and bond council, McCall, Parkhurst & Horton, L.L.P, will be present at the

meeting to review the parameters and details of the ordinance with Council. Specialized Public Finance Inc, will return at a date to be determined to brief City Council on the sales results.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 6 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Judy Morales adopt Ordinance. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

VII. CONSENT AGENDA

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

(A) July 16, 2015 Special Called & Regular Meeting

(B) 2015-7751-R: Consider adopting a resolution authorizing a contract with Sierra Contracting Corporation of Round Rock, in an amount not to exceed \$32,850, for the demolition of three (3) city-owned structures.

(C) 2015-7752-R: Consider adopting a resolution authorizing a construction contract in the amount of \$170,541 with Quality Pipe Services of Denver, CO, for the inspection, testing, and manhole repair of a portion of the sewer system located in the Bird Creek Basin.

(D) 2015-7753-R: Consider adopting a resolution authorizing the renewal of an Interlocal Agreement with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.

(E) 2015-7754-R: Consider adopting a resolution authorizing the purchase of 636 plastic 96-gallon recycling containers for the Solid Waste & Recycling Services Division of Public Works from Toter, Inc., Statesville, NC, in the amount of \$28,750.96, utilizing a National IPA cooperative contract.

(F) 2015-7755-R: Consider adopting a resolution authorizing the purchase of video detection equipment at the signalized intersections of South 9th Street and West Adams Avenue, North 25th Street and West Adams Avenue, and South 25th Street and

West Central Avenue from Texas Highway Products of Round Rock in the amount of \$49,112.00.

(G) 2015-7756-R: Consider adopting a resolution authorizing the submission of a grant application for the Texas A&M Forest Services TIFMAS Grant Assistance Program, in the amount of \$2,250 for training tuition.

(H) 2015-7757-R: Consider adopting a resolution authorizing the Solid Waste & Recycling Services Division of the Public Works Department to apply for a grant in the amount of \$10,000 through an interlocal agreement with the Central Texas Council of Governments to perform a household hazardous waste collection event in Temple for October 2015 and October 2016.

(I) 2015-7758-R: Consider adopting a resolution authorizing the acceptance of a \$20,000 grant from the 2015 Lowe's/Keep America Beautiful Community Improvement Grants to assist with outdoor learning centers and environmental education.

(J) 2015-7759-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

Motion by Councilmember Perry Cloud adopt Resolutions. seconded by Councilmember Judy Morales.

Motion passed unanimously.

VIII. REGULAR AGENDA

ORDINANCES

- 8. 2015-4723: FIRST READING - PUBLIC HEARING - Z-FY-15-22- Consider adopting an ordinance authorizing a rezoning of +/- 12.999 acres from Multiple Family Dwelling Two District (MF-2) to Neighborhood Service District (NS) on Lot 4, Block 3, The Groves at Lakewood Ranch Phase 1, located at 301 Clinite Grove Boulevard.**

Beverly Zendt, Assistant Planning Director, presented this item to Council. The applicant, John Kiella (Kiella Development) is seeking a rezoning of approximately 13 acres from MF-2 to NS. The Neighborhood Service zoning district permits limited retail services, usually for a small neighborhood area, with uses such as a convenience store, bank, barber or beauty shop, small cleaners or florist, as well as any residential use except apartments. The Neighborhood Service zoning district is the

most restrictive retail district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. This district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood.

Although the proposed rezoning is not in compliance with the Future Land Use Plan which has identified this area as Suburban Residential, it does satisfy the general guiding land use principles put forth in the Comprehensive Plan (this item is more fully discussed below). Permitted retail uses will be limited to those that are most compatible with residential development. Additionally, the proposed rezoning is compatible with surrounding NS and residentially zoned adjacent properties.

The property is within the Suburban Residential character district. The *Choices '08* City of Temple Comprehensive Plan states that the Suburban Residential character district is suited for mid-sized single family lots, allowing for greater separation between dwellings and more emphasis on green spaces versus streets and driveways. Additionally, the *Choices '08* Comprehensive Plan provides a set of guiding principles it identifies as land use policy statements. One land use policy statement directly addresses the location of neighborhood service type retail uses.

Smaller-scale neighborhood retail and service uses should be located at intersections of collector and arterial streets and at the edge of logical neighborhood areas – or within neighborhoods where suitable sites exist and conditions are appropriate to balance compatibility with convenience.

Although the proposed zoning is not entirely compatible with the Suburban Residential character area, it does satisfy the land use policy statement and abuts other existing NS zoned property along West Adams, essentially extending an anticipated retail node.

The subject property is located on Clinite Grove Blvd. which was reclassified to a proposed Collector earlier this year. As a Collector, a minimum four foot sidewalk would need to be provided on one side. Clinite Grove Blvd., is constructed from West Adams to approximately 100' north of Windy Pointe Road. An eight ft. sidewalk has been constructed along the east side of the existing Clinite Grove Boulevard. There is an existing Citywide Spine trail constructed along West Adams. No additional roads or trails are proposed adjacent to the existing lot.

Sanitary sewer is available to the subject property through 8" sewer line provided along the east corner of the property boundary. Water is provided by means of an existing 6" water line located along Clinite Grove Boulevard.

Ms. Zendt noted there were forty-seven (47) notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Thursday July 9, 2015, nineteen (19) notices have been received in favor of the proposed rezoning and two (2) notices have been returned in opposition to the proposed rezoning.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 8 and asked if anyone wished to address this item.

BJ Little, Turley and Associates, 301 North 3rd Street was available for questions and asked for favorable consideration. This will be similar to the Bentwood and Waterford developments.

There being no further comments, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Perry Cloud adopt Ordinance on first reading; and set second and final reading for August 20, 2015. seconded by Councilmember Judy Morales.

Motion passed unanimously.

9. 2015-4724: FIRST READING - PUBLIC HEARING - Z-FY-15-23: Consider adopting an ordinance authorizing a Conditional Use Permit for Lots 4-6, Block 3, Moore's Knight Addition, located at 111-119 South 33rd Street, allowing a Substance Abuse Treatment Facility.

Mayor Dunn noted that this item requires a 4/5 (supermajority) vote for passage. Due to only three of the five councilmembers present this time will need to be tabled. He then stated the item was posted for a public hearing.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 9 and asked if anyone wished to address this item. There being none, Mayor Dunn stated the Public Hearing would remain open until the next council meeting scheduled for August 20, 2015.

Motion by Councilmember Judy Morales table seconded by Councilmember Perry Cloud.

Motion passed unanimously.

RESOLUTIONS

10. **2015-7760-R: Consider adopting a resolution authorizing change order #2 to the Outer Loop Phase III (Adams Ave to Channel) construction contract with R.T. Schneider Construction Company, Ltd., in the amount of \$11,804.25, for construction services required for utility relocations, driveway removal, driveway construction, and elimination of the proposed temporary roadway section.**

Don Bond, Assistant Director of Public Works, presented this Agenda item to Council. He noted that West Temple is rapidly growing along the West Adams corridor. On December 4, 2014, Council authorized a construction contract with RT Schneider Construction Co. Ltd. (RTS) for construction of the Outer Loop Phase 3 from Adams Ave to the channel. Subsequent to the award, ensuing developments associated within the construction limits have resulted in the identification of construction services to aid in the reopening of the closed roadway. These services include utility relocations in the amount of \$42,600, driveway construction, and elimination of the proposed temporary roadway section in lieu of a single-course surface treatment. The change order also includes removal of the two temporary asphalt driveways serving the new Wal-Mart site. The net amount of the change order related to the road improvements is a decrease of \$30,795.75. The net amount of the change order is an increase of \$11,804.25.

The original construction contract amount was \$2,368,916.00. Change Order #1 increased the contract \$71,180.00, or 3.0%, of the original contract amount. Change Order #2 represents a contract increase of \$11,804.25, or 0.5%, of the original contract amount. The engineering consultant has reviewed the change order and recommends approval. There are 170 days proposed additional calendar days for the change order.

Motion by Councilmember Perry Cloud adopt Resolution. seconded by Councilmember Judy Morales.

Motion passed unanimously.

11.

Consider adopting resolutions authorizing two change orders to the Prairie View Road Phase 1 (Research Blvd to North Pea Ridge Rd) construction contract with R.T. Schneider Construction Company, Ltd. for:

(A) 2015-7761-R: construction services required for street and water utility extensions in the amount of \$61,556.05, as well as, declare an official intent to reimburse the expenditures related to the utility portion of the change order with the issuance of 2015 Utility Revenue Bonds; and

(B) 2015-7762-R: construction of street extensions in the amount of \$157,460.78.

Don Bond, Assistant Director of Public Works, presented Agenda Item 11(A) & (B) to Council. First he discussed item 11 (A), noting that on December 18, 2014, Council authorized a construction contract with RTS for construction of Phase 1 of Prairie View Road from Research Boulevard to North Pea Ridge Road. The attached change order in the amount of \$61,556.05 includes the addition of a 12-inch check valve required to maintain operational flexibility between two water distribution pressure planes (\$28,011.70) and 900 linear feet of French drain required to direct ground water away from the street (\$33,544.35).

The original construction contract amount was \$7,689,762.90. Previous change orders totaling \$5,699 revised the contract amount to \$7,695,461.90. This change order represents a contract increase of \$61,556.05, or 0.8% of the original contract amount. The net increase in the contract amount including previous change orders is \$67,255.05, or 0.87% of the original contract amount. The engineering consultant has reviewed the change order and recommends approval. There is no proposed added time for the change order.

Mr. Bond then discussed item 11(B). He noted the change order includes the addition of driveways, a median cut, and left-turn lanes for Crossroads Park and a temporary driveway to the north parking lot of the BISD North Belton Middle School. The temporary driveway is required to provide access for parents and teachers. The current driveway is closed due to Prairie View Road construction activities.

The original construction contract amount is \$7,689,762.90. Previous change orders totaling \$5,699 revised the contract amount to \$7,695,461.90. Change Order #4 presented for consideration proposes to revise the contract amount to \$7,757,017.95. This change order and Change Order #4 would

revise the contract amount to \$7,914,478.73. This change order represents a contract increase of \$157,460.78 or 2.05% of the original contract amount. The net increase in the contract amount of previous and proposed change orders is \$224,715.83 or 2.92% of the original contract amount. The engineering consultant has reviewed the change order and recommends approval. There are 41 calendar days of additional time associated with this change order.

Councilmember Cloud asked if the temporary driveway would be completed in time for school to start?

Mr. Bond replied yes.

Motion by Councilmember Perry Cloud adopt Resolutions for item 11 (A) and 11(B) seconded by Councilmember Judy Morales.

Motion passed unanimously.

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

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

Jim Tobin, Interim Chief of Police
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a towing services contract with 121 Towing & Recovery.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Chapter 39 of the City Code requires that the City advertise for bids and contract with a towing service company to provide non-consent tows and towing of disabled City-owned vehicles within the city limits. The City's current contract for towing services will expire on August 31, 2015. In accordance with Chapter 39, the City released an invitation to bid and bids were opened on July 16, 2016. Three bids were received. Staff evaluated pricing from each bidder, as well as whether each could provide the required equipment. As shown on the attached bid tabulation, 121 Towing & Recovery submitted the low bid. After inspection of the company's site and equipment, it was determined that 121 Towing & Recovery also possesses the necessary facilities and equipment to provide the required services. Staff also contacted the Belton Police Department and Killeen Police Department. Both departments have worked with 121 Towing & Recovery and have been pleased with the service provided by the company.

The City requires towing services on request of City personnel on a 24 hours/day, 7 days/week basis when the vehicle's owner is unavailable, unable or unwilling to arrange for their vehicle to be towed in the following circumstances: when city officials identify abandoned motor vehicles or junked vehicles which cannot lawfully be driven on a public roadway; when police seize vehicles as evidence in criminal cases or for safekeeping in connection with an arrest; when a vehicle has been damaged in a traffic accident or becomes disabled and is disrupting traffic on a public roadway.

As stated above, 121 Towing & Recovery submitted the lowest acceptable bid for providing comprehensive non-consent towing and related services. Chapter 39 requires that the contract for towing services be for a period of two years, therefore the proposed contract with 121 Towing & Recovery will begin September 1, 2015 and expire on August 31, 2017.

FISCAL IMPACT: Per the attached bid tabulation, 121 Towing & Recovery will not charge the City for the towing of City-owned vehicles, and the City will not be responsible for any fees associated with towing or related services of privately owned vehicles. Accordingly, there is no fiscal impact associated with the proposed contract with 121 Towing & Recovery.

ATTACHMENTS:

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

Tabulation of Bids Received - Towing Services - Bid # 13-12-15
on July 16, 2015 at 3:30 p.m.

			Bidders					
			Sameis Holdings LLC dba Tow Texas Houston, TX (713) 355-1100		Temple Towman's Association, Inc. Troy, TX (254) 773-7673		121 Towing & Recovery Belton, TX (254) 933-2009	
Description	Qty	UOM	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1. Price for all privately owned passenger automobiles, ambulances, limousines, and all other vehicles having a rated capacity of 10,000 GVW or less, including motorcycles, towed to any storage facility within the city limits of Temple or to Vendor's storage facility, by request of the owner or the Temple Police Department (Unit price shall include all mileage, hook-up and disconnect fees)	1186	EA	\$130.00	\$154,180.00	\$125.00	\$148,250.00	\$120.00	\$142,320.00
2. Price for all privately owned vehicles having a rated capacity over 10,000 GVW towed to any storage facility within the city limits of Temple or to Vendor's storage facility, by request of the owner or City Police Department (Unit price shall include all mileage, hook-up and disconnect fees)	24	EA	\$200.00	\$4,800.00	\$480/hr *	\$11,520.00	\$390/hr *	\$9,360.00
3. Price for all City owned vehicles having a rated capacity of 10,000 GVW or less, towed to the City of Temple Fleet Services Department, located at 3210 East Ave H, Building B, Temple, TX (Unit price shall include all mileage, hook-up and disconnect fees)	20	EA	N/C	N/C	N/C	N/C	N/C	N/C
4. Price for all City owned vehicles having a rated capacity over 10,000 GVW, towed to the City of Temple Fleet Services Dept., located at 3210 East Ave H, Building B, Temple, TX (Unit price shall include all mileage, hook-up and disconnect fees)	18	EA	\$150.00	\$2,700.00	\$125.00	\$2,250.00	N/C	N/C
5. Price for transferring a vehicle that was towed to the Police Department (located at 209 East Ave A, Temple, TX) for police processing, which needs to be towed to any storage facility within the city limits of Temple or to the Vendor's storage facility.	34	EA	\$130.00	\$4,420.00	\$62.50	\$2,125.00	N/C	N/C
6. Price for winching or off-road recovery	20	HR	\$100.00	\$2,000.00	\$100.00	\$2,000.00	\$75.00	\$1,500.00
7. Price for waiting time (Time accrues after responding tow truck has been at the scene for fifteen (15) minutes.)	118	1/4 HR	\$20.00	\$2,360.00	\$25.00	\$2,950.00	\$15.00	\$1,770.00
8. Price for working time – defined as any work completed other than hook-up of vehicle (e.g., clean-up of debris and spills or preparation of vehicle to be towed). [Time accrues after responding tow truck has been at the scene for fifteen (15) minutes.]	890	1/4 HR	\$25.00	\$22,250.00	\$25.00	\$22,250.00	\$18.75	\$16,687.50
9. Price for the use of dollies or flat bed	1126	EA	\$50.00	\$56,300.00	\$50.00	\$56,300.00	\$48.00	\$54,048.00
10. Price for up-righting an overturned vehicle	6	EA	\$100.00	\$600.00	\$75.00	\$450.00	\$70.00	\$420.00
11. Priced for disconnect of driveshaft or transmission linkage	15	EA	\$50.00	\$750.00	N/C	N/C	\$10.00	\$150.00
12. Price for the use of oil or antifreeze absorbent material	20	LB	\$25.00	\$500.00	N/C	N/C	\$0.50	\$10.00
13. Price for high water recovery (knee-deep or higher)	5	EA	\$125.00	\$625.00	\$100.00	\$500.00	\$200.00	\$1,000.00
14. Price for privately-owned vehicles, having a rated capacity of 10,000 GVW or less, stored at Vendor's secured storage facility, by request of the Police Department, for the first twenty-four (24) hours	15	DAY	\$25.00	\$375.00	\$20.00	\$300.00	\$20.00	\$300.00
15. Price for privately-owned vehicles, having a rated capacity of 10,000 GVW or less stored at Vendor's secured storage facility, by request of the Police Department, after the first twenty-four (24) hours	15	DAY	\$25.00	\$375.00	\$20.00	\$300.00	\$20.00	\$300.00
16. Price for privately-owned vehicles, having a rated capacity of over 10,000 GVW, stored at Vendor's secured storage facility, by request of the Police Department, for the first twenty-four (24) hours	2	DAY	\$40.00	\$80.00	\$35.00	\$70.00	\$20.00	\$40.00
17. Price for privately-owned vehicles, having a rated capacity of over 10,000 GVW, stored at Vendor's secured storage facility, by request of the Police Department, after the first twenty-four (24) hours	2	DAY	\$40.00	\$80.00	\$35.00	\$70.00	\$35.00	\$70.00
18. Tarp fee for vehicles having a rated capacity of 10,000 GVW or less, in order to protect the vehicle interior from the elements	5	EA	\$30.00	\$150.00	N/C	N/C	\$5.00	\$25.00
19. Tarp fee for vehicles having a rated capacity of over 10,000 GVW, in order to protect the vehicle interior from the elements	1	EA	\$50.00	\$50.00	N/C	N/C	\$5.00	\$5.00
20. Price for notification letters required to be sent pursuant to Texas law	296	EA	\$50.00	\$14,800.00	\$50.00	\$14,800.00	\$50.00	\$14,800.00
Total Cost of All Services Outlined Above			\$267,395.00		\$264,135.00		\$242,805.50	
References (3)			Yes		Yes		Yes	
Exceptions			brokering services		Yes-see 'Exception' section		No	
Credit Check Authorization			Yes		Yes		Yes	

* In consultation with the Police Department, and for bid evaluation purposes, it was assumed that these tows would require 1 hour to complete.

Recommended for Council approval.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A TOWING SERVICES CONTRACT WITH 121
TOWING & RECOVERY OF BELTON, TEXAS; AND PROVIDING AN
OPEN MEETINGS CLAUSE.

Whereas, Chapter 39 of the City Code requires that the City advertise for bids and contract with a towing service company to provide non-consent tows and towing of disabled City-owned vehicles within the city limits;

Whereas, the City's current contract for towing services expired August 31, 2015 and in accordance with Chapter 39, the City released an invitation to bid which opened July 16, 2016;

Whereas, three bids were received with 121 Towing & Recovery submitting the low bid - after inspection of the company's site and equipment, it was determined that Loop 121 Towing & Recovery possesses the necessary facilities and equipment to provide the required services;

Whereas, the City requires towing services on request of City personnel on a 24 hours/day, 7 days/week basis when the vehicle's owner is unavailable, unable or unwilling to arrange for their vehicle to be towed in the following circumstances: when city officials identify abandoned motor vehicles or junked vehicles which cannot lawfully be driven on a public roadway; when police seize vehicles as evidence in criminal cases or for safekeeping in connection with an arrest; when a vehicle has been damaged in a traffic accident or becomes disabled and is disrupting traffic on a public roadway;

Whereas, Chapter 39 of the City Code requires that the contract for towing services be for a period of two years – the contract with Loop 121 Towing & Recovery will be effective September 1, 2015 and will expire August 31, 2017;

Whereas, 121 Towing & Recovery will not charge the City for the towing of City-owned vehicles, and the City will not be responsible for any fees associated with towing or related services of privately owned vehicles; 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, after approval as to form by the City Attorney, to enter into a towing services contract with 121 Towing & Recovery of Belton, Texas, for non-consent tows and towing of disabled City-owned vehicles within the city limits.

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 **20th** day of **August**, 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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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a two-year contract with McCreary, Veselka, Bragg & Allen of Round Rock for delinquent account collection services.

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

ITEM SUMMARY: Approval of this item will enable continued collection services that are primarily used by the Municipal Court and Utility Business Office. However, the Parks Department, Finance Department, Airport, and Convention Center also utilize this contract.

On June 16, 2015, the City received ten (10) proposals for delinquent account collection services. Proposals were received from the following firms: American Municipal Services, Carrollton; RSI Enterprises, Glendale, AZ; Gila LLC, dba Municipal Services, Austin; Harris & Harris, Ltd, Chicago, IL; Access Credit Management, Inc, Little Rock, AR; SWC Group, Carrollton, TX; Nationwide Credit Corporation, Alexandria, VA; Perdue, Brandon, Fielder, Arlington; McCreary Veselka, Bragg & Allen (MVBA), Round Rock; and Linebarger, Goggan, Blair & Sampson, LLP, Waco.

A committee comprised of staff from the Summit, Utility Business Office, Municipal Court, Convention Center, Finance, and Airport reviewed and evaluated the 10 proposals. Evaluation criteria as defined in the RFP included: Professional capabilities, experience, and reputation of firm, 30%; Responsiveness of proposal, 25%; Proposed price, 25%; Professional qualifications and experience of staff who will be performing work, 10%; and Ability to provide easily understood reports and effective communication, 10%. The evaluation committee unanimously concluded that the City's current delinquent account collection service provider, MVBA, proposed the best value to the City. Staff has been very pleased with the professional capabilities of MVBA.

MVBA is offering the City a collection fee of 30% for Municipal Court collections, which is consistent with the statutory rate, and 12% for collections for other departments. These rates are consistent with the rates under the current contract between the City and MVBA.

Staff is recommending a two-year contract with MVBA with the provision for three (3) one-year renewals.

FISCAL IMPACT: Delinquent payments received by Municipal Court or by the collection agency are posted as an amount due to the collection agency based on the contracted rate of 30%. In FY 2014, \$190,147.98 was paid to the collection agency for Municipal Court collections and \$4,530.62 was paid by other departments for delinquent collections.

To date in FY 2015, \$178,055.72 has been paid to the collection agency for Municipal Court collections and \$4,371.96 has been paid by other departments for delinquent collections.

For all other delinquent payments collected either by the City or collection agency, \$11,000 has been budgeted in the proposed FY 2016 Operating Budget for these services.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH MCCREARY, VESELKA, BRAGG & ALLEN OF ROUND ROCK, TEXAS FOR DELINQUENT ACCOUNT COLLECTION SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 16, 2015, the City received ten proposals for the collection of delinquent accounts - a Staff committee reviewed and evaluated all ten proposals with the committee unanimously choosing McCreary, Veselka, Bragg & Allen (MVBA) who provided the best value to the City;

Whereas, the evaluation criteria Staff looked for included professional capabilities, experience, reputation of firm, responsiveness of proposal, proposed price, professional qualifications and experience of staff who will be performing work, and the ability to provide easily understood reports and effective communication;

Whereas, MVBA is offering the City a collection fee of 30% for Municipal Court collections, which is consistent with the statutory rate, and 12% for collections for other departments – these rates are consistent with the rates under the current contract the City has with MVBA;

Whereas, Staff has been pleased with the professional capabilities provided by MVBA and recommends a two year contract with the provision for three one-year renewal options;

Whereas, delinquent payments received by the Municipal Court or by the collection agency are posted as an amount due to MVBA based on the contracted rate of 30%;

Whereas, \$11,000 has been budgeted in the proposed 2016 Operating Budget for all delinquent payments collected by the City or MVBA; 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, after approval as to form by the City Attorney, to execute a two-year contract with McCreary, Veselka, Bragg & Allen of Round Rock for delinquent account collection 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 **20th** day of **August**, 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

08/20/15
Item #4(E)
Consent Agenda
Page 1 of 1

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 change order #1 to the construction contract with Austin Engineering Co., Inc. of Austin, in the amount not to exceed \$33,632, for rehabilitation of the Hickory Lift Station 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: On August 15, 2013, Council authorized a professional services agreement with S.D. Kallman, LP (Kallman), of Round Rock, for design, bidding, and construction administration services for rehabilitating the Hickory Lift Station in an amount not to exceed \$51,083. On November 6, 2014, Council authorized a construction contract with Austin Engineering Company, Inc. (Austin Eng.) for construction in an amount not to exceed \$403,100.

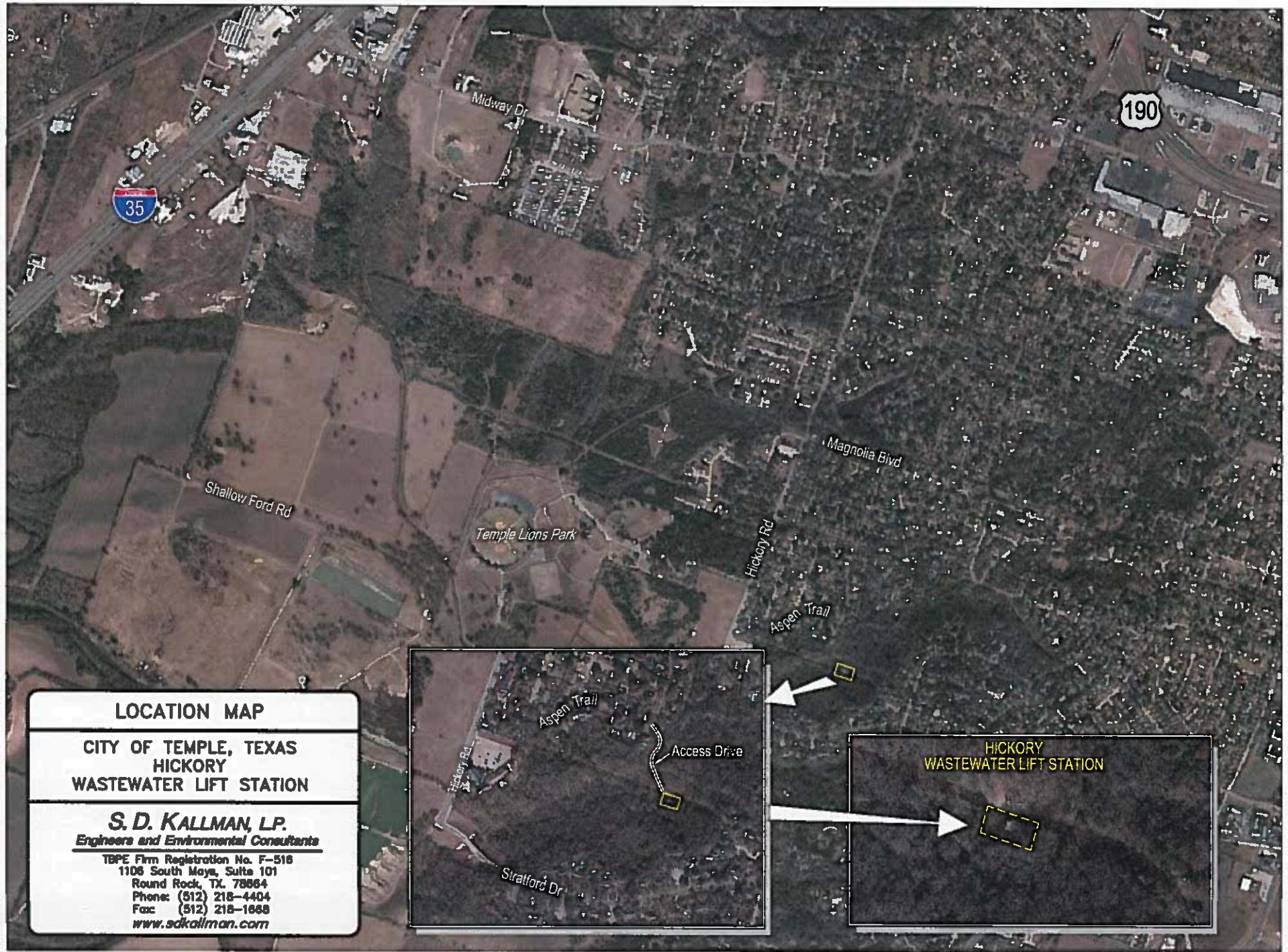
The attached change order includes items to repair an inoperable 14" gate valve located on the force main at Hickory Lift Station. Being unable to control the force main, Austin Eng. cannot remove and replace the discharge piping without causing an overflow inside the lift station. Austin Eng. will use a subcontractor to install a temporary stop valve, while Austin Eng. installs a new 14" plug valve.

Per attached letter, Kallman recommends approving the change order. Staff also recommends approving the change order.

FISCAL IMPACT: Change Order #1 is being funded with the 2015 Utility Revenue Bonds to be issued in September 2015. Funding in the amount of \$33,632 will be available in account 561-5400-535-6905, project #100991, for the change order with Austin Eng.

ATTACHMENTS:

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



LOCATION MAP

CITY OF TEMPLE, TEXAS
HICKORY
WASTEWATER LIFT STATION

S. D. KALLMAN, L.P.
Engineers and Environmental Consultants

TBPE Firm Registration No. F-518
1106 South Moya, Suite 101
Round Rock, TX. 78664
Phone: (512) 218-4404
Fax: (512) 218-1668
www.sdkallman.com



S. D. KALLMAN, L.P.
Engineers and Environmental Consultants
TBPE Firm Registration No. F-516

August 10, 2015

Ms. Sharon Carlos, EIT
City of Temple
3210 East Avenue H, Bldg. C
Temple, TX 76501

RE: HICKORY WASTEWATER LIFT STATION IMPROVEMENTS
PROJECT # 100991
CHANGE ORDER NO. 1

Dear Ms. Carlos:


The following is an explanation of the need for the items included in Change Order No. 1. Due to the existing 14" gate valve in the 14" force main which is inoperable, the installation of a 14" plug valve (MJ) is recommended. The City and BRA personnel have made several attempts to close the existing 14" valve, but with no success. On Contract award, the City accepted the "alternate bid items" that included removing and replacing the influent and effluent valves and piping at all 4 lift station pumps.

The existing pump discharge piping cannot be removed and replaced, because the existing force main cannot be closed. If the pump piping were to be removed without replacing the 14" valve, all wastewater in the force main would gravity flow back into and flood the lift station pump chamber. The new 14" plug valve will allow the Contractor to remove and replace all pump piping and valves. A sub-contractor will be used to install a 14" stop valve. This is a balloon-type insertion valve that will be placed just downstream of the failed existing 14" force main valve. Once the balloon is inflated, that will stop the force main from draining back to the lift station. Then the new 14" plug valve can be installed and the balloon can be removed. The City and BRA forces will accept the responsibility to furnish vacuum trucks to keep the wetwell influent basin from overflowing and causing a spill.

Should you have any questions, please do not hesitate to call.

Thank you.

Cordially,
S. D. KALLMAN, L.P.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS


Steven D. Kallman, P.E.
President

C.C. Austin Keller, Austin Engineering Co., Inc.



CHANGE ORDER

PROJECT: Hickory Lift Station Improvements, Project # 100991
OWNER: City of Temple
CONTRACTOR: Austin Engineering Co., Inc.
ENGINEER: S.D. Kallman, L.P.
CHANGE ORDER #: One (1)

Make the following additions, modifications or deletions to the work described in the Contract Documents:

ITEM #:	LUMP SUM AMOUNT:
1) AECO's Subcontractor to make the 14" stop	\$11,500.00
2) AECO support personnel and equipment for above work	\$ 3,000.00
3) Materials to replace the 14" valve	\$ 5,710.00
4) AECO labor and equipment to install 14" valve	\$ 3,500.00
5) 15% Overhead, Labor burden, Insurance	\$ 3,556.00
6) 15% Markup	\$ 4,089.00
7) Additional Bond	\$ 627.00
8) 10 hrs. Subcontractor overtime pay (Not to Exceed)	\$ 1,650.00
TOTAL:	\$33,632.00**

**** NOTE:** Change Order No. 1 total of \$33,632.00 does not include dewatering of the existing lift station wet well or the existing 14" wastewater force main, or any other source of wastewater that might exist as an influent or discharge piping or basin related to the Hickory lift station. The City of Temple will provide all equipment and labor forces to sufficiently bypass or dewater the existing wet well and existing 14" force main, or any unknown sources of wastewater related to this work, using methods such as sewage vacuum trucks or sewage pumps during the period the Contractor performs the work described above. The City of Temple shall be responsible for any sewage spill at the lift station site or any other site to where the sewage may be conveyed.

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

Original Contract Amount:	\$ 403,100.00
Previous Change in Contract Amount:	\$ 0.00
Change in Contract Amount:	\$ 33,632.00
Revised Contract Amount:	\$ 436,732.00
Original Contract Time:	250 Calendar Days
Previous Change in Contract Time:	0 Calendar Days
Change in Contract Time:	30 Calendar Days
Revised Contract Time:	280 Calendar Days
Original Final Completion Date:	September 12, 2015
Revised Final Completion Date:	October 12, 2015

Recommended by:

Project Manager (City Staff) _____ Date _____

Recommended by:

Engineer S.D. Kallman 8-04-15 Date

Agreed to:

Contractor [Signature] 8/4/2015 Date

Approved by City of Temple:

Jonathan Graham, City Manager _____ Date _____

Approved as to form:

City Attorney's Office _____ Date _____

Approved by Finance Department:

Finance _____ Date _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NUMBER 1 TO THE CONSTRUCTION CONTRACT WITH AUSTIN ENGINEERING COMPANY, INC. OF AUSTIN, TEXAS, IN THE AMOUNT OF \$33,632, FOR REHABILITATION OF THE HICKORY LIFT STATION AND DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES RELATED TO THE UTILITY PORTION OF THE CHANGE ORDER WITH THE ISSUANCE OF 2015 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 15, 2013, Council authorized a professional services agreement with S.D. Kallman, LP, of Round Rock, for design, bidding, and construction administration services for the rehabilitation of the Hickory Lift Station;

Whereas, on November 6, 2014, Council authorized a construction contract with Austin Engineering Company, Inc. for the rehabilitation of the Hickory Lift Station;

Whereas, certain additional items are needed to repair an inoperable 14” gate valve located on the force main at the Hickory Lift Station;

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

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

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

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

Whereas, staff recommends authorizing Change Order number 1 to the construction contract with Austin Engineering Company, Inc. for rehabilitation of the Hickory Lift Station in an amount not to exceed \$33,632;

Whereas, this change order is being funded with the 2015 Utility Revenue Bonds to be issued in September 2015 – funding will be available in Account No. 561-5400-535-6905, Project No.100991; 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, after approval as to form by the City Attorney, to execute Change Order Number 1 to the construction contract with Austin Engineering Company, Inc. of Austin, Texas, in the amount of \$33,632, for rehabilitation of the Hickory Lift Station, as well as declare an official intent to reimburse the expenditures related to the utility portion of the change order 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 20th day of **August**, 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

08/20/15
Item #4(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Contract Amendment #1 for a professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$105,255, required to design Research Parkway improvements from Central Pointe Parkway to I35 within the Reinvestment Zone No.1 in northwest Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: On August 15, 2013 Council authorized a professional services agreement with KPA in the amount of \$1,864,020 to design the roadway, drainage, utilities, striping, and signage for the completion of the outer loop from its current terminus at Central Pointe Parkway northward to IH35.

This contract amendment will realign the geometry of Research Parkway from Central Pointe Parkway to the intersection with the McLane Parkway / Research Parkway Connector. The revision to the plans will include additional design surveys, revised and additional metes and bounds for rights-of-way, and redesign of the roadway geometry, storm sewer and water utility. Please see the attached Project Map. The timeframe for the redesign of the project is three months.

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

Professional Services

Metes & Bounds With Detailed Exhibits	\$ 11,600.00
Field Surveying	\$ 4,000.00
Roadway Design	\$ 36,110.00
Drainage	\$ 23,450.00
Signage & Pavement Marking	\$ 3,335.00
Utility Design	\$ 16,540.00
Misc. Design	\$ 5,320.00
General Management & Coordination	\$ 4,900.00

TOTAL **\$ 105,255.00**

FISCAL IMPACT: Funding for contract amendment #1 is available in the Reinvestment Zone No. 1 Financing and Project Plans as shown below:

Project	Project Plan Line #	Account #	Project #	Amount
Research Pkwy (Wendland to McLane Pkwy)	310	795-9800-531-6864	101001	\$42,045
Research Pkwy (McLane Pkwy to Central Point Pkwy)	315	795-9800-531-6881	101004	\$63,210
Total funding available				\$105,255

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. ~~ATRAE~~ SUTTON, III, P.E., CFM

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

June 14, 2015

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

Re: City of Temple
Research Parkway (Central Pointe Parkway to IH 35) Realignment Contract Amendment
Final Design

Dear Mr. Billeck:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This contract amendment will realign the geometry of Research Parkway from Central Pointe Parkway to the intersection with the McLane Parkway/Research Parkway Connector. The revision to the plans will include additional design surveys, revised and additional metes and bounds for rights-of-way, redesign of the roadway geometry, storm sewer and water utility. The final product will be revised plans, specifications and estimates ready for bidding through the City of Temple Purchasing Department.

The timeframe for the redesign of the project is three months. Revised metes and bounds for rights-of-way and easements will be delivered to the designated City of Temple Project Manager for acquisition processes to be the responsibility of the City.

KPA will perform all work and prepare all deliverables in accordance with the latest version of AASHTO and City of Temple specifications, standards and manuals.

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project. All traffic control will be in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

The following services will be performed:

I. PROJECT MANAGEMENT

A. Meetings

1. Prepare, attend and document Progress Meetings at the City Office.
2. Prepare, attend and document Utility Coordination Meetings.
3. Prepare, attend and present as necessary updates to the Temple Re-investment Zone Project Group and Board.

B. General Contract Administration

1. Develop monthly invoices and progress reports.
2. Sub-consultant coordination.
3. Design coordination with the City.

II. FIELD SURVEYING

A. General

1. Unless previously obtained, the City of Temple shall obtain right-of-entry (ROE) agreements with property owners for the required field surveys.
2. Verify and compare previously located utility data with current ground conditions. Contact the One-Call System in advance of performing field surveys so that data collection includes ties to location of marked utilities outside of original survey area. Reasonable attempts to coordinate with utility owners shall be made to achieve efficiency in data collection.

B. Topographic Surveys for Engineering Design and Hydraulic Analysis

1. Reasonable attempts shall be made to recover existing horizontal control points from previous work performed on this project. Additional control shall be established, if required, to adequately position horizontal control points as needed for project design activities and plan notations thereof. Data for the horizontal control shall be based on Texas State Plane, Central Zone, NAD 83 (93).
2. Reasonable attempts at recovering and verifying existing vertical control shall be made. Additional benchmarks shall be established, if required, via differential level loops from recovered known project controls.
3. Survey files with previously obtained project data shall be compared to and merged with survey files generated through this proposal.
4. Data collection shall consist of spot elevations for improvements, edge of roadway, driveways, visible or marked utilities and drainage features,
5. The survey shall include topographic features within approximately 500 feet from each end of certain drainage features along the roadway or a sufficient distance to ensure and/or verify hydraulic cross sections can be developed to

adequately accommodate the 100-year rainfall event. Within these limits, the survey shall extend approximately 150 feet left and right of the proposed revised roadway centerline, provided ROE allows such access.

6. Channel cross sections shall be provided from the face of the revised drainage structures or edge of channel connection (4 sections each) to approximately 200 feet upstream and downstream. The sections shall indicate any ground breaks, top of banks, toe of slopes, etc., that define the actual contour of the section and the overbank area, provided ROE allows such access.
7. A stream alignment and profile extending the entire limits of the channel cross sections described above shall be developed from the channel cross section information.
8. Profiles of intersecting driveways within the revised project limits shall extend a sufficient distance beyond the existing ROW to ensure adequate data is available to determine tie-ins with proposed vertical alignment changes, provided ROE allows such access.
9. Field surveys shall provide the locations of small signs, mailboxes and other visible surface features.
10. Provide metes and bounds for the revised and new required rights-of-way for the revised alignment. Detailed exhibits will be prepared for Johnson and Vences.

III. ROADWAY DESIGN CONTROLS

A. 100% Complete Plan Set

The following items shall be prepared for the revision to the project:

1. Plan & Profile Drawings - Revise plan & profile drawings prepared during the previous alignment.
2. Intersection Layouts - Finalize intersection and connection layouts prepared during the previous alignment. The following list of intersections and connections will be completed.
 - Pepper Creek Road
 - McLane Parkway
3. Driveway Details - Develop typical driveway designs for the revised alignment portion and summarize driveway features including material type and geometric design. Driveways shall be replaced with HMAC or concrete, conforming to existing. Profiles for each driveway will be completed to illustrate the connection with proposed infrastructure and existing private access. All access facilities will meet the requirements of the City of Temple criteria.
4. Miscellaneous Roadway Details - Develop various details, as required, for pavement, curb, riprap, etc. within the revised alignment area.
5. Removal Layouts - Prepare removal and demolition layout sheets showing all features that are to be removed including pavement, structures, signing, etc. within the revised alignment area

6. Roadway Cross Sections - Finalize roadway cross sections in the revised alignment area.
7. Finalize requirements for rights-of-way and easements for the realignment area.
8. Develop summary of final quantities for all roadway infrastructure and prepare cost estimates based on current bid data.

IV. DRAINAGE

A. 100% Complete Plan Set

1. Develop final designs for all cross drainage structures within the revised alignment area. All cross drainage structures shall be illustrated in plan profile sheets as well as detail sheets in the 100% plans. Grading to existing ground elevations shall be detailed as well as elevations for flow lines and headwalls. Hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events shall be illustrated in the profile views. Designs for conveyance to reduce erosion shall be completed and detailed in the plans.
2. Develop final designs for the storm water collection system for the curb-and gutter portion of the project in the realignment area. Flow lines shall be detailed as well as hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events. All drainage infrastructure shall be designed and presented in the drawings in plan and profile.
3. Design storm water conveyance to existing streams and channel ways in the realignment area. Design shall include conveyance for positive drainage and shall check current water surface elevations to proposed water surface elevations after project completion.
4. Determine potential utility conflicts based on final design for the realignment area. Existing utility locations shall be illustrated in the drainage plan profile sheets, as information is available.
5. Develop final drainage easement requirements for the realignment area. Layouts for drainage easements shall be prepared for review with the City. Details will be provided for the production of metes and bounds for acquisition.
6. Prepare Hydraulic Data Sheets as appropriate reflecting the results of the hydraulic analyses and designs for proposed cross road culverts and storm sewer systems.
7. Develop summary of final quantities for all drainage infrastructure in the realignment area and prepare cost estimates based on current bid data.
8. Coordinate with the City of Temple to review the final drainage design, phasing for the project, utility conflicts and relocations. All comments and direction shall be incorporated into final designs.
9. Storm Water Pollution Prevention Plans (SW3P) - Develop SW3P in the realignment area to minimize potential impact to receiving waterways. The SW3P shall include quantities, type and locations of erosion control devices

and any required permanent erosion control measures in accordance with the City of Temple Policy.

V. SIGNING AND MARKINGS

A. 100% Complete Plan Set

1. Signing and Markings Layouts - Prepare signing and pavement markings layouts for the full roadway sections in the realignment area . The layouts shall include the signing and striping, roadway layout, centerline with stationing, existing signs to remain, to be removed or to be relocated, proposed signs and proposed permanent markings including pavement markings, object markers and delineation. Details shall be in accordance with TMUTCD,
2. Intersection Layouts - Prepare detailed signing and striping layouts at the following intersections:
 - Pepper Creek Road
 - McLane Parkway

VI. UTILITY DESIGN

A. 100 % Complete Plan Set

1. Prepare plan and profile for 12-inch water line for the project as shown in the City of Temple Water Master Plan for the realignment area.
2. Call out fittings, hydrants, valves, etc on the plan profile sheets for the realignment area.
3. Develop summary of final quantities for all utility infrastructure in the realignment area and prepare cost estimates based on current bid data.

VII. MISCELLANEOUS DESIGN

A. 100% Complete Plan Set

1. Traffic Control Plans TCP, Detours and Sequence of Construction – Revise the detailed TCP including sequence of construction and the existing and proposed traffic control devices in the revised alignment area (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the design of temporary drainage, if required, throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
 - Traffic control layout for each phase of construction
 - Advance Warning Signs
 - TCP Phasing Overview Layout
 - Any necessary miscellaneous drawings relevant to traffic control
2. Illumination and Electric

Mr. James Billeck, P.E.

June 14, 2015

Page 6

- Develop final conduit layout for future installation of street lighting within the revised alignment area.
 - Coordinate with Oncor for final layout for the project.
3. Cost Estimates - Prepare detailed construction cost estimates based on the final design of the revised alignment.

The following scope of work for the revisions to the Research Parkway (Central Pointe Parkway to IH35) Project can be completed for the lump sum price of \$105,255. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

METES & BOUNDS WITH DETAILED EXHIBITS	\$	11,600.00
FIELD SURVEYING	\$	4,000.00
ROADWAY DESIGN	\$	36,110.00
DRAINAGE	\$	23,450.00
SIGNING & PAVEMENT MARKING	\$	3,335.00
UTILITY DESIGN	\$	16,540.00
MISC. DESIGN	\$	5,320.00
GENERAL MANAGEMENT & COORDINATION	\$	4,900.00
TOTAL	\$	105,255.00

Sincerely,



R. David Patrick, P.E., CFM

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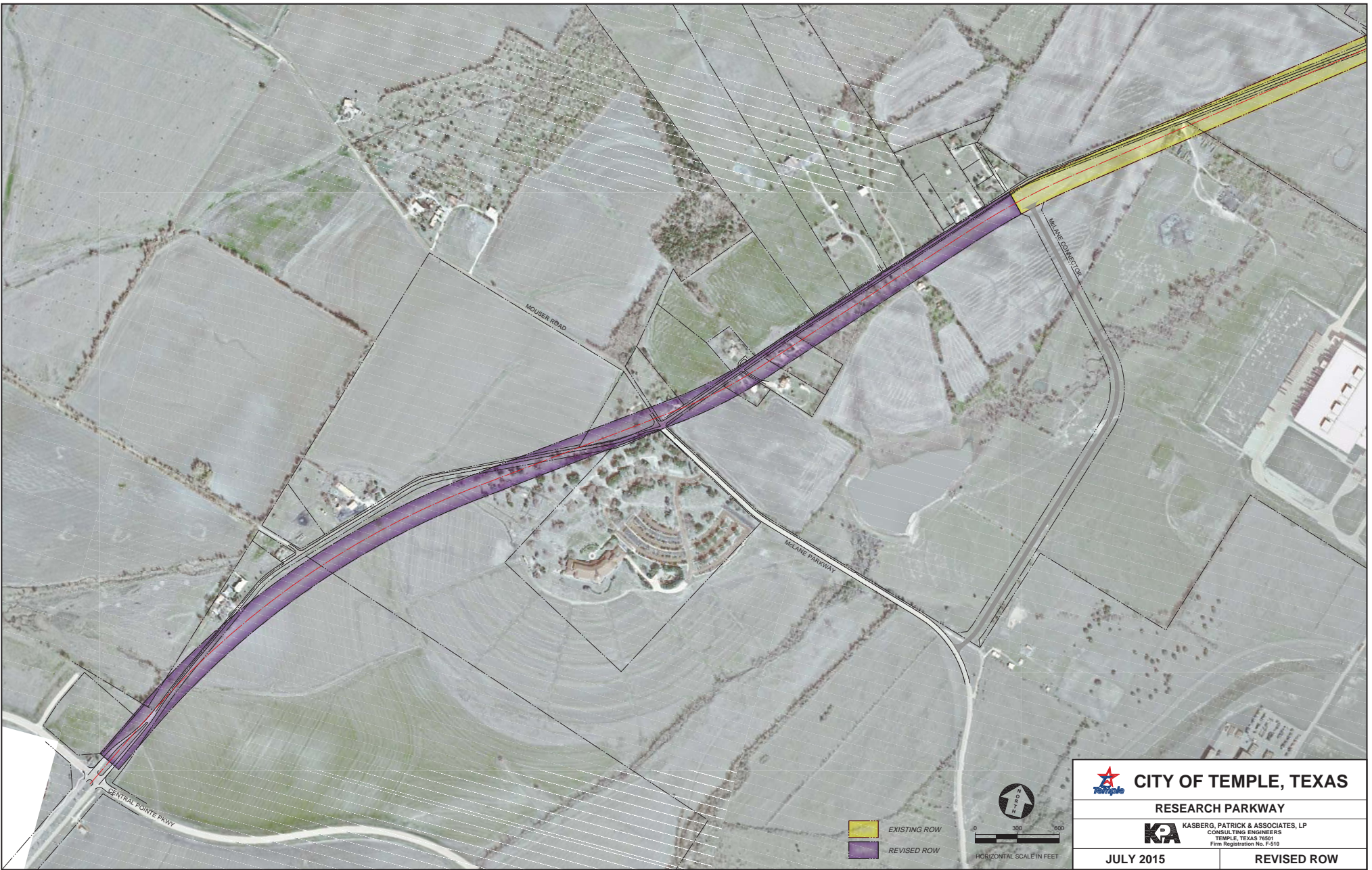
ATTACHMENT A



Charges for Additional Services

**City of Temple
Research Parkway (Central Pointe Parkway to IH35)
Realignment Final Design**

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

P:\Temple_Rainwater\2013\2013_130\asE\ch\asE_Roadway_4-29-15.dwg REVISION TO EXISTING



 CITY OF TEMPLE, TEXAS	
RESEARCH PARKWAY	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76701 Firm Registration No. F-510	
JULY 2015	REVISED ROW

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENT NUMBER 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$105,255, FOR THE DESIGN OF RESEARCH PARKWAY IMPROVEMENTS FROM CENTRAL POINTE PARKWAY TO I35 WITHIN THE REINVESTMENT ZONE NO. 1 IN NORTHWEST TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 15, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP of Temple, Texas to design the roadway, drainage, utilities, striping, and signage for the completion of the outer loop from its current terminus at Central Pointe Parkway northward to I35;

Whereas, a realignment to the geometry of Research Parkway from Central Pointe Parkway to the intersection with the McLane Parkway / Research Parkway Connector is needed and the plans will include additional design surveys, revised and additional metes and bounds for rights-of-way, and the redesign of the roadway geometry, storm sewer and water utility;

Whereas, funding for amendment number 1 to the professional services agreement is available in the Reinvestment Zone No. 1 Financing and Project Plan Account No. 795-9800-531-6864, Project No. 101001 and Account No. 795-9800-531-6881, Project No. 101004; 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, after approval as to form by the City Attorney, to execute amendment number 1 to the professional services agreement with Kasberg, Patrick & Associates, LP of Temple, Texas, in an amount not to exceed \$105,255, to design Research Parkway improvements from Central Pointe Parkway to I35 within the Reinvestment Zone No.1 in northwest Temple.

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 20th day of August, 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

08/20/15
Item #4(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Damon Boniface, Director of Utilities
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an increase in the estimated expenses in FY2015 for the hauling and disposal of sludge by S&M Vacuum & Waste, Ltd of Killeen from \$160,000 to \$200,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 4, 2014, Council authorized a one-year renewal to a services agreement for the hauling and disposal of sludge with S&M Vacuum & Waste of Killeen for FY2015 at a rate of \$.029 per gallon for an estimated annual spend of \$160,000.

Earlier this fiscal year, the City experienced a record amount of rain. Due to the abundance of water released from Lake Belton into the Leon River, the quality of water decreased, and resulted in an unanticipated larger volume of sludge.

S&M has hauled and disposed of 5,407,650 gallons of sludge through mid-July, at a cost of \$156,821.85. Staff is estimating the need to haul and dispose of at least 1 million gallons for sludge during the remainder of FY 2015.

FISCAL IMPACT: Currently, funding in the amount of \$40,000 is available in account 520-5122-535-2338 for the additional costs of sludge hauling and disposal by S&M Vacuum & Waste of Killeen.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INCREASE IN SPENDING FOR FISCAL YEAR 2015, FOR THE HAULING AND DISPOSAL OF SLUDGE BY S&M VACUUM & WASTE, LTD OF KILLEEN, TEXAS FROM \$160,000 TO \$200,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2014, Council authorized a one-year renewal to a services agreement for the hauling and disposal of sludge with S&M Vacuum & Waste (S&M) of Killeen for fiscal year 2015 at a rate of \$.029 per gallon for an estimated annual spend of \$160,000;

Whereas, earlier this fiscal year, the City experienced a record amount of rain and due to the abundance of water released from Lake Belton into the Leon River, the quality of water decreased, and resulted in an unanticipated larger volume of sludge;

Whereas, S&M has hauled and disposed of 5,407,650 gallons of sludge through mid-July, at a cost of \$156,821.85 and Staff is estimating the need to haul and dispose of at least 1 million more gallons of sludge during the remainder of fiscal year 2015;

Whereas, funding is available in Account No. 520-5122-535-2338 for the additional costs of sludge hauling and disposal by S&M; 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 an increase in spending for fiscal year 2015, for the hauling and disposal of sludge by S&M Vacuum & Waste, Ltd of Killeen, Texas from \$160,000 to \$200,000.

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 **20th** day of **August**, 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

08/20/15
Item #4(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jonathan Graham, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing execution of an amendment to the October 2014 easement agreement with Magellan Pipeline Company, L.P., to enlarge the easement area to accommodate the pipeline as constructed.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Magellan Pipeline Company, L.P. has asked the City to add approximately 5 feet to the approximately 10-foot-wide pipeline easement that the City granted in October 2014. Magellan used the easement to accommodate TxDOT's I-35 project by relocating a 4-inch diesel fuel pipeline used to deliver fuel to BNSF's rail yard. The new pipeline is located adjacent to the east side of N General Bruce Drive near Industrial Boulevard.

Magellan proposed to build the new pipeline in the center of the easement, but field adjustments resulted in construction of the pipeline along, and at some points, slightly beyond the easement boundary. When Magellan's contractor mobilized to the site, another I-35 utility contractor was already on site. Rather than delaying its project, and hence the I-35 project, Magellan moved over.

Magellan has complied with the requirement under the original agreement to provide an as-built drawing of the pipeline, which shows that the pipeline complies with the 48" minimum depth requirement. Magellan has not restored the easement area or work space, as TxDOT is using the City's tract for I-35 staging.

Magellan is offering \$5,000 as compensation for the additional 1,355 square feet of easement area and any damages or complications that its encroachment has caused. Magellan paid \$12,000 for the original easement--\$6,777 for a permanent easement of 3,777 square feet and \$1,111 for temporary workspace of 7,405 square feet.

FISCAL IMPACT: Upon execution of the amendment to the easement agreement granting Magellan Pipeline Company, L.P. an additional 1,355 square feet of easement area, the City will receive a total compensation of \$5,000. Revenue received from the permanent easement will be deposited into account 110-0000-461-0423, Sale of Land.

ATTACHMENTS:

Easement Agreement #2014-00037345
First Amendment to Transmission Line Easement
Exhibit to Amendment
Resolution

Easement Agreement for Diesel Fuel Pipeline Facilities

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: October 6, 2014

Grantor: The City of Temple, Texas
a municipal corporation

Grantor's Mailing Address: 2 N Main ST
Temple TX 76501 (Bell County)

Grantee: Magellan Pipeline Company, L.P.
a Delaware limited partnership

Grantee's Mailing Address: One Williams Center STE 2800
Tulsa OK 74172 (Tulsa County)

Easement Property: A variable width easement located in the NANCY FERGUSON SURVEY, ABSTRACT NO. 322, IN THE City of Temple, Bell County, Texas, said easement being part of the remainder of the tract of land as described in the deed to the City of Temple filed for record in Volume 767, Page 405, Deed Records, Bell County, Texas (D.R.B.C.T.), and being more particularly described in Exhibit A attached to this agreement and by this reference incorporated in it.

Easement Purpose: For the installation, construction, operation, use, maintenance, inspection, protection, replacement, repair, upgrade, relocation within the Easement Property, and removal of one four-inch diameter pipeline (the "Pipeline") and related facilities, including below-ground cathodic protection equipment, valves, and pipeline operations communication equipment, and above-ground pipeline markers placed at property lines and any other location as required by law (collectively, the "Facilities"), for the transportation of

diesel fuel.

Consideration:

TWELVE THOUSAND + XX/100
DOLLARS (\$ 12,000.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Reservations from Conveyance:

None

Exceptions to Conveyance: None

Grant of Easement:

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee and Grantee's heirs, successors, and assigns an easement over, on, and across the Easement Property for the Easement Purpose, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Easement"), to have and to hold the Easement to Grantee and Grantee's heirs, successors, and assigns forever, without express or implied warranty. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas property Code (or its successor) are excluded.

Acceptance of Easement As Is:

BY ITS ACCEPTANCE OF THIS EASEMENT CONVEYANCE, AND AS A MATERIAL PART OF THE CONSIDERATION, GRANTEE FURTHER EXPRESSLY ACKNOWLEDGES AND AGREES THAT (i) ANY INFORMATION PROVIDED TO GRANTEE PERTAINING TO THE EASEMENT PROPERTY BY GRANTOR HAS NOT BEEN INDEPENDENTLY INVESTIGATED OR VERIFIED BY GRANTOR, (ii) GRANTOR IS NOT MAKING, AND HAS NOT MADE, ANY REPRESENTATIONS OR WARRANTIES WHATSOEVER AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION, AND (iii) GRANTOR IS NOT, AND SHALL NOT BE, LIABLE OR BOUND IN ANY MANNER WITH WHATSOEVER BY ANY WRITTEN OR VERBAL STATEMENT, REPRESENTATION, REPORT, SURVEY OR INFORMATION FURNISHED TO GRANTEE, OR MADE, BY ANY PARTY WITH RESPECT TO THE EASEMENT PROPERTY OR THE EASEMENT OR THE EASEMENT INTERESTS HEREBY CONVEYED. GRANTEE SPECIFICALLY AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO CONDUCT SUCH TESTS, STUDIES AND INVESTIGATIONS AS GRANTEE DEEMS NECESSARY AND APPROPRIATE, GRANTEE IS RELYING SOLELY UPON GRANTEE'S OWN INVESTIGATION OF THE EASEMENT PROPERTY AND NOT ON ANY INFORMATION PROVIDED BY GRANTOR. GRANTEE FURTHER AGREES THAT GRANTEE HAS PURCHASED AND ACCEPTED THE EASEMENT INTERESTS IN THE EASEMENT PROPERTY IN ITS CURRENT, "AS IS," WITH ALL FAULTS CONDITION, AND TO HAVE ASSUMED THE RISK OF ANY MATTER OR

CONDITION WHICH IS LATENT OR PATENT OR THAT COULD HAVE BEEN REVEALED BY ITS INVESTIGATIONS. GRANTOR HAS NOT MADE AND GRANTOR HEREBY EXPRESSLY DISCLAIMS, AND GRANTOR IS CONVEYING THE EASEMENT WITHOUT) ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, WHATSOEVER AS TO THE VALUE, FITNESS OF THE EASEMENT PROPERTY, THE PRESENCE OR ABSENCE OF ANY HAZARDOUS MATERIAL OR OTHER ENVIRONMENTAL CONDITION OR COMPLIANCE OF THE LAND WITH, OR VIOLATION OF, ANY LAW, STATUTE, ORDINANCE, RULE OR REGULATION, AND ANY OF SUCH REPRESENTATIONS AND WARRANTIES, AND ANY CLAIMS OR CAUSES OF ACTION AGAINST GRANTOR BASED IN WHOLE OR IN PART ON ANY VIOLATION OF, OR ARISING WITH RESPECT TO, ANY FEDERAL, STATE OR LOCAL STATUTE, ORDINANCE, RULE OR REGULATION ARE HEREBY EXPRESSLY WAIVED AND RELEASED BY GRANTEE.

Terms and Conditions:

The following terms and conditions apply to the Easement granted by this agreement:

1. *Character of Easement.* The Easement is nonexclusive and irrevocable. The Easement is for the benefit of Grantee and Grantee's successors and assigns (the "Holder.")

2. *Duration of Easement.* The duration of the Easement is perpetual.

3. *Reservation of Rights.* Holder's right to use the Easement Property is nonexclusive, and Grantor reserves for Grantor and Grantor's heirs, successors, and assigns the right to use all or part of the Easement Property in conjunction with Holder as long as such use by Grantor and Grantor's heirs, successors, and assigns does not interfere with the use of the Easement Property by Holder for the Easement Purpose, and the right to convey to others the right to use all or part of the Easement Property in conjunction with Holder, as long as such further conveyance is subject to the terms of this agreement. Grantor's reservation of rights is limited only as specified in the following provisions:

a. *Exercise of mineral rights.* Grantor reserves all oil, gas, sulphur, uranium, fissionable materials, and other minerals under the surface of the Easement Property. Grantor agrees not to explore, drill, mine, produce or operate for oil, gas, sulphur, uranium, fissionable materials, and other minerals on the surface of the Easement Property without the express, written consent of Holder. Grantor reserves the right to extract oil, gas, sulphur, uranium, fissionable materials, and other minerals from under the Easement Property; however, it is agreed that Grantor may oil, gas, sulphur, uranium, fissionable materials, and other minerals from under the Easement Property by directional drilling or other means, from land

located outside the boundary of the Easement Property, so long as Holder's use of the Easement Property for the Easement Purpose is not disturbed and the Pipeline and Facilities located thereon are left with proper, sufficient and permanent support and are not endangered, obstructed, injured or interfered with.

- b. *Grantor's rights to use the Easement Property.* Grantor reserves the right to use the Easement Property for pedestrian and vehicular travel; signs, parking lots, and drainage, utility and communications facilities. Grantor reserves the right to construct, operate, maintain, repair, reconstruct, remove and replace pipelines, streets, roadways, alleys, sidewalks, signs, bridges, railroad tracks, including spur tracks, underground drainage and sewer pipelines, and other utilities, across the Easement Property; and the right to use the Easement Property for recreation or similar purposes, not inconsistent or conflicting with Holder's use and enjoyment of the Easement Property for the Easement Purpose. Grantor agrees, for itself, its successors and assigns, not to excavate the Easement Property without the express, written consent of Holder, which must not be unreasonably withheld, to erect, construct, create, or permit to be erected, constructed or created, any building, fence, or obstruction either on, above, or below the surface of the ground, or change the grade or elevation thereof, or maintain any water course, reservoir or pond thereon, or cause or permit these things to be done by others. *Grantor's Use of Easement Property for landscaping.* Grantor reserves the right to use the Easement Property to plant, grow, maintain, remove and replace crops, gardens and landscaping, not including trees and deep-rooted shrubs.
- c. *Grantor's obligations.* Grantor agrees that Grantor, its successors and assigns, may not exercise their reserved rights in a manner that (i) endangers, obstructs, injures or interferes with Holder's Facilities located on the Easement Property; (ii) interferes with Holder's access to the Easement Property; (iii) prevents Holder from traveling within the Easement Property for the entire length of the Easement Property, on foot or in vehicles or machinery; (iv) leaves an insufficient amount of cover above the Pipeline for compliance with any and all applicable laws or regulations, (iv) interferes with proper, sufficient and permanent support of the Pipeline; (v) unreasonably interferes with Holder's use of the Easement Property for the Easement Purpose.

4. *Improvement and Maintenance of Easement Property by Holder.* Improvement and maintenance of the Facilities will be at the sole expense of Holder. Holder has the right to eliminate any encroachments into the Easement Property that interfere with use of the Easement Property for the Easement Purpose. Holder has the right to construct, install, maintain, replace, and remove the Facilities under or across any portion of the Easement Property; to cathodically protect the Pipeline within the boundaries of the Easement Property; and to install and maintain above-

ground markers placed at property lines and any other location as required by law. The design and construction of the Pipeline and all activities that Holder conducts on the Easement Property must be done in accordance with good, workmanlike standards in the industry and geographical area where the Easement Area is located. All matters concerning the Facilities and their configuration, construction, installation maintenance, replacement, and removal are at Holder's sole discretion, subject to performance of Holder's obligations under this agreement, including the following conditions:

- a. *Depth of Facilities.* Holder must bury the Pipeline originally constructed, reconstructed, or replaced, to a minimum depth of at least 48 inches below the surface of the ground at the time of construction, reconstruction or replacement. During initial construction the trenching must be by double ditching done in such a manner that the top 12 inches of soil will be separated from the balance of the dirt removed in making the ditch or trench for installation of the Pipeline. In backfilling after installation of the Pipeline, topsoil first removed must be used as cover soil in such a manner so as to result in it being returned to the top of the ditch as top soil.
- b. *Restoration of Easement Property.* Following the completion of the original construction of the Facilities in the Easement Property, and following any future construction or activities by Holder on the Easement Property, Holder will fill, grade and level the surface of the Easement Property, so that the surface thereof is restored as near as reasonably practical to its original level and grade. Following the completion of the original construction of the Facilities on the Easement Property, and following any future construction or other activities by Holder on the Easement Property, Holder must remove any debris and trash from the surface of the Easement Property.
- c. *As-built Survey.* Upon completion of construction, and prior to the Pipeline being placed in any service, Holder must provide Grantor with an as-built survey that reflects the location of the Pipeline, its depth, and diameter, prepared and stamped by a Registered Professional Land Surveyor in good standing in the State of Texas. Holder must provide Grantor with a supplemental survey that reflects any subsequent corrections or changes to the Pipeline.
- d. *Use of Grantor's road outside Easement Property.* Grantor will permit Holder to use roads built on Grantor's property abutting the Easement Property for ingress and egress to the Easement Property for the Easement Purpose. Holder agrees to compensate Grantor for future damages caused by Holder's use of Grantor's roads, including damages for disruption caused by maintenance, repair, replacement, and other activities related to the Pipeline.

- e. *Environmental responsibilities.* Holder agrees to comply with all local, state, and federal environmental laws, to indemnify and hold harmless Grantor from any and all environmental damages caused by the Pipeline or its operation, and to pay the costs of all environmental remediation.
- f. *Abandonment of facilities.* In the event Holder abandons the Pipeline or ceases to use the Pipeline for the Easement Purpose for any period of two years or longer, other than the time elapsing between the effective date of this Easement Agreement and the completion of construction of the Pipeline, the Easement will automatically terminate, free and clear of any right, title, or interest in Holder, without the necessity of any notice to Holder or any reentry by Grantor. In the event that the Pipeline is abandoned, Holder must remove all of its Facilities from the Easement Property, properly remediate the Easement Property after removal, and compensate Grantor for any damages caused to Grantor's property during the removal and remediation.

5. *Equitable Rights of Enforcement.* This Easement may be enforced by restraining orders and injunctions (temporary or permanent) prohibiting interference and commanding compliance. Restraining orders and injunctions will be obtainable on proof of the existence of interference or threatened interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the parties to or those benefited by this agreement; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.

6. *Attorney's Fees.* If either party retains an attorney to enforce this agreement, the party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.

7. *Binding Effect.* This agreement binds and inures to the benefit of the parties and their respective heirs, successors, and permitted assigns.

8. *Choice of Law.* This agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the county or counties in which the Easement Property is located.

9. *Counterparts.* This agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

10. *Waiver of Default.* It is not a waiver of or consent to default if the nondefaulting party fails to declare immediately a default or delays in taking any

action. Pursuit of any remedies set forth in this agreement does not preclude pursuit of other remedies in this agreement or provided by law.

11. *Further Assurances.* Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this agreement and all transactions contemplated by this agreement.

12. *Indemnity.* Holder agrees to indemnify, defend, and hold harmless Grantor from any loss, attorney's fees, expenses, or claims attributable to breach or default of any provision of this agreement.

13. *Entire Agreement.* This agreement and any exhibits are the entire agreement of the parties concerning the Easement Property and the grant of the Easement by Grantor to Grantee. There are no representations, agreements, warranties, or promises, and neither party is relying on any statements or representations of any agent of the other party, that are not expressly set forth in this agreement and any exhibits.

14. *Legal Construction.* If any provision in this agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this agreement will be construed as if the unenforceable provision had never been a part of the agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this agreement are for reference only and are not intended to restrict or define the text of any section. This agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

15. *Notices.* Any notice required or permitted under this agreement must be in writing. Any notice required by this agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

16. *Recitals.* Any recitals in this agreement are represented by the parties to be accurate, and constitute a part of the substantive agreement.

17. *Time.* Time is of the essence. Unless otherwise specified, all references to "days" mean calendar days. Business days exclude Saturdays, Sundays, and legal public holidays. If the date for performance of any obligation falls on a Saturday,

Sunday, or legal public holiday, the date for performance will be the next following regular business day.

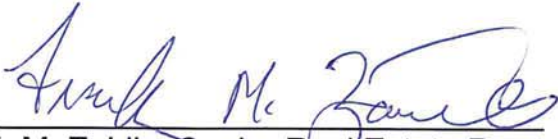
[Signatures to follow]

Magellan Pipeline Company, L.P.

By its General Partner

MAGELLAN PIPELINE GP, LLC

By its undersigned Authorized Signatory



Frank M. Zaidle, Senior Real Estate Representative

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF OKLAHOMA §

COUNTY OF TULSA §

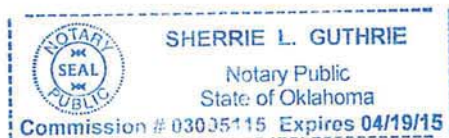
Before me, the undersigned authority, on this day personally appeared Frank M. Zaidle, known to me be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the authorized signatory and Senior Real Estate Representative of MAGELLAN PIPELINE GP, LLC, a Delaware limited liability company, general partner, on behalf of Magellan Pipeline Company, L.P., a Delaware limited partnership, for the purposes and consideration therein expressed.

Given under my hand and seal of office this 22 day of September, 2014.




Notary Public


SHERRIE L. GUTHRIE



CITY OF TEMPLE, TEXAS


Daniel A. Dunn, Mayor

ATTEST:


Lacy Borgeson, City Secretary



APPROVED AS TO FORM:



City Attorney's Office

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF TEXAS §

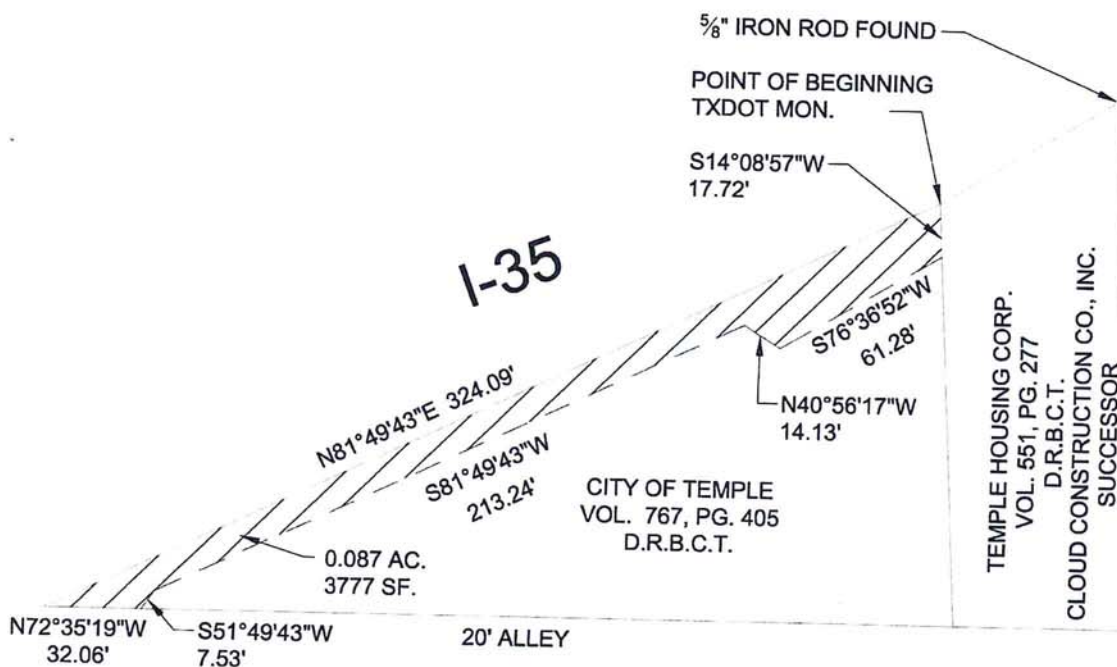
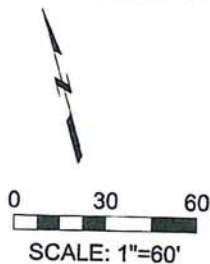
COUNTY OF BELL §

This instrument was acknowledged before me on the 6th day of October, 2014, by **Daniel A. Dunn**, Mayor, City of Temple, Texas, on behalf of the City.


Notary Public, State of Texas



Return recorded document to:
City Attorney's Office
2 N Main ST STE 308
Temple TX 76501



TEXAS LICENSED SURVEYING FIRM REGISTRATION NO. 10194015



2595 DALLAS PARKWAY, STE. 102
FRISCO, TEXAS 75034
(214) 407.7354 / (214) 407.7447 Fax

VARIABLE WIDTH EASEMENT
CITY OF TEMPLE
BEING PART OF THE NANCY FERGUSON SURVEY,
ABSTRACT NO. 322, IN THE CITY OF TEMPLE,
BELL COUNTY, TEXAS

Project No: 0121416
Book No:
Drawn by: FGI
Reviewed:
Date: 6-11-14

EXHIBIT A

DESCRIPTION OF PIPELINE EASEMENT

A VARIABLE WIDTH EASEMENT LOCATED IN THE NANCY FERGUSON SURVEY, ABSTRACT NO. 322, IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, SAID EASEMENT BEING PART OF THE REMAINDER OF THE TRACT OF LAND AS DESCRIBED IN THE DEED TO THE CITY OF TEMPLE FILED FOR RECORD IN VOLUME 767, PAGE 405, DEED RECORDS, BELL COUNTY, TEXAS (D.R.B.C.T.), SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3 1/2 INCH ALUMINUM DISK STAMPED TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) ROW MONUMENT FOR THE SOUTHEAST CORNER OF A CALLED 0.12 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO THE STATE OF TEXAS FILE FOR RECORD IN VOLUME 1061, PAGE 588, D.R.B.C.T. BEING ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 35 AND BEING THE NORTHEAST CORNER OF SAID REMAINDER TRACT AND BEING COMMON TO THE NORTHWEST CORNER OF THE REMAINDER OF A CALLED 93 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO TEMPLE HOUSING CORPORATION OF TEMPLE, TEXAS, FILED FOR RECORD IN VOLUME 551, PAGE 277, D.R.B.C.T.;

THENCE SOUTH 14 DEGREES 08 MINUTES 57 SECONDS WEST, ALONG THE EAST LINE SAID REMAINDER TRACT BEING COMMON TO THE WEST LINE OF SAID REMAINDER OF A CALLED 93 ACRE TRACT OF LAND, A DISTANCE OF 17.72 FEET, TO A POINT FOR CORNER;

THENCE SOUTH 76 DEGREES 36 MINUTES 52 SECONDS WEST, A DISTANCE OF 61.28 FEET, TO A POINT FOR CORNER;

THENCE NORTH 40 DEGREES 56 MINUTES 17 SECONDS WEST, A DISTANCE OF 14.13 FEET, TO A POINT FOR CORNER;

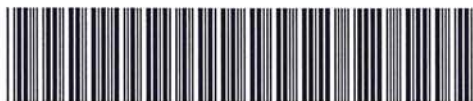
THENCE SOUTH 81 DEGREES 49 MINUTES 43 SECONDS WEST, A DISTANCE OF 213.24 FEET, TO A POINT FOR CORNER;

THENCE SOUTH 51 DEGREES 49 MINUTES 43 SECONDS WEST, A DISTANCE OF 7.53 FEET, TO A POINT FOR CORNER ON THE NORTH RIGHT-OF-WAY LINE OF A 20 FOOT ALLEY;

THENCE NORTH 72 DEGREES 35 MINUTES 19 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE BEING COMMON TO THE SOUTH LINE OF SAID REMAINDER TRACT, A DISTANCE OF 32.06 FEET, TO A POINT FOR CORNER ON SAID SOUTH RIGHT-OF-WAY LINE;

THENCE NORTH 81 DEGREES 49 MINUTES 43 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 324.09 FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.087 ACRES (3777 SQUARE FEET) OF LAND, MORE OR LESS.





70 2014 00037345

Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2014-00037345

Recorded On: October 10, 2014

As
Recordings

Parties: CITY OF TEMPLE

Billable Pages: 12

To MAGELLAN PIPELINE COMPANY LP

Number of Pages: 13

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recordings	55.00
Total Recording:	55.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Record and Return To:

Document Number: 2014-00037345

Receipt Number: 217508

Recorded Date/Time: October 10, 2014 10:37:30A

User / Station: K Salamone - Cash Station 3

CITY OF TEMPLE

2 N MAIN

254-298-5631

TEMPLE TX 76501

I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property
Records in Bell County, Texas



Shelley Coston
Bell County Clerk

FIRST AMENDMENT TO TRANSMISSION LINE EASEMENT

2

25

22

1

2. Except as amended by this First Amendment, all of the terms and conditions of the Original Agreement are ratified and shall remain in full force and effect.

3. The provisions hereof shall be binding upon Grantor and Grantee and their respective heirs, legatees, devisees, personal representatives, successors and assigns.

EXECUTED this _____ day of _____, 2015.

GRANTOR:
City of Temple, Texas
a municipal corporation

Daniel A. Dunn, Mayor

APPROVED AS TO FORM:

City's Attorney's Office

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF Bell §

This instrument was acknowledged before me on this _____ day of _____, 2015, by Daniel A. Dunn, Mayor, City of Temple, Texas on behalf of the City.

Notary Public, State of Texas

GRANTEE:

Magellan Pipeline Company, L.P.,
By its General Partner
MAGELLAN PIPELINE GP, LLC
By its undersigned Authorized Signatory

By: 

Name: Frank M. Zaidle
Title: Senior Real Estate Representative



ACKNOWLEDGMENT

STATE OF OKLAHOMA

§

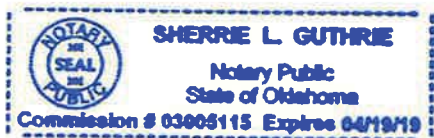
COUNTY OF TULSA


§

§

Before me, the undersigned authority, on this day personally appeared Frank M. Zaidle, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the authorized signatory and Senior Real Estate Representative of MAGELLAN PIPELINE GP, LLC, a Delaware limited liability company, general partner, on behalf of Magellan Pipeline Company, L.P., a Delaware limited partnership, for the purposes and consideration therein expressed.

Given under my hand and seal of office this 7th day of August, 2015.




Notary Public, State of Oklahoma
SHERRIE L. GUTHRIE

DESCRIPTION OF PIPELINE EASEMENT

A VARIABLE WIDTH EASEMENT LOCATED IN THE NANCY FERGUSON SURVEY, ABSTRACT NO. 322, IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, SAID EASEMENT BEING PART OF THE REMAINDER OF THE TRACT OF LAND AS DESCRIBED IN THE DEED TO THE CITY OF TEMPLE FILED FOR RECORD IN VOLUME 767, PAGE 405, DEED RECORDS, BELL COUNTY, TEXAS (D.R.B.C.T.), SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3 1/2 INCH ALUMINUM DISK STAMPED TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) ROW MONUMENT FOR THE SOUTHEAST CORNER OF A CALLED 0.12 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO THE STATE OF TEXAS FILE FOR RECORD IN VOLUME 1061, PAGE 588, D.R.B.C.T. BEING ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 35 AND BEING THE NORTHEAST CORNER OF SAID REMAINDER TRACT AND BEING COMMON TO THE NORTHWEST CORNER OF THE REMAINDER OF A CALLED 93 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO TEMPLE HOUSING CORPORATION OF TEMPLE, TEXAS, FILED FOR RECORD IN VOLUME 551, PAGE 277, D.R.B.C.T.;

THENCE SOUTH 14 DEGREES 08 MINUTES 57 SECONDS WEST, ALONG THE EAST LINE SAID REMAINDER TRACT BEING COMMON TO THE WEST LINE OF SAID REMAINDER OF A CALLED 93 ACRE TRACT OF LAND, A DISTANCE OF 17.72 FEET, TO A POINT FOR CORNER;

THENCE SOUTH 76 DEGREES 36 MINUTES 52 SECONDS WEST, A DISTANCE OF 90.37 FEET, TO A POINT FOR CORNER;

THENCE NORTH 50 DEGREES 06 MINUTES 23 SECONDS WEST, A DISTANCE OF 12.80 FEET, TO A POINT FOR CORNER;

THENCE SOUTH 81 DEGREES 49 MINUTES 43 SECONDS WEST, A DISTANCE OF 187.30 FEET, TO A POINT FOR CORNER ON THE NORTH RIGHT-OF-WAY LINE OF A 20 FOOT ALLEY;

THENCE NORTH 72 DEGREES 35 MINUTES 19 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE BEING COMMON TO THE SOUTH LINE OF SAID REMAINDER TRACT, A DISTANCE OF 34.92 FEET, TO A POINT FOR CORNER ON SAID SOUTH RIGHT-OF-WAY LINE;

THENCE NORTH 81 DEGREES 49 MINUTES 43 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 324.09 FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.1178 ACRES (5132 SQUARE FEET) OF LAND, MORE OR LESS.



TEXAS LICENSED SURVEYING FIRM REGISTRATION NO. 10194015



Farnsworth
GROUP

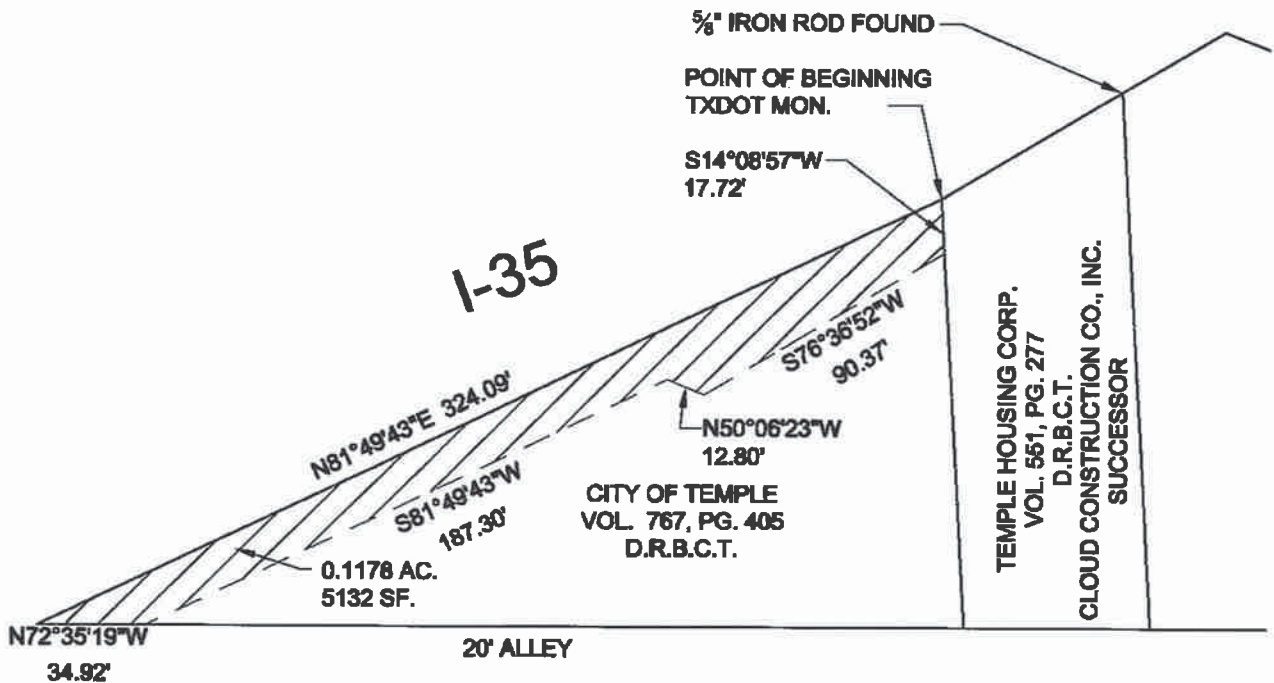
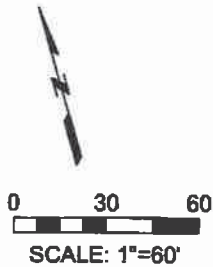
2595 DALLAS PARKWAY, STE. 102
FRISCO, TEXAS 75034
(214) 407.7354 / (214) 407.7447 Fax

VARIABLE WIDTH EASEMENT
CITY OF TEMPLE

BEING PART OF THE NANCY FERGUSON SURVEY,
ABSTRACT NO. 322, IN THE CITY OF TEMPLE,
BELL COUNTY, TEXAS

Project No: 0121416
Book No:
Drawn by: FGI
Reviewed:
Date: 8-6-15

EXHIBIT A



Michael L. Kenison
8-06-2015

NOTE:

1. Bearings based on Texas State Plane Coordinates System NAD83 (2011) Central Zone 4203.

TEXAS LICENSED SURVEYING FIRM REGISTRATION NO. 10194015



Farnsworth
GROUP

2595 DALLAS PARKWAY, STE. 102
FRISCO, TEXAS 75034
(214) 407.7354 / (214) 407.7447 Fax

VARIABLE WIDTH EASEMENT
CITY OF TEMPLE

BEING PART OF THE NANCY FERGUSON SURVEY,
ABSTRACT NO. 322, IN THE CITY OF TEMPLE,
BELL COUNTY, TEXAS

Project No: 0121416
Book No:
Drawn by: FGI
Reviewed:
Date: 8-6-15

EXHIBIT A

P:\Pipeline\MAGELLAN\2012\0121416 Easements.dwg | 4/9/2015 9:34 AM | dmuntz | IH-35 Relocation\dwg\0121416.00 - IH-35

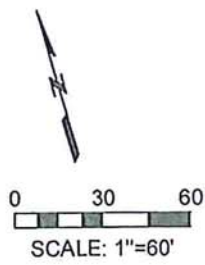
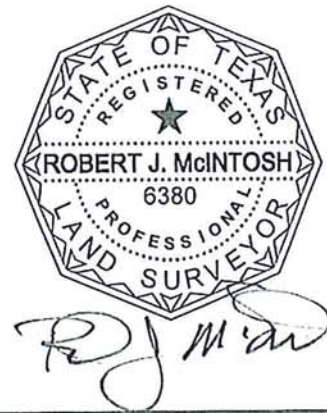
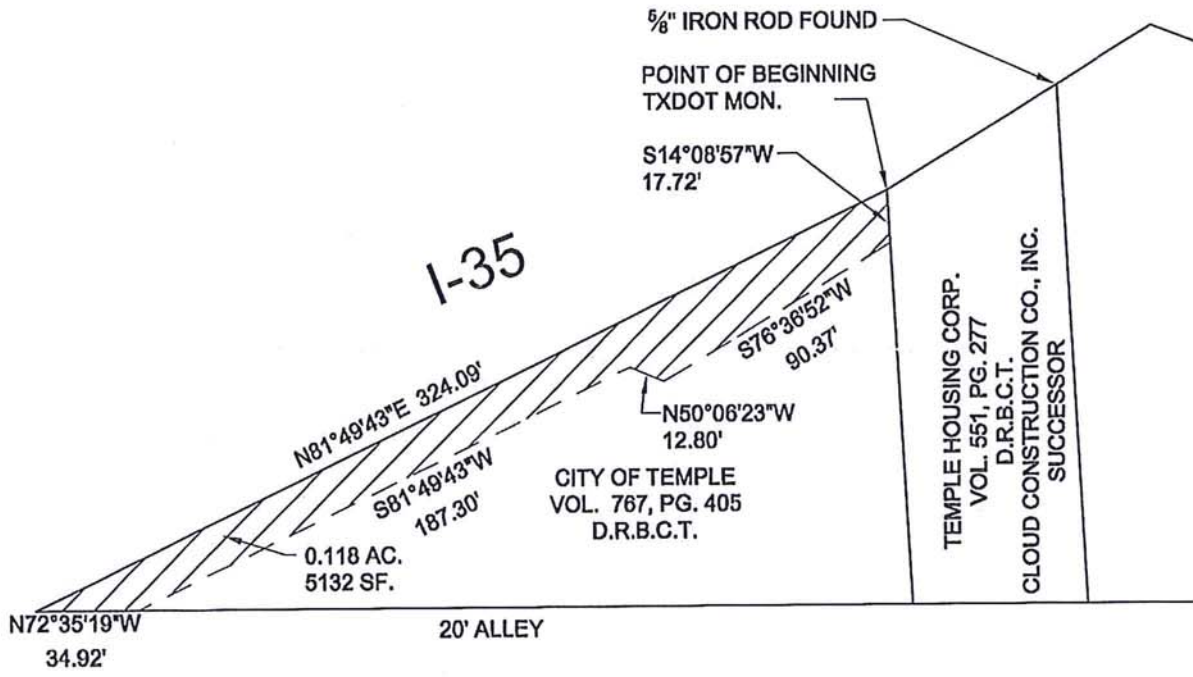


EXHIBIT
A



TEXAS LICENSED SURVEYING FIRM REGISTRATION NO. 10194015

Farnsworth
GROUP
2595 DALLAS PARKWAY, STE. 102
FRISCO, TEXAS 75034
(214) 407.7354 / (214) 407.7447 Fax

VARIABLE WIDTH EASEMENT
CITY OF TEMPLE
BEING PART OF THE NANCY FERGUSON SURVEY,
ABSTRACT NO. 322, IN THE CITY OF TEMPLE,
BELL COUNTY, TEXAS

Project No: 0121416
Book No:
Drawn by: FGI
Reviewed:
Date: 6-11-14
EXHIBIT A

DESCRIPTION OF PIPELINE EASEMENT

A VARIABLE WIDTH EASEMENT LOCATED IN THE NANCY FERGUSON SURVEY, ABSTRACT NO. 322, IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, SAID EASEMENT BEING PART OF THE REMAINDER OF THE TRACT OF LAND AS DESCRIBED IN THE DEED TO THE CITY OF TEMPLE FILED FOR RECORD IN VOLUME 767, PAGE 405, DEED RECORDS, BELL COUNTY, TEXAS (D.R.B.C.T.), SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE SOUTH 14 DEGREES 08 MINUTES 57 SECONDS WEST, ALONG THE EAST LINE SAID REMAINDER TRACT BEING COMMON TO THE WEST LINE OF SAID REMAINDER OF A CALLED 93 ACRE TRACT OF LAND, A DISTANCE OF 17.72 FEET, TO A POINT FOR CORNER;

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THENCE NORTH 81 DEGREES 49 MINUTES 43 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 324.09 FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.118 ACRES (5132 SQUARE FEET) OF LAND, MORE OR LESS.



Robert J. McIntosh

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE OCTOBER, 2014 EASEMENT AGREEMENT WITH MAGELLAN PIPELINE COMPANY, L.P., TO ENLARGE THE EASEMENT AREA TO ACCOMMODATE THE PIPELINE AS CONSTRUCTED; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Magellan Pipeline Company, L.P. (Magellan) has asked the City to add approximately 5 feet to the approximately 10-foot-wide pipeline easement that the City granted in October, 2014;

Whereas, Magellan used the easement to accommodate TxDOT's I-35 project by relocating a 4-inch diesel fuel pipeline used to deliver fuel to the BNSF rail yard - the new pipeline is located adjacent to the east side of North General Bruce Drive near Industrial Boulevard;

Whereas, Magellan proposed to build the new pipeline in the center of the easement, but field adjustments resulted in construction of the pipeline along, and at some points, slightly beyond the easement boundary;

Whereas, when Magellan's contractor mobilized to the site, another I-35 utility contractor was already on site and rather than delaying the project, and hence the I-35 project, Magellan moved over;

Whereas, Magellan has complied with the requirements under the original agreement to provide an 'as-built' drawing of the pipeline, which shows that the pipeline complies with the 48" minimum depth requirement - Magellan has not restored the easement area or work space, as TxDOT is using the City's tract for I-35 staging;

Whereas, Magellan is offering \$5,000 as compensation for the additional 1,355 square feet of easement area and any damages or complications that its encroachment has caused;

Whereas, upon execution of the amendment to the easement agreement granting Magellan Pipeline Company, L.P. an additional 1,355 square feet of easement area, the City will receive a total compensation of \$5,000 and the revenue received from the permanent easement will be deposited into Account No. 110-0000-461-0423; 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, after approval as to form by the City Attorney, to execute an amendment to the October, 2014 easement agreement with Magellan Pipeline Company, L.P., to enlarge the easement area to accommodate Magellan's pipeline as constructed.

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 **20th** day of **August**, 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

08/20/15
Item #4(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Memorandum of Understanding, in the amount of \$7,500, with the Bell/Lampasas Counties Community Supervision and Corrections Department to provide supervision for probationers performing community service projects.

STAFF RECOMMENDATION: Approve resolution as presented in item description.

ITEM SUMMARY: The CSCD administers a community service program for the Temple Parks and Recreation Department to help beautify the City. CSCD provides supervision for 18 – 20 probationers performing community service projects on Saturdays and Sundays for fifty weekends per year. CSCD also provides a van, gasoline, simple tools, trash bags and water during these projects.

The Parks and Recreation Department has utilized this service for many different projects in the past ranging from litter removal along trails and streets within Temple, replacing mulch in playground areas, weeding planter bed areas, beautification projects, and minor park maintenance projects.

This has been a very successful and beneficial relationship for everyone involved.

FISCAL IMPACT: Funding in the amount of \$7,500 for this agreement is available in the Parks Department's Proposed FY 2016 Operating Budget, account 110-3500-552-2623.

ATTACHMENTS:

[Memorandum of Understanding](#)
[Resolution](#)

Memorandum of Understanding

Between the

Bell/Lampasas Counties Community Supervision & Corrections Department

Parks and Recreation Department - City of Temple

This memorandum of understanding is entered into between the Bell/Lampasas Counties Community Supervision and Corrections Department (hereinafter referred to as "CSCD"), the Parks and Recreation Department - City of Temple (hereinafter referred to as "Parks and Recreation Department") in order to administer a community service project for the Parks and Recreation Department.

I.

The Parks and Recreation Department has agreed to dedicate \$7,500.00 toward a community service project to maintain and enhance the parks and leisure services in the City of Temple.

II.

The CSCD has agreed to furnish one or more individuals to supervise the performance of community service projects for the beautification of the City of Temple. The individual(s) shall be utilized for ten hours during fifty weekends in the year. Four hours per Saturday and Sunday shall involve direct supervision of the performance of community service at project sites and two hours shall involve administrative matters, e.g., logistics and completion of necessary paperwork. In addition, the CSCD will contribute a van, gasoline, simple tools, trash bags and water in furtherance of this understanding.

III.

The CSCD will also make every diligent effort to have approximately 18 to 20 probationers report every Saturday and a same number report every Sunday to perform community service in accordance with this understanding. Employees with the Parks and Recreation Department will select teams of probationers to maintain various park and recreation sites, plant trees, shrubs, and flowers at locations throughout the city and perform right-of-way clean up.

IV.

The services provided under this understanding will be limited to the beautification of the City of Temple and the maintenance of the park system and leisure services in said city. However on occasion members of the Temple police department may utilize the labor of probationers to remove public nuisances and to clean up surveillance sites. The

community service projects administered under this grant shall be for civic improvements to the entire city and shall not be for the direct personal benefit of any private individual.

V.

The supervisor(s) furnished under this understanding shall be compensated at a rate of \$15.00 per hour. However, no more than a total of ten hours shall be billed per week. The supervisor(s) shall submit a report each week to the community service coordinator of the CSCD listing the various community service sites where work was performed, the names of probationers who participated in the beautification program during the previous weekend, and the number of hours they worked.

VI.

At the end of every month, the CSCD shall forward a report to the Parks Recreation Department indicating the number of hours the supervisor(s) worked under this agreement. This report shall serve as an invoice for payment for the services of the supervisor. It shall be the responsibility of the Parks and Recreation Department to compensate the supervisor(s) in the same manner as other service providers are compensated through the Parks and Recreation Department.

VII.

The CSCD will provide the Parks and Recreation Department a year end report summarizing the total hours of service performed, indicating the yearly number of probationers who participated in this program, and describing the improvements made pursuant to this understanding. This year end report shall also indicate the aggregate value of the labor provided under this understanding.

VIII.

The CSCD, and the Parks and Recreation Department shall have the right to inspect all community service projects funded under this understanding and to observe the performance of any and all probationers/defendants at the project sites at all reasonable times and places.

IX.

The CSCD, and the Parks and Recreation Department shall for all purposes under this agreement be independent contractors. No party shall be deemed an employee, agent or representative of the other party and no party shall have authority to incur any obligation or make any representation on behalf of any other party.

X.

Any and all expenses incurred in the furtherance of and performance of this memorandum of understanding shall be borne by the party that incurred them.

No party shall be responsible or liable in whole or in part for the acts or omissions of another party, its agents, servants or employees.

No party to this understanding shall be required to indemnify the other or hold another harmless against any claim of any kind, including any claim asserted by a third party against a party to this understanding, resulting from an act or omission of a probationer/defendant who participated in a community service project funded under this grant.

The City does not waive any immunity allowed by law by way of entering into this agreement. All rights to governmental immunity are expressly retained.

Each party is responsible for determining the need for and for procuring any insurance that it may deem necessary in order to protect or indemnify itself from the consequences of any possible legal liability that it may incur in the performance of this understanding.

XI.

It is understood that the employees of the CSCD or individuals acting as agents of the CSCD are not authorized to receive any type of personal payment, reimbursement, compensation, commission, gratuity or gift for services provided under this memorandum of understanding. The Parks and Recreation Department warrant that no employee or agent of the CSCD has been retained to solicit or secure this memorandum and that the Parks and Recreation Department has not paid or agreed to pay any employee of the CSCD any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon the signing of this memorandum or as an inducement for entering into this memorandum. The unauthorized offering or receipt of such payments may result in the immediate termination of this memorandum of understanding.

Commented [CRT1]: I think this is supposed to say that no PARD employee has promised compensation to CSCD?

The term of this memorandum of understanding shall be for one year. However, this memorandum can be extended upon the mutual consent of all parties. In addition, this memorandum can be terminated earlier upon written notification of either party to that effect.

This Memorandum of Understanding is made and entered into on the _____ day of _____, 2015.

Mr. Todd Jermstad
Director
Bell/Lampasas Counties Community
Supervision & Corrections Department

Mr. Jonathan Graham
City Manager
City of Temple

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A MEMORANDUM OF UNDERSTANDING IN THE AMOUNT OF \$7,500 WITH BELL AND LAMPASSAS COUNTIES COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Community Supervision and Corrections Department (CSCD) administers a community service program for the Temple Parks and Recreation Department to help beautify the City;

Whereas, CSCD provides supervision for probationers performing community service projects on Saturdays and Sundays for fifty weekends per year - CSCD also provides a van, gasoline, simple tools, trash bags and water during these projects;

Whereas, the Parks and Recreation Department has utilized this service for many different projects in the past ranging from litter removal along trails and streets within Temple, replacing mulch in playground areas, weeding planter bed areas, beautification projects, and minor park maintenance projects;

Whereas, City Staff has been very pleased with the community service program and believes it to be a very successful and beneficial relationship for everyone involved;

Whereas, funding for this Memorandum of Agreement is authorized in Account No. 110-3500-552-2623; 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, after approval as to form by the City Attorney, to execute a Memorandum of Understanding with Bell and Lampasas Counties Community Supervision and Corrections Department, in the amount of \$7,500.00, for a community service program for the Temple Parks and Recreation Department.

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 **20th** day of **August**, 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

08/20/15
Item #4(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jim Tobin, Interim Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing renewal of a Memorandum of Understanding with the U.S. Department of Justice Drug Enforcement Agency for participation in the Waco Task Force.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: 21 U.S.C. § 873 authorizes the DEA to enter into cooperative agreements for the formation of specialized task forces devoted to detecting, investigating and prosecuting criminal activity related to dangerous drug and narcotic trafficking in a specific geographical area. The Waco Task Force is composed of experienced local peace officers and four (4) DEA Special Agents under the direct supervision and control of DEA supervisory personnel. The Task Force's activities include disrupting illicit drug traffic in the area, gathering and reporting intelligence related to trafficking of narcotics and dangerous drugs, and conducting undercover operations where appropriate to facilitate effective criminal prosecution of offenders. Temple Police Department (TPD) currently has one (1) experienced peace officer assigned to the Waco Task Force. Participation in the Task Force provides valuable personnel and intelligence resources to TPD for narcotics and drug trafficking investigations.

TPD has participated in the Waco Task Force since October 1, 2014. The current Memorandum of Understanding will expire on September 30, 2015. The proposed renewal will extend the terms of the Memorandum from October 1, 2015 through September 30, 2016.

FISCAL IMPACT: If the City's Police Department requested assistance, the OAG under the ICAC Task Force Agreement, would provide assistance in whatever form would be most useful to the Police Department in a particular investigation, including intelligence, personnel, or special equipment. As of today, the Police Department has never requested any assistance since it has participated in the Task Force.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT AGENCY, FOR PARTICIPATION IN THE WACO TASK FORCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Title 21 of the United States Code, Section 873 authorizes the United States Drug Enforcement Agency (DEA) to enter into cooperative agreements for the formation of specialized task forces devoted to detecting, investigating and prosecuting criminal activity related to dangerous drug and narcotic trafficking in a specific geographical area;

Whereas, the Waco Task Force is composed of experienced local peace officers and four DEA Special Agents under the direct supervision and control of DEA supervisory personnel - the Task Force's activities include disrupting illicit drug traffic in the area, gathering and reporting intelligence related to trafficking of narcotics and dangerous drugs, and conducting undercover operations where appropriate to facilitate effective criminal prosecution of offenders;

Whereas, the Temple Police Department (TPD) currently has one experienced peace officer assigned to the Waco Task Force – participation in the Task Force provides valuable personnel and intelligence resources to TPD for narcotics and drug trafficking investigations;

Whereas, TPD has participated in the Waco Task Force since October 1, 2014 - the current Memorandum of Understanding expires September 30, 2015 and the proposed renewal will extend the terms of the Memorandum through September 30, 2016; 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, after approval as to form by the City Attorney, to execute a Memorandum of Understanding with the United States Department of Justice Drug Enforcement Agency for participation in the Waco Task Force.

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 **20th** day of **August**, 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

08/20/15
Item #4(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jim Tobin, Interim Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to the Memorandum of Understanding with the Office of the Attorney General for participation in the Internet Crimes Against Children Task Force.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Internet Crimes Against Children Task (ICAC) Force Program is a national network of state and local law enforcement cybercrime units created to address technology-facilitated child exploitation. The OAG is the Regional Contact for the "Texas, Southern ICAC Task Force", which is funded by a grant from the U.S. Office of Juvenile Justice and Delinquency. The Texas OAG's ICAC Task Force provides funding, investigative and forensic resources, training, technical assistance, victim services and community education to state and local law enforcement agencies to facilitate multi-jurisdictional, multi-agency responses to internet-based child exploitation. The program has provided funding for Temple Police Department (TPD) personnel and equipment. TPD's participation in the Task Force program has proven instrumental in large-scale investigations involving multiple agencies, and those that cross multiple jurisdictions.

The TPD has participated in the OAG's ICAC Task Force since November 1, 2013. The City's current Memorandum of Understanding with the OAG will expire on August 31, 2015. The proposed amendment will extend the expiration date to August 31, 2017.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF THE MEMORANDUM OF UNDERSTANDING WITH THE OFFICE OF THE ATTORNEY GENERAL FOR PARTICIPATION IN THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Internet Crimes Against Children (ICAC) Task Force Program is a national network of state and local law enforcement cybercrime units created to address technology-facilitated child exploitation and is funded by a grant from the U.S. Office of Juvenile Justice and Delinquency;

Whereas, the Texas Office of the Attorney General's ICAC Task Force provides funding, investigative and forensic resources, training, technical assistance, victim services and community education to state and local law enforcement agencies to facilitate multi-jurisdictional, multi-agency responses to internet-based child exploitation;

Whereas, the program has provided funding for Temple Police Department (TPD) personnel and equipment and TPD's participation in the Task Force program has proven instrumental in large-scale investigations involving multiple agencies, and those that cross multiple jurisdictions;

Whereas, the Temple Police Department has participated in the OAG's ICAC Task Force since November 1, 2013 and the current Memorandum of Understanding will expire on August 31, 2015;

Whereas, the proposed renewal will extend the terms of the Agreement from September 1, 2015 through an additional two years, ending August 31, 2017; 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, after approval as to form by the City Attorney, to execute a renewal to the Memorandum of Understanding with the Office of the Attorney General for participation in the Internet Crimes Against Children Task Force.

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 **20th** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director

ITEM DESCRIPTION: Consider a resolution authorizing an Interlocal Agreement with the Temple Independent School District to provide school locations for after school latchkey programming.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Temple Parks and Recreation is requesting City Council approval to enter into an Interlocal Agreement with T.I.S.D. The agreement would allow the Parks and Recreation Department to continue to provide an after school program at four (4) T.I.S.D. schools.

Temple Parks and Recreation provides the After School Zone at Cater, Western Hills, Kennedy-Powel and Thornton Elementary Schools. During the 2014-15 school year, Temple Parks and Recreation provided an after school program for two hundred and twenty six (226) 5 to 13 year olds, Monday through Friday, from 3 pm to 6 pm.

The term of this agreement will be from August 24, 2015 through June 30, 2016, at which time the parties may renew or renegotiate the agreement by mutual consent.

Additionally, T.I.S.D. has agreed to waive all facility usage fees during the time the program is being offered, thus allowing the program to be offered at an affordable rate for the participants.

This agreement with T.I.S.D. helps meet the City Council goal of jointly partnering with school districts to provide services and programs.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TEMPLE INDEPENDENT SCHOOL DISTRICT TO PROVIDE SCHOOL LOCATIONS FOR AFTER SCHOOL LATCHKEY PROGRAMMING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Parks and Recreation Department provides After School Zone Programming at Cater, Western Hills, Kennedy-Powell and Thornton Elementary Schools within the Temple Independent School District (TISD);

Whereas, during the 2014-15 school year, Temple Parks and Recreation provided an after school program for two hundred and twenty six 5 to 13 year olds, Monday through Friday, from 3 pm to 6 pm;

Whereas, TISD has agreed to waive all facility usage fees during the time the program is being offered which allows the program to be offered at an affordable rate for the participants;

Whereas, this agreement is for a one-year period beginning August 24, 2015 through June 30, 2016 with the option to extend the agreement, if so agreed to by both parties;

Whereas, this agreement helps meet the City Council goal of jointly partnering with school districts to provide services and programs; 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 Interlocal Agreement with the Temple Independent School District to provide school locations for after school latchkey programming for a one-year period, beginning August 24, 2015, with the option to extend the agreement, if so agreed to by both parties.

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 20th day of **August**, 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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DEPT./DIVISION SUBMISSION & REVIEW:

Jim Tobin, Interim Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing renewal of an Interlocal Assistance Agreement with the Bell County Sheriff's Office, Bell County, and the cities of Belton, Harker Heights and Killeen for participation in the Bell County Organized Crime Unit.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Bell County Organized Crime Unit is a cooperative network of Bell county law Inforcement agencies created to investigate organized criminal activity involving gangs, violence, drug trafficking, and theft when the range of the criminal activity exceeds the jurisdiction of a single Bell county agency. Member agencies participate in joint investigations and apprehensions of drug dealers and abusers, persons engaged in violent crime and gang-related activity, organized theft, and crimes associated with the manufacture, possession and distribution of controlled substances. The Unit's governing body is composed of police chiefs from Temple, Belton, Harker Heights and Killeen and the Bell County District Attorney, Henry Garza. Temple Police Department currently has one officer assigned to this Unit. Participation has proven instrumental in investigations involving multiple Bell county jurisdictions.

Temple Police Department has participated in the Bell County Organized Crime Unit since March 31, 2011. The Interlocal Assistance Agreement with the Unit expired on September 30, 2013. All members of the Unit have continued to participate and act in accordance with the original terms of the Agreement. The proposed renewal will extend the terms of the Agreement retroactively from October 1, 2013 through an additional two (2) years, ending September 30, 2017.

FISCAL IMPACT: This agreement is neutral with regard to fiscal impact. No additional personnel, equipment, or funding is required for the item.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN EXTENSION TO AN INTERLOCAL ASSISTANCE AGREEMENT WITH THE BELL COUNTY SHERIFF'S OFFICE, BELL COUNTY, AND THE CITIES OF BELTON, HARKER HEIGHTS AND KILLEEN, FOR PARTICIPATION IN THE BELL COUNTY ORGANIZED CRIME UNIT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Bell County Organized Crime Unit (OCU) is a cooperative network of Bell County law enforcement agencies created to investigate organized criminal activity involving gangs, violence, drug trafficking, and theft when the range of the criminal activity exceeds the jurisdiction of a single Bell County agency;

Whereas, member agencies participate in joint investigations and apprehensions of drug dealers and abusers, persons engaged in violent crime and gang-related activity, organized theft, and crimes associated with the manufacture, possession and distribution of controlled substances - the OCU's governing body is composed of police chiefs from Temple, Belton, Harker Heights and Killeen and the Bell County District Attorney, Henry Garza;

Whereas, the Temple Police Department currently has one officer assigned to this Unit - participation has proven instrumental in investigations involving multiple Bell County jurisdictions;

Whereas, the Temple Police Department has participated in the Bell County Organized Crime Unit since March 31, 2011 and the current Interlocal Assistance Agreement with the Unit expired on September 30, 2013 and all members of the Unit have continued to participate and act in accordance with the original terms of the Agreement;

Whereas, the proposed renewal will extend the terms of the Agreement for four years, retroactively from October 1, 2013 through September 30, 2017; 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, after approval as to form by the City Attorney, to execute a four-year extension to an Interlocal Assistance Agreement with the Bell County Sheriff's Office, Bell County, and the cities of Belton, Harker Heights and Killeen retroactively from October 1, 2013 through September 30, 2017 for participation in the Bell County Organized Crime Unit.

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 **20th** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Jim Tobin, Interim Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing renewal of an Interlocal Agreement with the Texas Department of Public Safety for participation in the DPS Sex Offender Registration program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Texas Code of Criminal Procedure Art. 62.051(e) requires local law enforcement agencies to use the DPS Texas Secure Website for Sex Offender Registration (website), to maintain detailed identifying information about local residents who have been convicted of or adjudicated for an offense involving sexual abuse or exploitation of a child. The website allows law enforcement personnel and the public to identify and track sex offenders living in the local community. DPS provides local law enforcement agencies access to the website under the terms of the Interlocal Agreement, for the purpose of maintaining, verifying and tracking information related to registered sex offenders across the state. Participation in the Agreement has been instrumental in providing the Temple Police Department (TPD) the ability to accurately maintain, verify and track the records of sex offenders living in Temple.

The City has participated in this Agreement since September 1, 2014. The City's current Sex Offender Registration Interlocal Agreement with DPS expires on August 30, 2015. The proposed renewal will extend the terms of the Agreement from September 1, 2015 through August 30, 2016.

FISCAL IMPACT: There is not a cost associated with the use of the DPS Texas Secure Website for Sex Offender Registration. Funding not required for this item.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO AN INTERLOCAL ASSISTANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR PARTICIPATION IN THE SEX OFFENDER REGISTRATION PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Code of Criminal Procedure Article 62.051(e) requires local law enforcement agencies to use the Department of Public Safety (DPS) Texas Secure Website for Sex Offender Registration to maintain detailed identifying information about local residents who have been convicted of, or adjudicated for, an offense involving sexual abuse or exploitation of a child;

Whereas, the website allows law enforcement personnel and the public to identify and track sex offenders living in the local community - the DPS provides local law enforcement agencies access to the website under the terms of the Interlocal Agreement, for the purpose of maintaining, verifying and tracking information related to registered sex offenders across the state;

Whereas, participation in the Agreement has been instrumental in providing the Temple Police Department the ability to accurately maintain, verify and track the records of sex offenders living in Temple;

Whereas, the Temple Police Department has participated in this Agreement since September 1, 2014 – the current Interlocal Agreement with DPS expires on August 30, 2015 and the proposed one year extension will extend the terms of the Agreement from September 1, 2015 through August 30, 2016; 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, after approval as to form by the City Attorney, to execute a one-year extension to an Interlocal Agreement with the Texas Department of Public Safety through August 30, 2016 for participation in the DPS Sex Offender Registration program.

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 **20th** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Jim Tobin, Interim Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing renewal of an Interlocal Cooperation Agreement with the Texas Department of Public Safety for participation in the DPS Breath Testing and Laboratory Alcohol and Drug Testing Program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: To ensure statewide consistency of forensic testing, DPS provides gunshot residue kits, breath testing supplies, laboratory drug testing supplies, testing forms and manuals to Texas law enforcement agencies who participate in the Interlocal Cooperation Agreement. Use of standardized testing supplies and procedures, and consistent documentation of the test results enhances public confidence in the testing process, which increases the probability of convicting offenders at trial. As a DPS-related agency, the Temple Police Department (TPD) can obtain the DPS supplies free of charge. Participation in the Agreement will provide TPD necessary forensic testing supplies and equipment at no cost.

The City has participated in this Interlocal Cooperation Agreement with DPS since September 1, 2014.

The City's current Agreement expires on August 30, 2015. The proposed renewal will extend the terms of the Agreement from September 1, 2015 through August 30, 2016.

FISCAL IMPACT: Drug and alcohol testing supplies under the Interlocal Agreement with Texas Department of Public Safety are provided at no charge. Funding not required for this agreement.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE INTERLOCAL COOPERATION AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY, FOR PARTICIPATION IN THE BREATH TESTING AND LABORATORY ALCOHOL AND DRUG TESTING PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, to ensure statewide consistency of forensic testing, the Texas Department of Public Safety (DPS) provides gunshot residue kits, breath testing supplies, laboratory drug testing supplies, testing forms and manuals to Texas law enforcement agencies who participate in the Interlocal Cooperation Agreement;

Whereas, use of standardized testing supplies and procedures, and consistent documentation of the test results enhances public confidence in the testing process, which increases the probability of convicting offenders at trial;

Whereas, as a DPS-related agency, the Temple Police Department can obtain the supplies free of charge and participation in the Interlocal Cooperation Agreement will provide the Temple Police Department with necessary forensic testing supplies and equipment at no cost;

Whereas, the City has participated in this Interlocal Cooperation Agreement with DPS since September 1, 2014 – the current Agreement expires on August 30, 2015 and the proposed renewal will extend the terms of the Agreement from September 1, 2015 through August 30, 2016; 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, after approval as to form by the City Attorney, to execute a one-year extension to an Interlocal Cooperation Agreement with the Texas Department of Public Safety from September 1, 2015 through August 30, 2016, for participation in the breath testing and laboratory alcohol and drug testing program.

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 **20th** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City of Temple to enter into a Certification Election Agreement with the Temple Police Association.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 2, 2015, the City Secretary received a “Petition Requesting Recognition of Bargaining Agent” from the Temple Police Association (“TPA”). The Petition requests that the City recognize TPA as the sole and exclusive bargaining agent for all police officers employed by the City. On July 31, 2015 and in response to the Petition, the City Council ordered a Certification Election pursuant to Chapter 142 of the Local Government Code. The Certification Election will determine whether TPA represents a majority of the affected police officers.

City Staff and TPA have drafted a proposed agreement for handling the Certification Election. The agreement provides for the method of voting, dates for early and regular voting, and a process for officers on approved leave to vote electronically or by mail. The City Secretary will serve as the “Election Supervisor.” Regular voting will take place at various times on September 9-11 and September 15-16. The results of the election will be presented to Council at the October 1, 2015 Council meeting.

Staff recommends approval of the proposed Certification Election Agreement with TPA.

FISCAL IMPACT: Pursuant to Chapter 142, TPA will cover all costs of the Certification Election.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY OF TEMPLE TO ENTER INTO A CERTIFICATION ELECTION AGREEMENT WITH THE TEMPLE POLICE ASSOCIATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 2, 2015, the City Secretary received a “Petition Requesting Recognition of Bargaining Agent” from the Temple Police Association (TPA) which requested that the City recognize TPA as the sole and exclusive bargaining agent for all police officers employed by the City;

Whereas, on July 31, 2015 and in response to the Petition, the City Council ordered a Certification Election pursuant to Chapter 142 of the Local Government Code - the Certification Election will determine whether TPA represents a majority of the affected police officers;

Whereas, City Staff and TPA have drafted a proposed agreement for handling the Certification Election - the agreement provides for the method of voting, dates for early and regular voting, and a process for officers on approved leave to vote electronically or by mail;

Whereas, the City Secretary will serve as the “Election Supervisor” and regular voting will take place at various times on September 9-11, 2015 and September 15-16, 2015 - the results of the election will be presented to City Council at the October 1, 2015 City Council meeting;

Whereas, Staff recommends approval of the proposed Certification Election Agreement with TPA and pursuant to Chapter 142, TPA will cover all costs of the Certification Election; 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 of Temple to enter into a Certification Election Agreement with the Temple Police Association as outlined in Exhibit ‘A’ attached hereto.

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 **20th** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a three year lease extension with Central Texas Workforce Board for lease of space in the Public Services Building.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Central Texas Workforce Board has requested a three year extension to its lease of approximately 16,721 sq. ft. of office space in the Public Services Building located at 102 East Central Avenue. Pursuant to the lease, the Central Texas Workforce Board will be responsible for all utilities, janitorial services, and other daily maintenance as set forth in the Lease Agreement. If the extension is approved by Council, the lease term will run from October 1, 2015 to September 30, 2018. The rent will be \$0.60 per square foot or \$10,032.60 per month.

FISCAL IMPACT: The annual rent to be received from the Central Texas Workforce Board is \$120,391.20 and will be deposited into account 110-0000-461-0237.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A 3-YEAR EXTENSION TO THE LEASE AGREEMENT WITH CENTRAL TEXAS WORKFORCE BOARD FOR SPACE IN THE PUBLIC SERVICES BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Central Texas Workforce Board has requested a 3-year extension to its lease of approximately 16,721 sq. ft. of office space in the Public Services Building located at 102 East Central Avenue;

Whereas, pursuant to the lease, the Central Texas Workforce Board will be responsible for all utilities, janitorial services, and other daily maintenance as set forth in the Lease Agreement;

Whereas, the new lease term will run from October 1, 2015 to September 30, 2018 at a rental rate of \$0.60 per square foot or \$10,032.60 per month;

Whereas, the annual rent to be received from the Central Texas Workforce Board is \$120,391.20 and will be deposited into Account No.110-0000-461-0237; 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, after approval as to form by the City Attorney, to execute a 3-year lease extension with Central Texas Workforce Board, at the lease rate of \$0.60 per square foot or \$10,032.60 per month, for lease of space in the Public Services Building.

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 **20th** day of **August**, 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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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a two year lease extension with Morris & Pursley Financial Plans, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Morris & Pursley Financial Plans is currently leasing Suite 306B in the Temple Public Library. Morris & Pursley Financial Plans has requested a two-year lease extension. Morris & Pursley Financial Plans is owned and operated by Jack M. Morris and Melissa K. Pursley. If Council approves the proposed extension, the lease term will run from August 21, 2015 to August 20, 2017. Morris & Pursley will pay \$305.50 per month in rent.

FISCAL IMPACT: The annual rent to be received from Morris & Pursley Financial Plans is \$3,666 and will be deposited into account 110-0000-461-0937.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A 2-YEAR EXTENSION TO THE LEASE AGREEMENT WITH MORRIS & PURSLEY FINANCIAL PLANS FOR SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING (THE TEMPLE PUBLIC LIBRARY); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Morris & Pursley Financial Plans is currently leasing Suite 306B in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library) and has requested a 2-year lease extension;

Whereas, the new lease term will run from August 21, 2015 to August 20, 2017 at a lease rate of \$305.50 per month;

Whereas, the annual rent to be received from the Morris & Pursley Financial Plans is \$3,666 and will be deposited into Account No.110-0000-461-0937; 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, after approval as to form by the City Attorney, to execute a 2-year lease extension with Morris & Pursley Financial Plans, at the lease rate of \$305.50 per month, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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 **20th** day of **August**, 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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DEPT./DIVISION SUBMISSION & REVIEW

Beverly Zendt Assistant Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-15-22: Consider adopting an ordinance authorizing a rezoning of +/- 12.999 acres from Multiple Family Dwelling Two District (MF-2) to Neighborhood Service District (NS) on Lot 4, Block 3, The Groves at Lakewood Ranch Phase 1, located at 301 Clinite Grove Boulevard.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its July 20, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the requested rezoning from MF-2 to NS.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning from MF-2 to NS. The proposed rezoning demonstrates the following:

1. Compliance with the choices'08 Comprehensive Plan Land Use Policies;
2. Compatibility with surrounding zoning and land uses; and
3. Compliance with the Thoroughfare Plan and Master Trails Plan.

Additionally, public facilities are available to serve the subject property.

ITEM SUMMARY: The applicant is seeking a rezoning of approximately 13 acres from MF-2 to NS. The Neighborhood Service zoning district permits limited retail services, usually for a small neighborhood area, with uses such as a convenience store, bank, barber or beauty shop, small cleaners or florist, as well as any residential use except apartments. The Neighborhood Service zoning district is the most restrictive retail district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. This district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood.

Although the proposed rezoning is not in compliance with the Future Land Use Plan which has identified this area as Suburban Residential, it does satisfy the general guiding land use principles put forth in

the Comprehensive Plan (this item is more fully discussed below). Permitted retail uses will be limited to those that are most compatible with residential development. Additionally, the proposed rezoning is compatible with surrounding NS and residentially zoned adjacent properties.

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
Subject Property	Suburban-Residential	MF-2	Undeveloped
North	Suburban-Residential	SF-2	Residential
South	Suburban-Residential	NS	Undeveloped
East	Suburban-Residential	SF-2	Residential
West	Suburban-Residential	SF-1	Residential

The following uses (not inclusive list) are permitted by right, permitted subject to limitations, or permitted with a Conditional Use Permit in the Neighborhood Services District.

Use Categories	Permitted Uses	Prohibited Uses
Residential Uses	<ul style="list-style-type: none"> Family or Group Home (CUP) Single Family Attached and Detached Dwelling Townhouse (L) 	Multiple-Family Dwelling (apartments)
Commercial Uses	<ul style="list-style-type: none"> None allowed 	All
Industrial Uses	<ul style="list-style-type: none"> Temporary Asphalt Batching Plant (CUP) Lab – medical, dental, scientific, or research (CUP) 	All Other Industrial Uses Prohibited
Institutional Uses	<ul style="list-style-type: none"> Childcare: family home, group day care & day care center (L) Community Center (CUP) Halfway House (CUP) 	Substance Abuse Treatment Facility
Office Uses	<ul style="list-style-type: none"> Office 	Warehouse Office
Recreational and Entertainment Uses	<ul style="list-style-type: none"> Alcoholic beverage sales for on-premise consumption <75% (CUP) Playfield or Stadium (CUP) 	Alcoholic beverage sales for on-premise consumption >75%
Restaurant Uses	<ul style="list-style-type: none"> Restaurant (not drive-in) 	Restaurant (drive-in)

Retail and Service Uses	<ul style="list-style-type: none"> • Food or beverage sales (without fuel sales) • Fuel sales (CUP) • Cleaners, drug store, laundry and cleaning (self-service) • Fabric store, bakery, barber, or beauty shop • Greenhouse or Nursery (retail) 	Package stores
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COMPREHENSIVE PLAN COMPLIANCE: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Partial
CP	Map 5.2 - Thoroughfare Plan	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 Residential character district. The *Choices '08* City of Temple Comprehensive Plan states that the Suburban Residential character district is suited for mid-sized single family lots, allowing for greater separation between dwellings and more emphasis on green spaces versus streets and driveways. Additionally, the *Choices '08* Comprehensive Plan provides a set of guiding principles it identifies as land use policy statements. One land use policy statement directly addresses the location of neighborhood service type retail uses.

Smaller-scale neighborhood retail and service uses should be located at intersections of collector and arterial streets and at the edge of logical neighborhood areas – or within neighborhoods where suitable sites exist and conditions are appropriate to balance compatibility with convenience.

Although the proposed zoning is not entirely compatible with the Suburban Residential character area, it does satisfy the land use policy statement and abuts other existing NS zoned property along West Adams, essentially extending an anticipated retail node.

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

The subject property is located on Clinite Grove Blvd. which was reclassified to a proposed Collector earlier this year. As a Collector, a minimum four foot sidewalk would need to be provided on one side. Clinite Grove Blvd., is constructed from West Adams to approximately 100' north of Windy Pointe Road. An eight ft. sidewalk has been constructed along the east side of the existing Clinite Grove Blvd. There is an existing Citywide Spine trail constructed along West Adams. No additional roads or trails are proposed adjacent to the existing lot.

Availability of Public Facilities (CP Goal 4.1)

Sanitary sewer is available to the subject property through 8" sewer line provided along the east corner of the property boundary. Water is provided by means of on an existing 6" water line located along Clinite Grove Blvd.

DEVELOPMENT REGULATIONS: Standard 1-2 story residential dimensions for the MF-2 district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	15 ft.
Side	10 ft.
Side (Corner)	10 ft.
Rear	10 ft. since use abuts a residential zoning (single-family district)
Buffering	Continuous buffering required (fence, wall or vegetative) along north and east property lines (abutting single –family districts)
Landscape	5% of lot area

PUBLIC NOTICE: Forty-Seven (47) notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Thursday July 9, 2015, nineteen (19) notices have been received in favor of the proposed rezoning and two (2) notices have been returned in opposition to the proposed rezoning. The newspaper printed notice of the public hearing on July 27, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

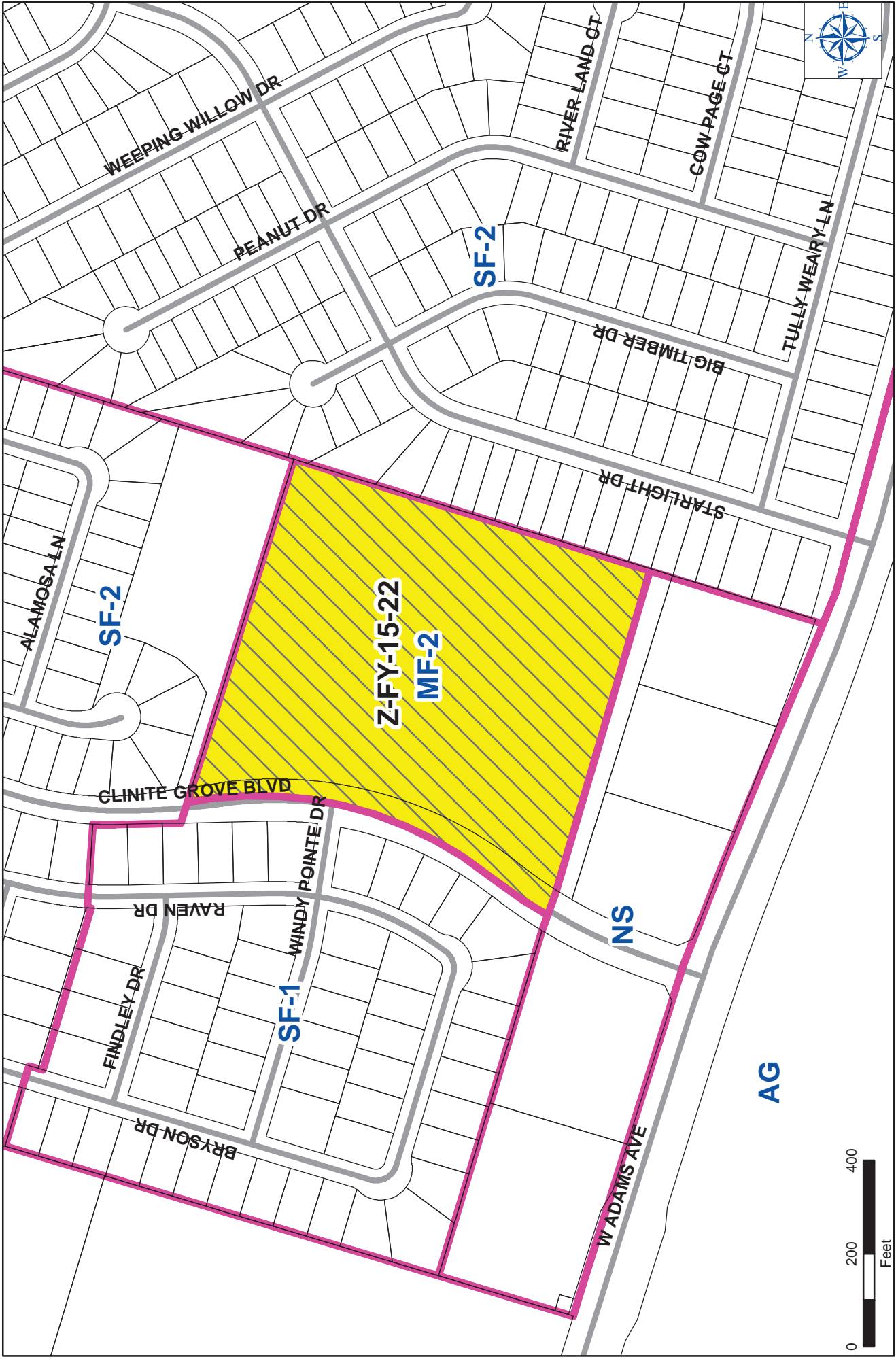
[Zoning & Location Map](#)
[Location map with Aerial](#)
[Site and Surrounding Property Photos](#)
[Future Land Use and Character Map](#)
[Localized area of the Thoroughfare & Trails Plan \(combined\)](#)
[Utility Map](#)
[Notification Map](#)
[Property Owner Responses](#)
[Ordinance](#)



Z-FY-15-22

Request for Rezoning from Multiple Family Dwelling-2
(MF-2) to Neighborhood Service (NS)
Zoning and Location Map

301 Clinite Grove Blvd.



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.



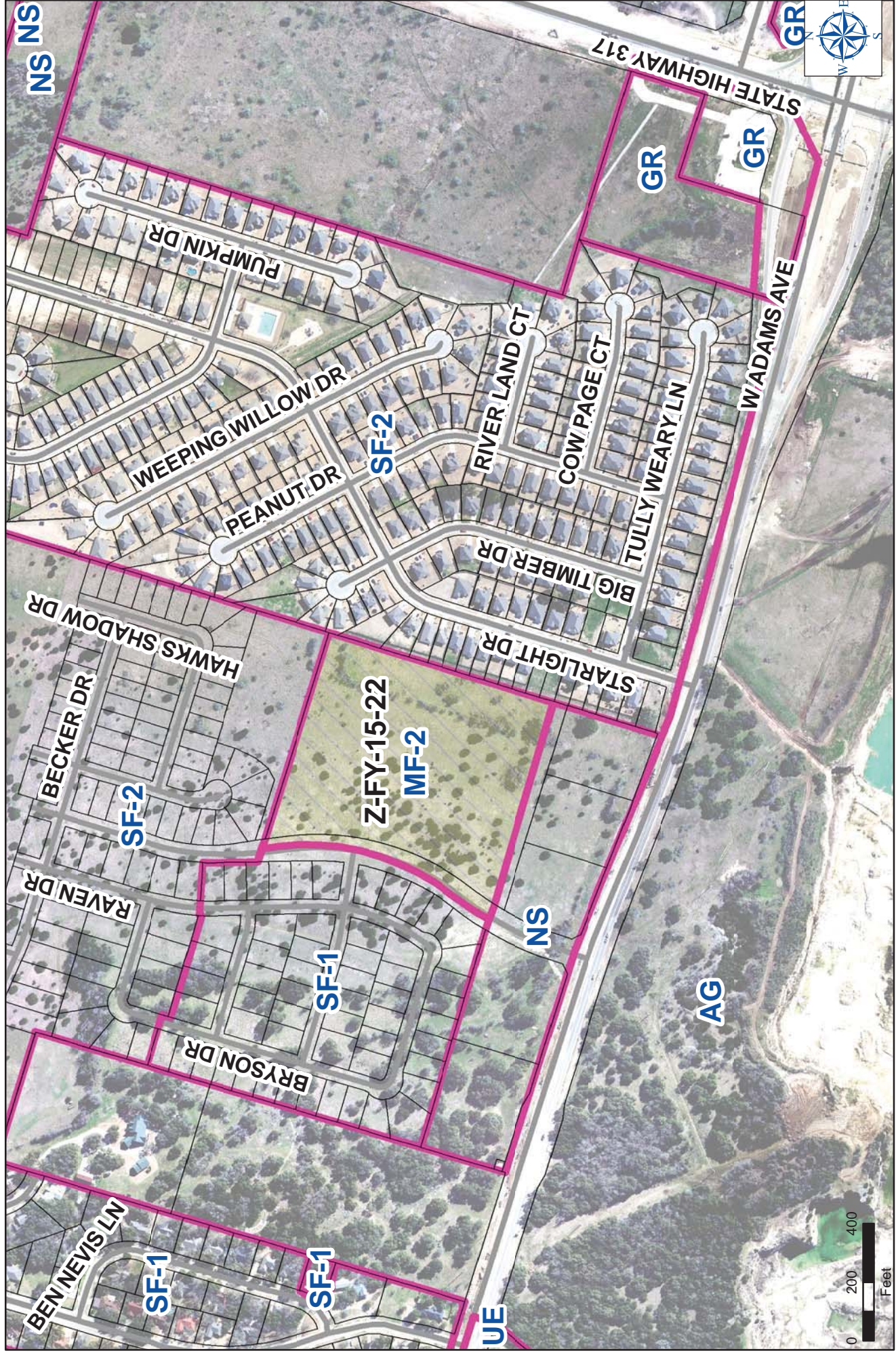


Z-FY-15-22

Request for Rezoning from Multiple Family Dwelling-2
(MF-2) to Neighborhood Service (NS)

301 Clinite Grove Blvd.

Location Map with Aerial



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

Case  Zoning

Subject Property: 301 Clinite Grove Drive



Property to the West



Property to the East



Property to the South



Property to the North

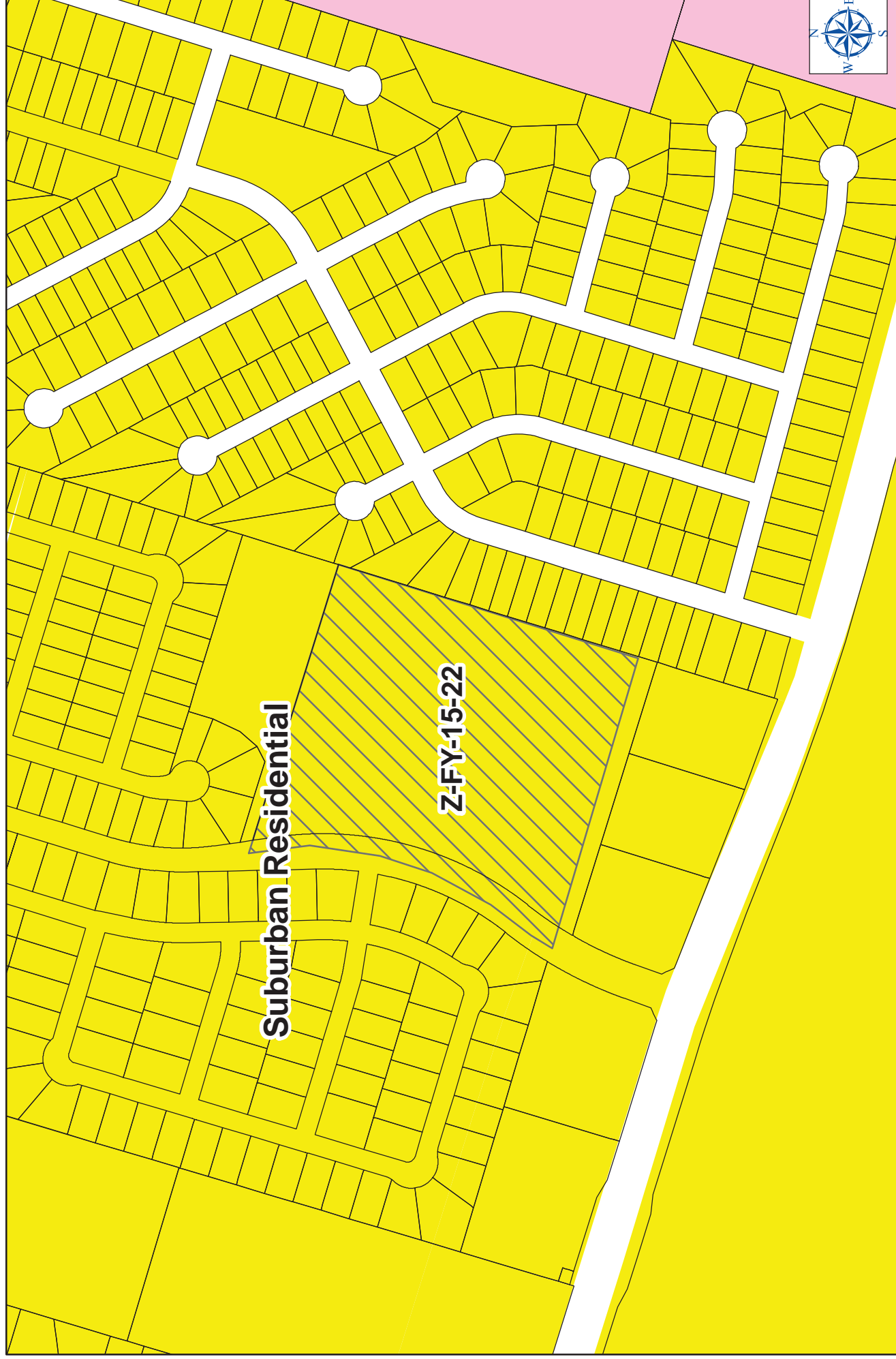




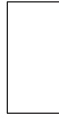
Z-FY-15-22

Request for Rezoning from Multiple Family Dwelling-2
(MF-2) to Neighborhood Service (NS)
Future Land Use Map

301 Clinite Grove Blvd.



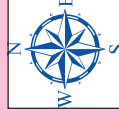
Case



Parcel



City of Temple Planning Department
bzndt 7-9-2015



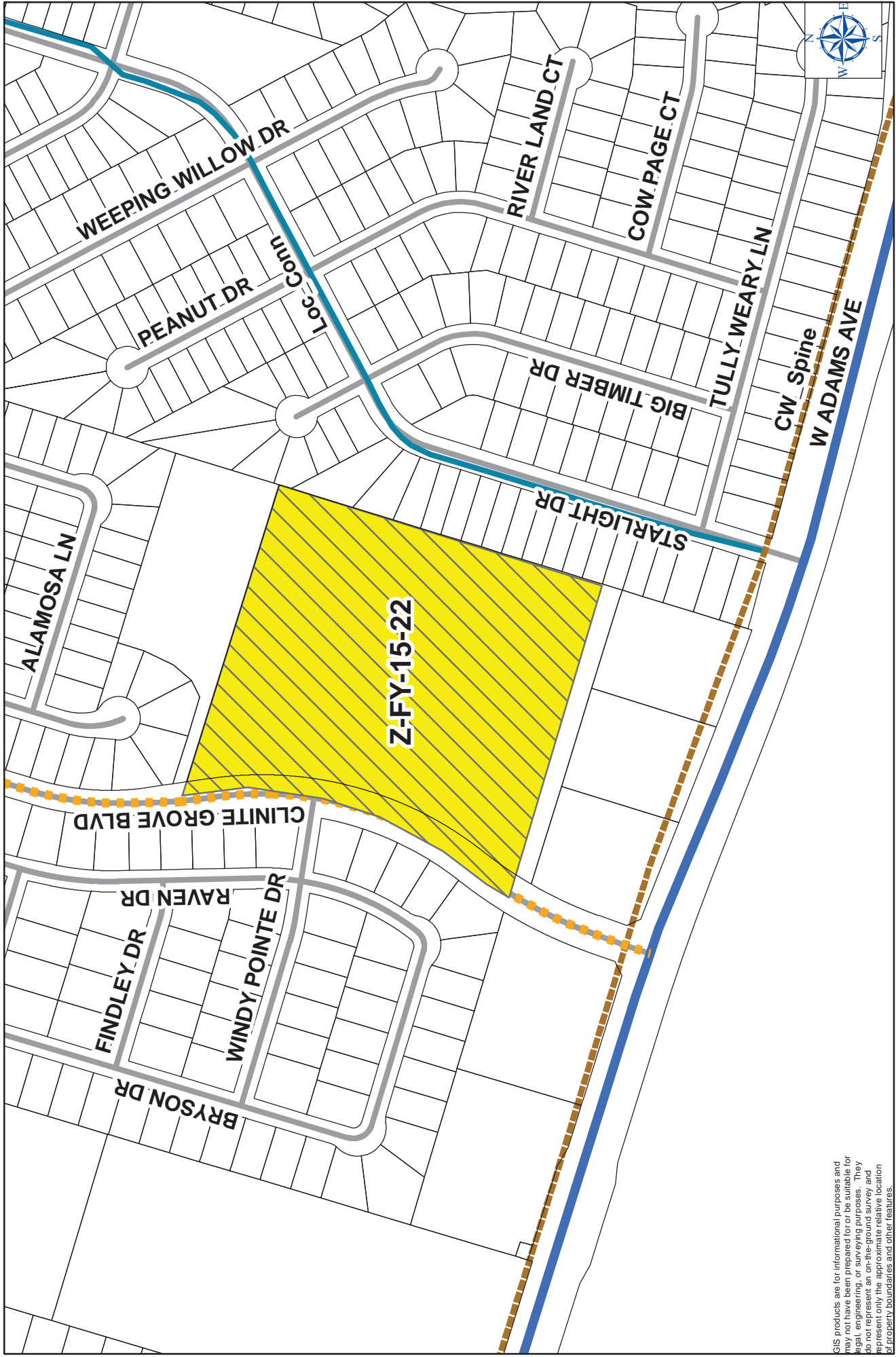
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-15-22

Request for Rezoning from Multiple Family Dwelling-2
(MF-2) to Neighborhood Service (NS)
Thoroughfare Plan and Master Trails Plan

301 Clinite Grove Blvd.



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



Case

Citywide Spine Trail

Community Wide Connector Trail

Local Connector Trail



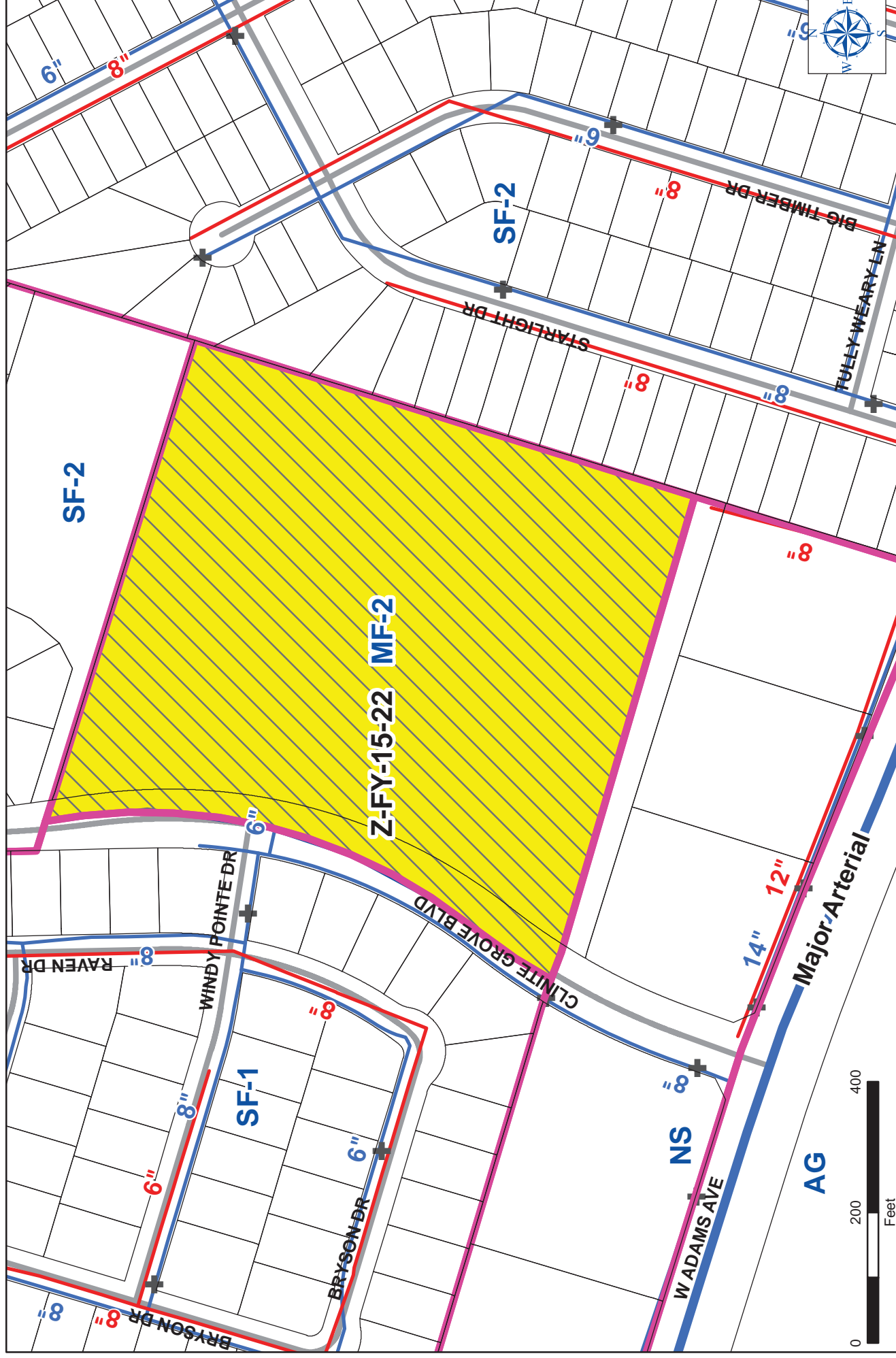


Z-FY-15-22

Request for Rezoning from Multiple Family Dwelling-2
(MF-2) to Neighborhood Service (NS)

301 Clinite Grove Blvd.

Utility Map



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



Case



Zoning



Fire Hydrant

Sewer Line

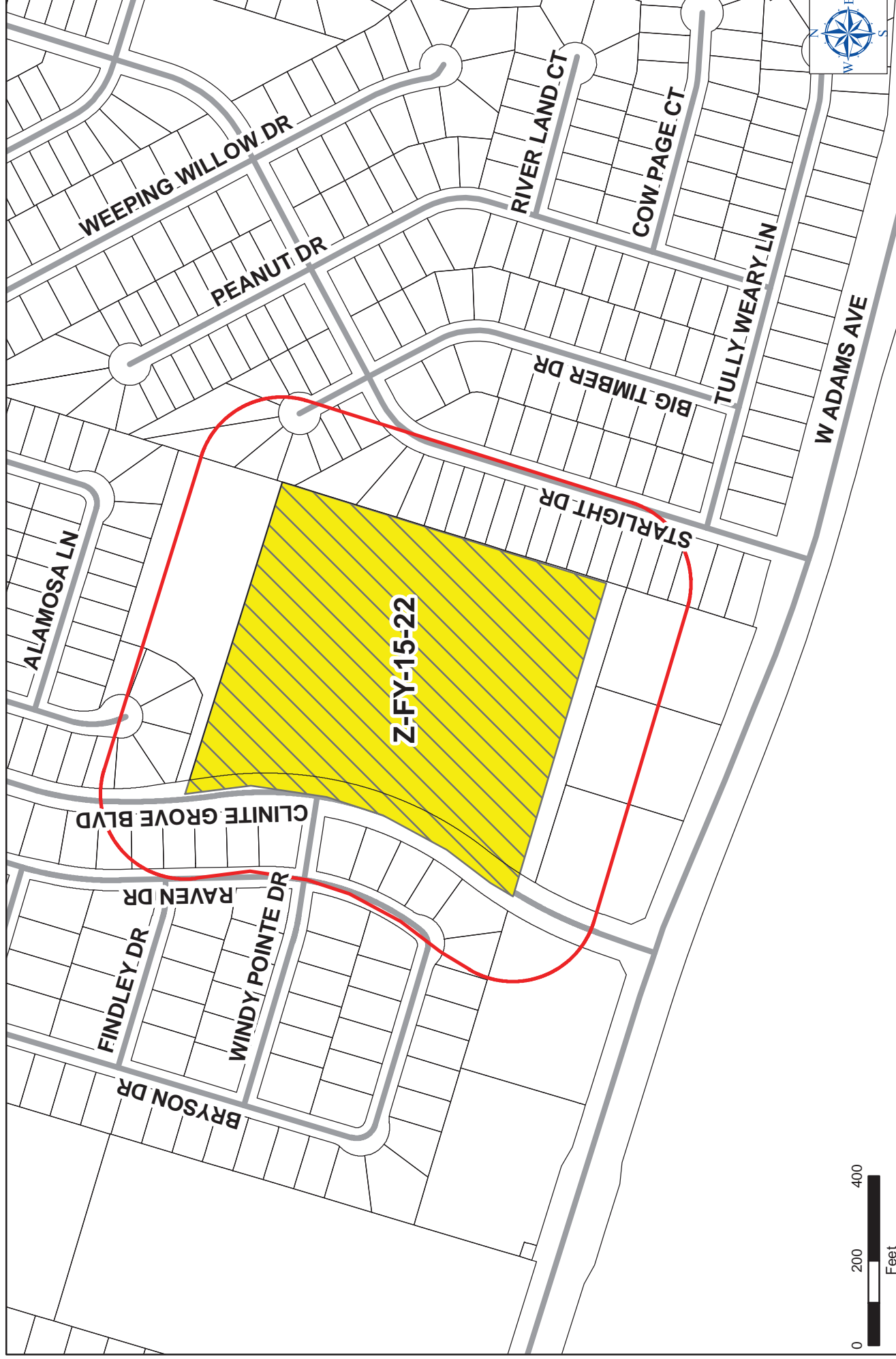
Water Line



Z-FY-15-22

Request for Rezoning from Multiple Family Dwelling-2
(MF-2) to Neighborhood Service (NS)
200' Notification Buffer

301 Clinite Grove Blvd.



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



Case



200' Buffer



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Chandra & Rima Lamichhane
412 Big Timber Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt

Location: 301 Clinite Boulevard

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

(X) denial of this request.

Comments:

- This will affect future house value and safety of the community.

- Negatively affect the family safety issue and health concern.


Signature

Chandra Lamichhane / Rima Lamichhane
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.

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

RECEIVED

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

JUL 20 2015

City of Temple
Planning & Development



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

Willie Etux Pamela Pierce
224 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt

Location: 301 Clinite Boulevard

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

(X) denial of this request.

Comments:

We really do not want a business directly behind our property. Our neighborhood is already experiencing an increase in crime. Placing businesses behind our houses could increase the unwanted "visitors" in our neighborhood. There are already convenience stores, dry cleaners, etc. less than a ten minute drive from our neighborhood.


Signature

Willie J. Pierce
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.

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

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

RECEIVED
JUL 20 2015
City of Temple
Planning & Development



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

First Omega Partners Ltd
7353 West Adams Avenue
Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt

Location: 301 Clinite Boulevard

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

I recommend ☒ approval ☐ denial of this request.

Comments:


Signature

JOHN C. HOWE
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.

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

RECEIVED
JUL 16 2015
City of Temple
Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

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



**Properties within the 200 Feet of Requested
Rezoning**

First Omega Partners LTD					
#	Subdivision	Lot	Block	Address	City
1	The Groves At Lakewood Ranch Phase 1	1	2	209 Raven Drive	Temple, Texas 76502
2	The Groves At Lakewood Ranch Phase 1	2	2	205 Raven Drive	Temple, Texas 76502
3	The Groves At Lakewood Ranch Phase 1	3	2	201 Raven Drive	Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt



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

Blackland Capital, Inc.
P.O. Box 1344
Temple, Texas 76503-1344

Zoning Application Number: Z-FY-15-22


Project Manager: Beverly Mesa-Zendt

Location: 301 Clinite Boulevard

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

I recommend ☒ approval () denial of this request.

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.

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

RECEIVED

JUL 16 2015

City of Temple
Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

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



Properties within the 200 Feet of Requested Rezoning

Blackland Capital, Inc					
#	Subdivision	Lot	Block	Address	City
1	The Groves At Lakewood Ranch Phase 1	4	3	301 Clinite Boulevard	Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt



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

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

Zoning Application Number: Z-FY-15-22


Project Manager: Beverly Mesa-Zendt

Location: 301 Clinite Boulevard

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

I recommend ☒ approval ☐ denial of this request.

Comments:



Signature



Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.

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

RECEIVED

JUL 16 2015

City of Temple
Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

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



**Properties within the 200 Feet of Requested
Rezoning**

Kiella Land Investments					
#	Subdivision	Lot	Block	Address	City
1	The Groves At Lakewood Ranch Phase II	8	4	322 Stonehouse Lane	Temple, Texas 76502
2	The Groves At Lakewood Ranch Phase II	9	4	318 Stonehouse Lane	Temple, Texas 76502
3	The Groves At Lakewood Ranch Phase II	10	4	314 Stonehouse Lane	Temple, Texas 76502
4	The Groves At Lakewood Ranch Phase II	11	4	310 Stonehouse Lane	Temple, Texas 76502
5	The Groves At Lakewood Ranch Phase II	12	4	306 Stonehouse Lane	Temple, Texas 76502
6	The Groves At Lakewood Ranch Phase II	13	4	302 Stonehouse Lane	Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt



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

KAM Homebuilders Ltd
P.O. Box 1344
Temple, Texas 76502

Zoning Application Number: Z-FY-15-22


Project Manager: Beverly Mesa-Zendt

Location: 301 Clinite Boulevard

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

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

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.

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

RECEIVED

JUL 16 2015

City of Temple
Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

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



Properties within the 200 Feet of Requested Rezoning

KAM HOMEBUILDERS LTD					
#	Subdivision	Lot	Block	Address	City
1	The Groves At Lakewood Ranch Phase 1	5	2	105 Raven Drive	Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt



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

Kiella Development Inc.
P.O. Box 1344
Temple, Texas 76503-1344

Zoning Application Number: Z-FY-15-22

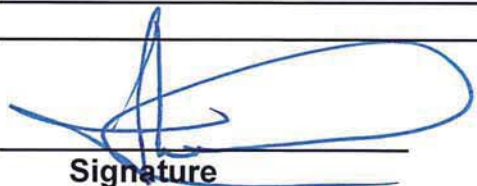
Project Manager: Beverly Mesa-Zendt

Location: 301 Clinite Boulevard

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

I recommend ☒ approval ☐ denial of this request.

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.

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

RECEIVED

JUL 16 2015

City of Temple
Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

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



**Properties within the 200 Feet of Requested
Rezoning**

Kiella Development Inc.					
#	Subdivision	Lot	Block	Address	City
1	The Groves At Lakewood Ranch Phase I	2	1	10254 West Adams Avenue	Temple, Texas 76502
2	The Groves At Lakewood Ranch Phase I	6	2	10303 Bryson Drive	Temple, Texas 76502
3	The Groves At Lakewood Ranch Phase I	1	7	303 Raven Drive	Temple, Texas 76502
4	The Groves At Lakewood Ranch Phase I	2	7	307 Raven Drive	Temple, Texas 76502
5	The Groves At Lakewood Ranch Phase I	3	7	311 Raven Drive	Temple, Texas 76502
6	The Groves At Lakewood Ranch Phase I	4	7	315 Raven Drive	Temple, Texas 76502
7	The Groves At Lakewood Ranch Phase I	5	7	319 Raven Drive	Temple, Texas 76502
8	The Groves At Lakewood Ranch Phase I	6	7	321 Raven Drive	Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt

ORDINANCE NO. _____

(PLANNING NO. Z-FY-15-22)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM MULTIPLE FAMILY DWELLING TWO DISTRICT TO NEIGHBORHOOD SERVICE DISTRICT ON APPROXIMATELY 12.999 ACRES OF LAND ON LOT 4, BLOCK 3, THE GROVES AT LAKEWOOD RANCH, PHASE I, LOCATED AT 301 CLINITE GROVE BOULEVARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Multiple Family Dwelling Two District (MF-2) to Neighborhood Service District (NS) on approximately 12.999 acres of land on lot 4, block 3, The Groves at Lakewood Ranch, Phase I, located at 301 Clinite Grove Boulevard, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 6th day of August, 2015.

PASSED AND APPROVED on Second Reading on the **20th** day of **August**, 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

08/20/15
Item #4(T)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2015.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item will present in detail the third quarter ending June 30, 2015, for the General, Water & Sewer, Hotel/Motel Tax, and Drainage Funds.

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

The third quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2015.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Quarterly Financial Statements-to be provided
Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING THE THIRD QUARTER FINANCIAL RESULTS FOR
FISCAL YEAR 2015; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Director of Finance has prepared the second quarter 2015 fiscal year financial results which details the second quarter ending June 30, 2015, for the General, Water & Sewer, Hotel/Motel Tax and Drainage funds;

Whereas, included in the third quarter results are various schedules detailing grants, sales tax, capital projects and investments;

Whereas, the third quarter financial statements will also include a forecast of year-end financial results for the General Fund as of September 30, 2015; and

Whereas, the City Council deems it in the public interest to approve the third quarter financial results for the fiscal year 2015.

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

Part 1: The City Council approves the third quarter 2015 fiscal year financial results, more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution 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 **20th** day of **August**, 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

08/20/15
Item #4(U)
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 \$28,025.

ATTACHMENTS:

[Budget Amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
August 20, 2015

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-3221-551-2721		Cost of Goods Sold / Food Products	\$ 5,000	
110-0000-445-2004		Lions Junction Water Park / Lions Food & Bev Sales		\$ 5,000
To appropriate revenue and expenditures related to the sale of food items at Lions Junction Water Park.				
110-2033-521-1119		Salaries / Overtime	\$ 2,805	
110-2020-521-2115		Supplies / Fuel	\$ 480	
110-2020-521-2333		Repair & Maintenance / Auto & Equip (Fleet Svcs)	\$ 480	
110-2020-521-2511		Other Services / Printing/Publication	\$ 1,260	
110-0000-442-0718		Police Revenue / Police Overtime		\$ 5,025
To appropriate grant revenue for the tobacco enforcement grant received from Texas State - Texas School Safety Center. The grant will be used to pay overtime for officers to conduct inspections at retail stores, as well as, operational costs that include fuel, repair & maintenance of vehicles, and printing of training materials.				
240-7000-551-2120		Supplies / Education/Recreation	\$ 7,000	
240-0000-316-1616		Reserve for Museum / Reserve for Museum		\$ 7,000
To appropriate restricted donations for the Museum to purchase additional supplies for storage and organization of materials & documents in the archives area.				
110-2100-529-2113		Supplies / Clothing & Uniforms	\$ 1,000	
110-0000-461-0841		Other / Donations/Gifts		\$ 1,000
To appropriate donations received for the purchase of replacing staff and volunteer t-shirts and sport shirts.				
351-3500-552-6222	101286	Capital Equipment / Machinery & Equipment	\$ 4,000	
351-0000-490-2582		Transfer In / Transfer In		\$ 2,000
351-0000-461-0830		Other / Other Revenue		\$ 2,000
110-9100-591-8151		Operating Transfer Out / Trans Out-Des Cap Proj	\$ 2,000	
110-3500-552-2311		Repair & Maintenance / Buildings & Grounds		\$ 2,000
260-0000-431-0261		State Grant / State Grant	\$ 4,000	
260-3500-552-6222	101286	Capital Equipment / Machinery & Equipment		\$ 4,000
To reappropriate funds for incentive from the Propane Council of Texas. It was originally thought this was a grant item but it is a new commercial mower incentive program which provides \$2,000 per mower. The City only received incentive for one mower in the amount of \$2,000.				
TOTAL AMENDMENTS			\$ 28,025	\$ 28,025
GENERAL FUND				
Beginning Contingency Balance			\$ -	
Added to Contingency Sweep Account			-	
Carry forward from Prior Year			-	
Taken From Contingency			-	
Net Balance of Contingency Account			\$ -	
Beginning Judgments & Damages 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 Compensation Contingency			\$ 988,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(979,440)	
Net Balance of Compensation Contingency Account			\$ 8,560	
Net Balance Council Contingency			\$ 48,630	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
August 20, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance Budget Sweep Contingency		\$ -
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account		\$ -
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(21,098)
		Net Balance of Contingency Account	\$	28,902
		Beginning Compensation Contingency	\$	168,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(166,588)
		Net Balance of Compensation Contingency Account	\$	1,412
		Net Balance Water & Sewer Fund Contingency	\$	30,314
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency 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 Compensation Contingency	\$	36,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(35,330)
		Net Balance of Compensation Contingency Account	\$	670
		Net Balance Hotel/Motel Tax Fund Contingency	\$	7,415
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	26,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(26,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Drainage Fund Contingency	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		89,040
		Added to Contingency Sweep Account		-
		Taken From Contingency		(29,008)
		Net Balance of Contingency Account	\$	60,032

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.

Whereas, on the 28th 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 20th day of **August**, 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

08/20/15
Item #5
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Walter Hetzel, Animal Services Manager

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the Code of Ordinances, Chapter 6, “Animals and Fowl.”

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented, with second reading and final adoption set for September 3, 2015.

At its July 13, 2015 meeting, the Animal Services Advisory Board voted 5/0 to recommend the proposed changes related to Sec 6-13, Additional Regulations, to allow the keeping of chickens within the City of Temple in accordance with certain provisions.

ITEM SUMMARY: In response to recent citizen inquiries requesting consideration of amending the City ordinance to relating to the keeping of chickens, the Animal Services Advisory Board requested staff to submit for consideration an amendment to the current City ordinance that would allow the keeping of chickens within the City of Temple in accordance with certain provisions.

The current wording of the City ordinance prohibits the keeping of chickens except if kept at least 150 feet from nearest residence other than the owner or keeper.

At its July 13, 2015 meeting, the Animal Services Advisory Board considered a recommendation to the City Council amending Chapter 6, Section 6.13. The Board discussed draft ordinance changes presented by staff. The Board voted 5/0 to recommend to Council approval of an ordinance change that would allow hens to be kept in a residential zoning district if kept at least 50 feet from the nearest residence under the following provisions:

1. No more than 6 hens;
2. Must be kept in a pen or enclosure;
3. Enclosure must be clean, secure, ventilated, and large enough for the animal to move freely;

4. Enclosure must meet any applicable standards or permit requirements found in the Unified Development Code;
5. Accumulation of waste creating obnoxious odor and/or health hazard prohibited;
6. Roosters prohibited.

In addition to the changes relating to the provisions associated with keeping of chickens, staff is also proposing non substantive changes relating to general cleanup of Chapter 6.

FISCAL IMPACT: None.

ATTACHMENTS:

[Ordinance](#)

Chapter 6
ANIMALS AND FOWL

- Sec. 6-1. Division of Animal Services Established.
- Sec. 6-2. Definitions.
- Sec. 6-3. At-Large Animals.
- Sec. 6-4. Animal Nuisance.
- Sec. 6-5. Care of Animals.
- Sec. 6-6. Cruelty and Injury to Animals.
- Sec. 6-7. Impoundment.
- Sec. 6-8. Disposition and Redemption of Impounded Animals.
- Sec. 6-9. Adoption of Animals.
- Sec. 6-10. Rabies.
- Sec. 6-11. Spaying and Neutering of Animals.
- Sec. 6-12. Disposal of Animals.
- Sec. 6-13. Sale of Animals.
- Sec. 6-14. Keeping of Certain Animals.
- Sec. 6-15. Additional Regulations.
- Sec. 6-16. Dangerous Animals.
- Sec. 6-17. Additional Provisions Relating to Dangerous or Vicious Animals.
- Sec. 6-18. Impoundment and Reclamation of Dangerous Animals.
- Sec. 6-19. Affirmative Defenses.
- Sec. 6-20. Citations.
- Sec. 6-21. Penalty.
- Sec. 6-22. Culpability.

Chapter 6
ANIMALS AND FOWL

Sec. 6-1. Division of Animal Services Established

- (a) Division of Animal Services. In order to protect the public health and welfare, to provide for the public safety, and to more effectively control, regulate and provide for animals within the City of Temple, the division of Animal Services is established. The division of Animal Services shall consist of the Animal Services Manager and such other officers and employees as may be provided by the City Council.
- (b) Animal Services Manager. The Animals Services Manager shall be appointed by the City Manager. The Animal Services Manager shall have control and supervision over all employees assigned to this division subject to the supervision of the City Manager or his designee.
- (c) Functions. The Animal Services Manager shall enforce all laws and ordinances pertaining to the keeping, treatment, impounding and regulation of animals within the City of Temple.
- (d) Duties. The Animal Services Manager shall manage the City's animal shelter. The Animal Services Manager shall keep such records and make such reports concerning the activities of the division of Animal Services as may be required by ordinance, state law, the City Manager, or by the City Council.
- (e) Local Health Authorities. The Animal Services Manager shall act as the local health authority for the purposes of enforcing all laws and regulations of the State of Texas pertaining to animals which authorize the local health authority or Animal Services officers to enforce the same.
- (f) Conduct of Division Members. It shall be the duty of all members of the division of Animal Services to enforce this ordinance and all laws of the State of Texas applicable to domesticated and wild animals, to conduct themselves in a law-abiding manner and to avoid the use of unnecessary force on animals in the possession or control of the Division of Animal Services.

Sec. 6-2. Definitions

For the purposes of this Chapter, and as used herein, the following terms shall have the meaning as given in this section:

Animal. A living organism which feeds on organic matter, has specialized sense organs and nervous system, and is able to move about and to respond rapidly to stimuli, not including a human or an insect.

At large. Off the premises of the owner and not under the complete control of the owner by leash, halter, cage, or other means of confinement.

Dangerous animal. Any dog, cat, or other animal that, without clear provocation, (a) bites or attacks humans or (b) in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated.

Fowl. A bird of any kind.

Hen. A female domestic chicken, not including guinea hens.

Keep. To retain on the premises by any means; to harbor, control, own, or have custody of or possession of.

Keeper. Any person who has custodial or supervisory authority over an animal, or who has any responsibilities for the care, custody or control over an animal, including but not limited to the provision of adequate shelter, food and water, and/or access to necessary veterinary care, even on a temporary basis.

Maintain. To feed, shelter, protect, provide for or bear the expense of.

Owner. Any person, firm, association, partnership or corporation owning, keeping, in charge of, in control of, maintaining or harboring one or more animals or fowl.

Person. Any natural person, corporation, partnership, association, firm or legal entity.

Rooster. A male domestic chicken.

Wild animal. Any animal not ordinarily tame or domesticated, or which by its very nature has propensities toward inflicting serious bodily harm. Any animal or reptile which, in its natural state, possess dangerous or vicious propensities and includes, but is not limited to coyotes, wolves, bears, wildcats (puma, bobcat, lynx), lions, tigers, poisonous snakes, alligators, crocodiles, and monkeys, whether or not said animal or reptile has been tamed.

Sec. 6-3. At-Large Animals

(a) Animal At-Large. It shall be unlawful for the owner of any cat, dog, fowl or other domesticated animal, to permit or allow such animal to run at large within the city limits. "At large" means that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal. A cat is at large when straying onto the property of anyone except the owner. All animals at large are subject to impoundment by Animal Services.

(b) Pursuit of Animal. Animal services shall have the right to enter onto private property in order to pursue and apprehend a free roaming animal without first requesting permission from the owner of the property. When in pursuit of such animal, no search warrant is required.

Sec. 6-4. Animal Nuisance

(a) Animal Nuisance; Unlawful. It shall be unlawful for any person to keep any animal on any property located within the city limits when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

(b) Animal Nuisance; Defined. Public nuisance animal means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than the animal's owner, to enjoy life or property. The term "public nuisance animal" includes, but is not limited to:

- (1) Any animal that is found running at large;
- (2) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner;
 - a. In such cases, the owner shall make sanitary disposal of any excreta (waste) deposited by his animal on any property other than that of its owner.
 - b. Failure to remove excreta as required by this section is an offense, and may result in a citation being issued.
- (3) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 - a. When possible, prior to filing a complaint with the City, the person having been disturbed by an animal as described above must give written notice to the owner or keeper of the animal that the animal's conduct has disturbed his or her peace on more than one occasion. A copy of such written notice must be presented to the City at the time the complaint is filed.
- (4) Any animal in estrus (in heat) that is not confined so as to prevent attraction or contact with other animals;
- (5) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (6) Any animal that chases motor vehicles in a public right-of-way;
- (7) Any animal that attacks other domestic animals without provocation;
- (8) Any animal that is being kept in unsanitary conditions that cause fouling of the air by noxious or offensive odors that create an unreasonable annoyance

or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

- (9) Any animal tied or staked within ten (10) feet of any street, park, or other public land, public sidewalk, public passageway, or public building when on an open or unfenced lot or parcel of land; or
- (10) Any animal that is a wild animal.

Sec. 6-5. Care of Animals

(a) Proper Care. It shall be unlawful for the owner or keeper of any animal to fail or refuse to provide such animal with sufficient wholesome and nutritious food, sufficient clean drinking water, sanitary shelter, veterinary care when necessary to prevent suffering and ensure humane care and treatment, or to unnecessarily expose any such animal to extreme or inclement weather.

- (1) In case of dispute over adequacy of proper care, the Animal Services Manager will be the final authority.
- (2) Violation of this section shall constitute a Class C misdemeanor or state law criminal offense when applicable.

(b) Abandoned Animal. No owner or custodian of any animal shall willfully abandon an animal on any street, road, highway or public place, or on private property when not in the care of another person.

(c) Abandoned Animal in Custody. Any animal left without proper food, water, or shelter for more than three (3) calendar days OR any animal left in conditions which endanger the health, life, and safety of the animal shall be considered abandoned. Animal Services shall take any abandoned animal into protective custody for a reasonable time in order to determine whether ownership can be established and possible criminal prosecution of persons responsible.

Sec. 6-6. Cruelty and Injury to Animals

(a) Injury to Animal. It shall be unlawful for any person to willfully or maliciously strike, beat, abuse, torment, overload, overwork, trap with steel jaw traps or intentionally run down with a vehicle any animal, or otherwise engage in any act or omission which causes or inflicts unnecessary pain, injury, suffering or death to such animal.

(b) Animal Combat. It shall be unlawful to cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(c) Poisoning of Animal. No person, except an authorized Animal Services employee or a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators

using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

(d) Animal in Vehicle. No dog or other animal shall be left enclosed in a parked vehicle in such a way as to subject the animal to extreme temperatures that could adversely affect the animal's health, safety, or welfare. Any Animal Services officer, police officer or personnel of the fire department may use reasonable force to remove the animal from the vehicle if the person believes that an emergency situation exists.

(e) Transportation of Animal. It shall be unlawful to transport or carry on any public roadway, any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unclosed vehicle (including but not limited to convertibles, pickup trucks, jeeps, and flatbed trucks), the animal is safely confined by a vented container or cage, by chain, rope or other device cross- tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

Sec. 6-7. Impoundment

(a) Impoundment of Animals. In addition to any other remedies provided in this Ordinance, an Animal Services employee, police officer, or any designated employee of the City if an Animal Service officer is not available, may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

- (1) Any animal at large;
- (2) Any animal constituting a danger to the public;
- (3) Any animal not displaying a metal vaccination tag;
- (4) Any animal that is in violation of any quarantine or confinement order of the Animal Services Manager;
- (5) Any unattended animal that is ill, injured, or otherwise in need of care;
- (6) Any animal that is reasonably believed to have been abused or neglected;
- (7) Any animal that is reasonably suspected of having rabies;
- (8) Any animal that is charged with being potentially dangerous where an Animal Services employee, a police officer, or the Animal Services Manager determines that there is a threat to public health and safety;
- (9) Any animal that a court of competent jurisdiction has ordered impounded or destroyed; or
- (10) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

- (b) Animal Eluding Capture. In the event of actual or immediate danger of injury to any person because of an animal's vicious nature or actions, or in the event that an animal which constitutes a threat to the health or safety of people or other animals is about to elude capture, an officer shall be justified in immediately destroying the animal by the use of any reasonable means available, without liability to the owner for the death of the animal.
- (c) Vicious or Wild Animals. Any vicious animal or wild animal, other than an endangered species, that has been impounded may be immediately disposed of as deemed appropriate by the Animal Services Manager. Wild animals trapped because they have become a nuisance may be transported to less populated areas and released.
- (d) Notification to Animal Services. Any person finding an animal at large upon his property may hold the animal in his own possession and shall notify Animal Services. It shall be the duty of Animal Services to impound the animal.
- (e) Vaccination Tag of Impounded Animal. If a dog or cat wearing a vaccination tag is impounded, an Animal Services officer shall request the name and address of the owner from the veterinarian who issued the tag. If the owner cannot be reached readily by telephone, written notification shall be mailed to the address furnished by the veterinarian.
- (f) Impounded Animal Released to Owner. An impounded dog or cat shall be released to its owner during regular hours of operation only upon payment of the fee as established by City Council, and upon proof of ownership. Possession of a vaccination certificate describing the dog or cat or bearing the same serial number that appears on a metal tag worn by the dog or cat, shall be accepted as prima facie proof of ownership.

Sec. 6-8. Disposition and Redemption of Impounded Animals

- (a) Disposition and Redemption. The Animal Services Manager shall keep any stray dog or cat at least three (3) calendar days prior to release for adoption, and at least five (5) calendar days prior to humane destruction, not counting the day of impoundment. Unadoptable animals or animals selected for destruction because of overcrowding may be humanely destroyed after the three (3) calendar day period.
- (b) Fees. Impoundment fees are set out by resolution adopted by the City Council.
- (1) No animal shall be released to an owner until all impoundment fees have been paid.
 - (2) Any animal impounded more than four (4) times in a twelve-month period shall not be released to its owner or custodian without the written approval of the Animal Services Manager. In this instance, impoundment fees shall be double the highest listed fee.

Sec. 6-9. Adoption of Animals

An impounded dog or cat which is not claimed and redeemed by an owner within the three (3) calendar days following the day of its impoundment may be released to any person for a fee established by City Council. The decision to place an animal for adoption is in the sole discretion of the Animal Services Manager. No person seeking to adopt an animal shall be discriminated against on the basis of race, sex, religion or national origin. No person convicted of the offense of dog fighting and/or cruelty to an animal shall be permitted to adopt any animal.

Sec.6-10. Rabies

(a) Vaccination Against Rabies, Generally. The owner of each dog or cat kept within the City of Temple shall have such dog or cat vaccinated against rabies by the time the dog or cat is four (4) months of age and once each year thereafter. It shall be unlawful for any person to own or keep an unvaccinated dog or cat over four (4) months of age within the city limits.

(b) Vaccination of Adopted Animals; Proof Required. In the event a dog or cat to be adopted from the City of Temple is four (4) months of age or older and is not vaccinated, a fee in an amount set by resolution of the City Council shall be paid at the time of adoption for the issuance of a rabies vaccination certificate, which the adopting person shall present to any veterinarian within one (1) week from the date of adoption for vaccination against Rabies. The issuing veterinarian may present the certificate with a statement verifying the vaccination to the Animal Services Manager for reimbursement of the prepaid fee, or the veterinarian's fee for administering the vaccination, whichever is less.

- (1) A person commits an offense if, after adopting a dog or cat four (4) months of age or older, he knowingly fails to obtain a rabies vaccination for such animal within one (1) week of the adoption date.
- (2) It shall be presumed that the person failed to have the animal vaccinated if within ten (10) days of the adoption date he has not presented the Animal Services Manager with proof of the vaccination. Such proof shall be in the form of a receipt from the veterinarian administering the vaccination. Failure to provide proof as required may result in the issuance of a citation.
- (3) The Animal Services Manager shall be authorized to re-impound any dog or cat adopted under this subsection if the vaccination is not obtained within the required time. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.

(c) Issuance of Tags and Certificate. Upon vaccinating any dog or cat, the veterinarian performing such vaccination shall deliver to the animal's owner a numbered metal tag and a certificate of vaccination. A record shall be made by the veterinarian and kept for at least two (2) years showing the date of issuance and serial number of each tag issued, the name and address of the dog or cat's owner, and a brief description of the dog or cat vaccinated.

(d) Vaccination Tag as Evidence. It shall be unlawful for an owner to allow a dog or cat over the age of four (4) months to be at large without wearing a current metal vaccination tag issued by a veterinarian during the preceding twelve (12) months. It shall be prima facie evidence of vaccination against rabies that a dog or cat is wearing attached to its collar a current metal vaccination tag.

(e) Unlawfully Displaying False Tag. It shall be unlawful for any person to cause a dog or cat to wear attached to its collar, or otherwise, a vaccination tag issued for any other dog or cat.

(f) Suspected Rabid Animals. A person having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or knowledge of an animal that is reasonably suspected to be rabid, shall report the information immediately to the Animal Services Manager or the police department.

(1) The owner of an animal that is reported to be rabid, or to have exposed an individual to a risk of contracting rabies, shall submit the animal to the Animal Services Manager or a licensed veterinarian to be quarantined until such time as it can be definitely determined whether such animal is infected with rabies, but in no case less than ten (10) days.

(2) It is an offense under this chapter for a person to refuse to submit for quarantine any animal reasonably suspected of being rabid. It is also an offense to knowingly sell, release or otherwise dispose of an animal before the expiration of the quarantine period if the animal is reasonably suspected of being rabid.

(3) An animal that is lacking proof of current vaccination for rabies at the time it bites or scratches a person is presumed to be under suspicion of rabies.

(g) Quarantine and Testing. Animals suspected of being rabid shall be quarantined with a licensed veterinarian at the expense of the owner. If it is determined by a veterinarian that a quarantined animal shows the clinical signs of the disease of rabies, the veterinarian shall humanely destroy the animal. If the animal dies or is destroyed while in quarantine, the veterinarian shall remove the head or brain of the animal and submit it to the Texas Department of State Health Services for testing.

(h) Home Quarantine. The owner of any animal allowed to home quarantine an animal shall comply with written procedures regarding the quarantine as provided to the owner by the Animal Services officer.

(1) Upon the request of the owner of a dog or cat which has bitten or scratched a human, and at the sole discretion of the Animal Services Manager, the Animal Services Manager may permit home quarantine for the animal if all of the following criteria can be met:

a. The animal was currently vaccinated against rabies at the time of the bite or scratch;

- b. The animal was not at large at the time of the bite or scratch;
- c. The animal's owner has secured facilities at his home for the animal which have been approved by the Animal Services Manager;
- d. The Animal Services Manager or a licensed veterinarian must observe the animal on at least the first and tenth days of the quarantine period. All quarantined animals shall be separated from all other animals in such a manner that there is no possibility of physical contact between animals;
- e. If the animal becomes ill during the observation period, the person with possession of the animal must notify the Animal Services Manager;
- f. The owner must sign an agreement to abide by the quarantine rules; and
- g. At the end of the quarantine period, the animal shall be observed by a licensed veterinarian and the veterinarian will generate a letter authorizing the release of the animal from quarantine.

- (2) The owner of an animal under home quarantine commits an offense if he fails to comply with any requirement contained in the home quarantine agreement.

(i) Release of Quarantined Animals. If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the animal shall be released to its owner following the quarantine period if:

- (1) The owner has an unexpired rabies vaccination certificate for the animal, or
- (2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense, and
- (3) The animal is not the subject of a dangerous animal complaint.

(k) Costs. The owner of an animal that is quarantined under suspicion of rabies shall pay to the City of Temple the reasonable costs of the quarantine and disposition of the animal, or the City may bring suit to collect such costs.

(l) Unclaimed Animals. Animals that are not claimed on or before the third day following the end of the quarantine period may be released to an animal shelter after vaccination for rabies, or they may be humanely destroyed.

Sec. 6-11. Spaying and Neutering of Animals

All adopted animals are required to be spayed or neutered within fourteen (14) days of adoption, unless, the animal is less than four (4) months of age. All pets reaching that age shall be spayed or neutered. Proof of sterilization shall be provided to Animal Services in accordance with this subsection. Failure to provide proof as required shall constitute an offense and a citation may be issued.

Sec. 6-12. Disposal of Animals

(a) Contagious/Threat to Life or Health. It shall be the duty of every person keeping or maintaining any animal which becomes infected or afflicted with disease which is contagious or a threat to the life and health of other animals or to humans, to humanely destroy the animal(s) and dispose of the remains as directed by an Animal Services officer.

(b) Dead Animal Disposed in 24 Hours. Except for animals kept by veterinarians or persons engaged in medical or scientific research, or those mounted by a taxidermist, dead animals shall be disposed of within twenty-four (24) hours of the time of death. The manner in which dead animals are disposed of shall, at minimum, comply with established regulations and applicable laws, specifically in accordance with subsections 6.11(c) and (d), as set forth below.

(c) Disposal on Public Property Prohibited. It shall be unlawful for any person to dispose of any dead animal or fowl upon public property within the City of Temple, other than the sanitary landfill. Public property includes, but is not limited to: streets, alleys, parks, buildings, and grounds owned, operated, or rented by any level of government, and drainage channels maintained by the City of Temple.

(d) Disposal. Dead animals, excluding those intended for human or animal consumption, shall be disposed of as follows:

- (1) Animals weighing fifty (50) pounds or less may be buried on the owner's premises at a depth of at least twelve inches (12");
- (2) Animals may be disposed of at the landfill, sold or given to a renderer, or buried in a properly zoned pet cemetery;
- (3) If requested by the owner, dogs and cats will be picked up by Animal Services and disposed of at the landfill. The fee for this service shall be an amount set by resolution of the City Council;
- (4) The landfill manager shall have the right to refuse a dead animal if placing such animal in the landfill would pose a health risk; and
- (5) The Animal Services Manager shall have the right to refuse to accept any dead animal if he determines that transporting such animal would cause a health risk to humans or to animals at the Animal Services center.

Sec. 6-13. Sale of Animals

(a) Sale on Public Property. It shall be unlawful for any person to sell, give away, place for adoption, or otherwise transfer a dog, cat or other live animal directly from public property or from any other place to which the public has access that is not permanently used and maintained as a private residence, pet shop, veterinarian office or hospital, a licensed animal shelter, hatchery, livestock auction, or a business dealing in farm or ranch supplies.

(b) Exception for Non-Profit. A non-profit animal welfare organization may submit a petition in writing to the Animal Services Manager requesting written authorization to conduct activities encompassed by this section.

(c) Adoption Area. For the benefit of the citizens of Temple, the Animal Services Division may make available to residents of Bell County an adoption area at the City's Animal Services facility or another location determined by the Animal Services Manager. Residents of Bell County desiring to sell pets at a location designated by the Animal Services Manager must remain in control of the animals brought for adoption until custody is taken by a purchaser who will then be responsible for control of the animal. Participants must adhere to the general provisions for adoption established by the City, including but not limited to, the sterilization policy and the vaccination policy. The Animal Services Manager may establish all additional guidelines necessary for the implementation of this ordinance, including fees and regulations for the use of the area. The Animal Services Manager is authorized to refuse service to anyone for any reason, and to declare any animal unsafe, unhealthy, unsanitary, or dangerous.

Sec. 6-14. Keeping of Certain Animals

(a) Restrictions on Keeping of Rabbits. No more than two (2) rabbits or hares may be kept as pets, provided that they are kept in a clean, dry, sanitary, and odor free cage that is not closer than twenty-five (25) feet to the nearest residence on which the cage is located, and that the feed is stored in rodent-proof containers. Rabbits shall not be kept within twenty-five (25) feet of any residence, excluding the residence of the animal's owner or keeper.

(b) Keeping of Swine. It shall be unlawful for any person to keep any swine within the limits of the City of Temple, Texas, unless the swine are kept in a pen or enclosure on a tract of land at least ten (10) acres in size, which is zoned as "agricultural," and the pen or enclosure is located a distance of at least five hundred (500) feet from the nearest residence.

(c) Keeping of Animals or Fowl Near Creeks and Streams. It shall be unlawful for any person to keep or maintain any animal or fowl in a pen, cage or enclosure in, near, or on a creek or stream within the City of Temple and permit drainage from said pens, cages or enclosures, fecal matter or urine to enter a creek or stream. No pigs or hogs shall be permitted or allowed to have access to, to enter, or to drink water from a creek or stream within the City of Temple.

(d) Regulation on Keeping Animals, Fowl and Bees.

- (1) It shall be unlawful for any person to keep or maintain any guinea fowl, peacocks, horses, mules, donkeys, cattle, goats, sheep, chickens, turkeys, geese, ducks or pigeons in any pen, yard, enclosure, barn, building or other place that is located less than one hundred fifty (150) feet from the residence of any person other than the owner or keeper.
- (2) It shall be unlawful for any person to keep bees and beehives in any pen, yard, enclosure, barn, building or other place that is located less than three hundred (300) feet of the residence of any person other than the owner or keeper.
- (3) Notwithstanding the foregoing provisions, in a residential zoning district, no more than six (6) hens may be kept in a back yard, provided the pen or enclosure for housing the hens is at least fifty (50) feet from the nearest residence, and the pen or enclosure is clean, secure, ventilated, large enough for the animal to move freely, and meets any applicable standards or permit requirements found in the Unified Development Code. The accumulation of waste creating an obnoxious odor and/or health hazard is prohibited. Roosters are expressly prohibited.

(e) Exceptions. Sections 6-13(a) through 6-13(d) of this Chapter shall not apply to:

- (1) Veterinarians keeping animals or fowl at the veterinarian's regular place of business during periods of time said animals or fowl are being treated for disease, or injury, or observed in the course of such treatment;
- (2) Animals or fowl kept, maintained and used in the course of medical, educational or scientific research at an established business location or under conditions approved by the Division of Animal Services;
- (3) Circuses, traveling shows, zoos and auction barns operating under permit or sanction of the City of Temple;
- (4) Animals or fowl which, because of injury or age, require temporary care, provided that such animal or fowl shall not be kept for a period of time exceeding thirty (30) days, and shall not be kept or raised for sale, barter or consumption; provided, further, that this exemption shall not apply to wild animals;
- (5) Animals and fowl, such as baby chickens, rabbits, pigeons and ducks, kept at an established place of business dealing in farm and ranch supply and which animal or fowl are domesticated and marketable for human consumption; provided, that said animals or fowl are kept and maintained in an enclosure which is dry, sanitary, cleaned regularly and free of accumulations of odor- causing debris and fecal matter.

Sec. 6.15. Additional Regulations

(a) Injury and Destruction of Wild Birds. Any person eleven (11) years of age, or older, who willfully kills or injures any wild bird, removes the eggs or young from the nest of a wild bird, or in any manner destroys the eggs or young of a wild bird, save and except pigeons, English sparrows, grackles, and blackbirds, shall be guilty of a misdemeanor.

(b) Tampering with Traps. It shall be unlawful for any person to tamper with, destroy, damage, spring, or cause to malfunction any trap set by the division of Animal Services, or to release any dog or cat from any such trap.

(c) Keeping in Unoccupied Residence. It shall be unlawful to keep, shelter or enclose any dog or cat within any residential building which is not occupied as a residence by a person.

(d) Limitation on Number.

- (1) It shall be unlawful for any person to keep, maintain, or shelter more than three (3) dogs, plus one litter to age of three (3) months, within the City of Temple, Texas, without a written permit. Any person desiring to keep, maintain, or shelter more than three (3) dogs plus one litter to age three (3) months must make a written request to the Animal Services Manager for a permit to keep a specified number of dogs, not to exceed five (5) adult dogs at a specified location. Only one permit may be granted for a lot or parcel of real property at least one (1) acre in size. The Animal Services Manager may issue the permit if he determines that such person has a proper and adequate enclosure in which to keep the dogs, and a proper and sanitary shelter for the dogs.
- (2) A permit may be revoked by the Animal Services Manager in the event either of the above criteria is not maintained, if the permittee is convicted of any violation of this chapter, if any one of the dogs is on two (2) separate occasions found at large by an Animal Services officer, or if the Animal Services Manager determines that the animals have become a nuisance.
- (3) The provisions of this section shall apply equally to the keeping of cats. A person may keep three (3) dogs and three (3) cats, plus a litter of each to age three (3) months, without a permit and, with a permit, may keep a larger specified number of dogs or cats.
- (4) The fee for the permit shall be established by City Council.
- (5) The limitations of this section shall not apply to dogs or cats kept upon the business premises of any veterinarian, kennel, animal shelter, pet shop, non-profit animal welfare organization group, or scientific research institution located in a zoning district zoned for such use.

(e) Vehicle Striking Animal. The driver of any vehicle which collides with or strikes any domesticated animal shall stop the vehicle immediately at the scene of the accident, or as close as

possible without interfering with traffic, render reasonable assistance to the animal and either locate and notify the owner of the animal or report the accident and the injury to the Division of Animal Services or the Police Department. An injured animal may be delivered to its owner, a veterinarian, an Animal Services employee or an Animal Services facility. The provisions of this section shall not apply to any emergency vehicle or to a driver taking an ill or injured person to medical care, nor shall it require assistance to an animal if providing such assistance would place any person in danger from the animal or traffic.

(f) Destruction of Ill or Injured Animals by Animal Services. An animal that is severely injured or ill may be destroyed by Animal Services in a humane manner if the animal is suffering and is not expected to survive.

- (1) An animal that exhibits symptoms of mange, distemper, parvovirus or other communicable diseases may be destroyed in a humane manner. Animals suspected of having a communicable disease shall not be confined with healthy animals in the City animal shelter.
- (2) If an injured or diseased animal in the custody of an employee of the Division of Animal Services is wearing a current vaccination tag or other identification, the custodian shall make every reasonable effort to notify the owner of the animal's location and condition before destroying the animal. Once notified, if the owner proceeds immediately to the location of the injured animal, it shall be released to the owner without charge. Animals that are not wearing any type of identification may be destroyed immediately.
- (3) The City of Temple shall not be responsible for obtaining veterinary services for unclaimed diseased or injured animals. In the event a person obtains veterinary services for a diseased or injured animal, a person subsequently claiming ownership of the animal shall be liable for all expenses of treatment. A person or entity that obtains veterinary services for an animal may bring suit against the animal's owner to collect expenses of treatment.
- (4) The City of Temple, its officers, agents and employees, shall not be liable in damages for the destruction of any animal accomplished in accordance with the chapter.

Sec. 6-16. Dangerous Animals

(a) Vicious Dogs Prohibited in Public; Confinement to Private Property. No dog or any other animal with aggressive or vicious propensities, nor a female dog in estrus (in heat) shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park or other public place in the city, whether or not said dog is under control by means of a leash, chain or otherwise. A dog that has

attacked or bitten a human being or attacked another animal shall be considered aggressive or vicious propensities.

(b) Dangerous Dogs and Wild Animals. The City of Temple expressly adopts Chapter 822 et seq. of the Texas Health and Safety Code. The City further authorizes the Division of Animal Services to administer the provisions of that Chapter. Such adoption should in no way be construed to limit the authority of Animal Services to provide for the safety or citizenry of the City of Temple in relation to its daily activities.

(c) Dangerous Animals. The City expressly adopts the same provisions for dangerous animals as are used for dangerous dogs.

(d) Guard Dogs. Dogs maintained lawfully as guard dogs or attack dogs as defined herein, shall not be included in the definition of "wild or dangerous animal." As used in this section the term "guard dog or attack dog" means any dog intended to attack intruders, that has completed professional training and is certified, or has been comparably trained, such that its attack can be stopped on command. Display of such certificate shall be required on demand from an Animal Services officer.

(e) Warning Signs Required. It shall be unlawful for any person to leave any guard or attack dog unattended in any place inside any building unless a warning sign has been placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard or attack dog is present. It shall be unlawful for any person to leave any guard or attack dog unattended in any place outside a building except in a fenced yard, with a fence adequate to prevent the dog from leaving the premises, and with a warning sign placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog or attack dog is present.

Sec. 6-17. Additional Provisions Relating to Dangerous or Vicious Animals

(a) Change of Owner. If the owner of a registered dangerous animal sells or gives the animal to another person, the owner shall notify the other person at the time of the sale or gift that the animal is a registered dangerous animal.

(b) Registration by New Owner. If a new owner keeps the dangerous animal within the City of Temple, he shall register the animal with the Animal Services Manager within ten (10) calendar days after receiving it.

(c) Re-registration. When the owner of an animal registered as a dangerous animal in another jurisdiction becomes a resident of Temple, he shall register the animal with the Animal Services Manager within ten (10) calendar days after becoming a new resident.

(d) Validation of Re-registration. A re-registration shall be valid only for the time remaining on the prior registration.

(e) Notification by Animal Services Manager. When the Animal Services Manager is informed that a dangerous animal has been moved to another jurisdiction, or when the Animal Services Manager registers a dangerous animal previously registered in another jurisdiction, he should notify the Animal Services authority for such jurisdiction of this information.

(f) Notification of Attacks. The owner of a registered dangerous dog shall notify the Animal Services Manager of all attacks made by the dog on domestic animals, domestic fowl, or humans.

Sec. 6-18. Impoundment and Reclamation of Dangerous Animals

(a) Impoundment Not Possible.

- (1) If Animal Services attempts to impound a dangerous animal at a location away from the premises of the owner and the impoundment cannot be made with safety, the animal may be destroyed without notice to the owner or harborer.
- (2) If an attempt is made to impound a dangerous animal from the premises of the owner or harborer and the impoundment cannot be made with safety, the owner or harborer will be given twenty-four (24) hours' notice that if the animal is not surrendered to Animal Services within twenty-four (24) hour period, then the animal will be destroyed wherever it is found. After this notice, the dangerous animal may be destroyed during an attempt to impound if impoundment cannot be made with safety, wherever the impoundment is attempted. Notice under this section shall be in writing. A written notice left at the entrance to the premise where the dangerous animal is harbored will be considered valid notice as of the date and time of posting.
- (3) In lieu of surrendering the animal to Animal Services, an owner may permanently remove said animal from the City, if written proof of relocation is provided to the Animal Services Manager and transport is made in compliance with this ordinance.

(b) Dangerous Animal Not Reclaimed. A dangerous animal impounded pursuant to this section and not reclaimed by its owner under the requirements of this section within ten (10) calendar days from the date of notice of impoundment shall be deemed abandoned and, at the discretion of the Animal Services Manager, euthanized in a humane manner.

(c) Return of Dangerous Animal. No dangerous animal shall be returned to its owner at any time unless authorized by this Ordinance and the owner has fulfilled all requirements for reclaiming the animal, as adopted by the City of Temple Animal Services Division and outlined in Texas Health and Safety Code Chapter 822, as amended.

Sec. 6-19. Affirmative Defenses

Any exemptions or exceptions found in this Chapter shall be affirmative defenses and shall be proven by the defendant. It shall not be necessary to list such exceptions or exemptions in the charging instrument or in the prosecution by the City of the offense. It shall be the burden of the person charged with the offense to prove that an exception or justification exists.

Sec. 6-20. Citations

An Animal Services officer or police officer is authorized to issue a citation to any person who violates a provision of this chapter. The citation shall set forth the general nature of the violation charged, and direct the violator to appear in the municipal court of the City of Temple, Texas, on or before a certain day. When the violator is not present, the citation may be issued, a complaint filed, and procedure followed as permitted by law. The violator shall be presumed to be the owner or occupant of the location where an animal is found or located, or the keeper of the animal, when the owner of the animal cannot be verified by a current license or tag.

Sec. 6-21. Penalty

Any person adjudged guilty of an offense under this Chapter shall be guilty of a misdemeanor punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00). Each day that a violation continues shall constitute a separate offense.

Sec. 6-22. Culpability

If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required and the offense is one of strict liability.



COUNCIL AGENDA ITEM MEMORANDUM

08/20/15
Item #6
Regular Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW

Beverly Zendt Assistant Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-15-23: Consider adopting an ordinance authorizing a Conditional Use Permit for Lots 4-6, Block 3, Moore's Knight Addition, located at 111-119 South 33rd Street, allowing a Substance Abuse Treatment Facility.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its July 6, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend disapproval of the requested Conditional Use Permit allowing a Substance Abuse Treatment Facility.

STAFF RECOMMENDATION: Staff recommends disapproval of the Conditional Use for the following reasons:

1. The proposed project does not meet the requirements of Unified Development Code (UDC) **Section 7.5.3: Parking Plan Required;**
2. The proposed project does not meet the requirements of UDC **Section 7.5.4 B Required Parking Ratios;** and
3. The proposed project does not meet the requirements of UDC **Section 7.5.5 Off Street Parking Design Standards.**

ITEM SUMMARY: In March of this year, the applicant sought and was granted approval for a rezoning of one of the three subject lots from Two Family Dwelling (2F) to General Retail (GR). The rezoning was approved March 5, 2015 by the Temple City Council. The applicant is now seeking a Conditional Use Permit for the purpose of operating a Substance Abuse Treatment Facility. A substance abuse treatment facility is permitted in the GR zoning district with the approval of a Conditional Use Permit. The subject property includes three abutting lots located on South 33rd Street. A 10,000 square foot facility is currently located on the subject tract. Because of the general proximity of the subject property to Interstate-35 and the age of development in the area, the surrounding land uses are a mixture of residential, commercial, and retail uses. The subject property is predominantly surrounded by General Retail zoned areas to include the abutting tract to the south.

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
Subject Property	Auto-Urban Commercial	GR	Vacant Structure
North	Auto-Urban Commercial	2F	Residential
South	Auto-Urban Commercial	GR	Vacant (O'Reilly Auto platted in 10/2014)
East	Auto-Urban Commercial	GR	Pet Groomers (Doggie Styles)
West	Auto-Urban Commercial	GR	Storage Area

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
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 subject property and surrounding area has been identified Auto-Urban Commercial character district according to the Comprehensive Plan / Future Land Use Plan (FLUP). The Auto- Urban Commercial character type is described in the Choices '08 City of Temple Comprehensive Plan as the dominant character pattern in the city of Temple. The Auto- Urban character type is most commonly associated with automobile-oriented strip centers and smaller commercial sites located along major roadways. Fast food restaurants, gas stations, shopping centers of various sizes, and big box retailers are the dominant commercial images of the auto-urban commercial character. The proposed CUP is compatible with the proposed Future Land Use

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

The subject property is located on a local street (South 33rd St.) between an expressway (I-35) and a major arterial (South 31st Street). South 33rd is not identified as a future collector or arterial in the City's Thoroughfare Plan nor are there any proposed trails or sidewalks required along this street. Currently there are no sidewalks located on South 33rd St.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 6" sewer line on the east side of South 33rd St. The subject property appears to be served by means of an adjoining lot to the south. Water is available through an existing 6" water line on the east side of South 33rd St.

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	N/A
Min. Lot Width	N/A
Min. Lot Depth	N/A
Min. Front Yard Setback	15 ft.
Min. Side Yard Setback	10 ft.
Min. Side Yard Setback (Corner)	10 ft.
Min. Rear Yard Setback	10 ft. (0' when adjacent to a non-residential use or zoning district)

PARKING

Section 7.5.3: Parking Plan Required states the following:

Off-street parking must be provided on the lot, an immediately adjacent lot, or on a lot within 150 feet of the building or structure, in accordance to the Required Parking Ratios and design standards. Parking must be located within a zoning district that allows the use for which the parking is intended. Shared parking must provide parking in an amount equal to the total of the Required Parking Ratios for all uses. A parking plan must be submitted with the Building Permit application demonstrating compliance with the standards of this Section.

Historically this site has been operated as a home for the aged with parking provided off street on an adjacent tract located to the south. When the property is redeveloped/repurposed, the applicant will be required to provide off-street parking in accordance with **Section 7.5.4B: Off Street Parking Ratios** which requires 1 parking space for every 300 SF of gross floor area for all institutional uses not listed in the parking ratio table. A substance abuse treatment facility is an institutional use not listed in the parking ratio table. This would require that the applicant provide 30 parking spaces. There is currently no parking space available on the subject tract. The applicant is proposing to enter into an agreement with The New Day Awakening Church located at 109 South General Bruce within the require 150 distance limitation. The New Day Awakening Church has offered to lease 20 spaces to the applicant although no formal agreement has been executed. The anticipated agreement would be for 10 designated spaces and 10 undesignated spaces at their current location on the unimproved surface utilized by the Church.

Staff has estimated that there is sufficient vacant space for construction of 26 parking spaces at the adjacent site proposed for lease. Per section 7.5.3 – shared parking must provide parking in an amount equal to the total of the required parking ratio for all uses. Staff has been unable to get confirmation from the New Day Awakening Church to confirm their total capacity. Section 7.5.4B requires places of worship to provide 1 parking space for every 3 seats. Based on on-line interior images of the church facility, **staff has determined that the amount of space available is not sufficient to support both uses.**

Section 7.5.5 Off- Street Parking Design Standards requires the following improvements:

- 90 degree parking space striped and measured nine feet by 18 feet;
- Designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley;
- Constructed with curb and gutter six inches in height is required around the perimeter of the parking area and all landscaped parking islands; and
- Paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.

Bell County deed records indicate that the property was conveyed to the current owner in May of 2013. With a change in use, the property would need to comply with all city regulations including those identified in Section 7.5.5 Off- Street Parking Design Standards. The New Day Awakening Church currently utilizes the unimproved surface on the site for existing parking. The parking was never brought into compliance with city codes either with the change of use or with the related improvements per **Section 7.5.2: Applicability** which states:

Except as provided in this Section, a building or structure may not be erected, altered or converted for any permitted use unless off-street parking is provided as required in this Section.

The current non-conforming parking does not meet city standards and would need to fully comply with such standards prior to any lease of space. The applicant has indicated that this is not within the scope of this project.

Screening and Signage

Additionally, the following standards will be applicable.

- Refuse containers storage areas must be located in a rear or side service are, or alley where available, for all uses other than single-family and two- family dwellings.
- New proposed signage must comply with Section 7.6: Signs of the UDC.
- If the property is utilized for a non-residential use, continuous buffering will be required along the boundary with the residential property to the north in accordance with Section 7.7.4 of the UDC.

PUBLIC NOTICE: Twenty 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 July, 27, 2015 at 12:00 PM, five (5) notices have been received against the proposed CUP and one (1) notice has been returned in favor of the proposed CUP. The newspaper printed notice of the public hearing on June 25, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos

Zoning & Location Map

200' Property Owner Notification Map

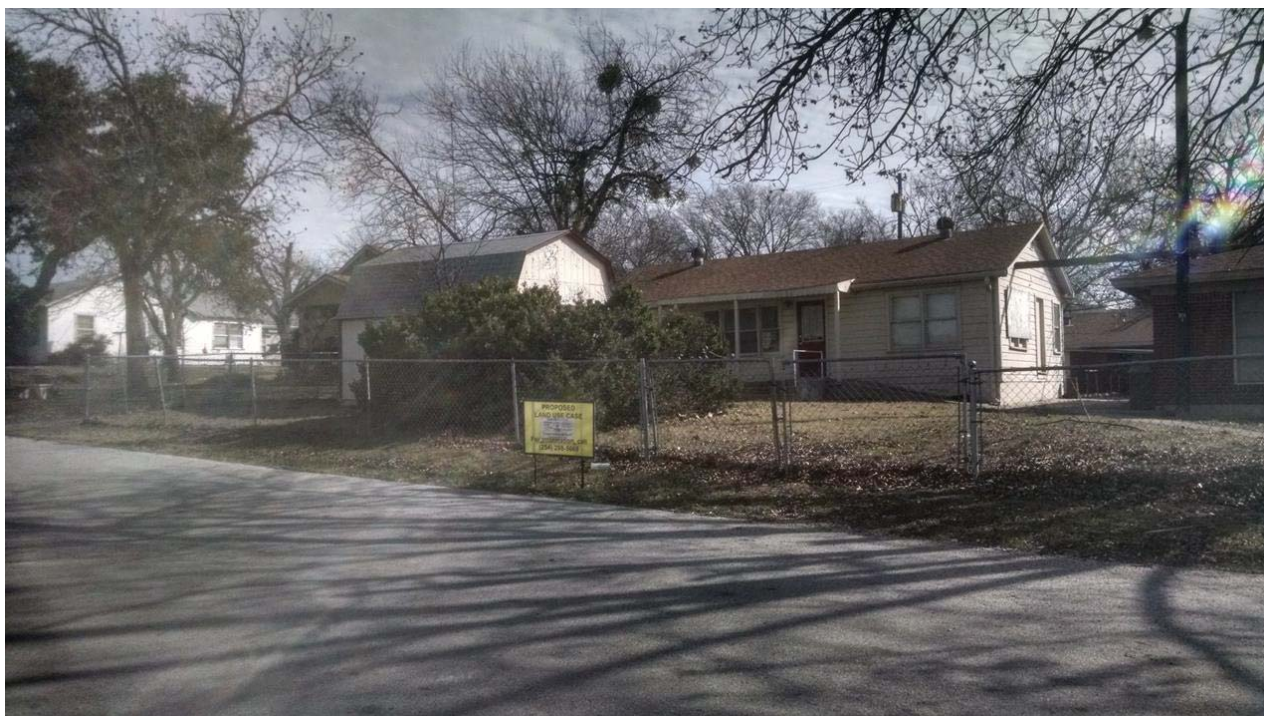
Survey

Applicant Responses

Neighboring Property Owner Responses

Ordinance

Subject Property: 111-119 S 33rd St



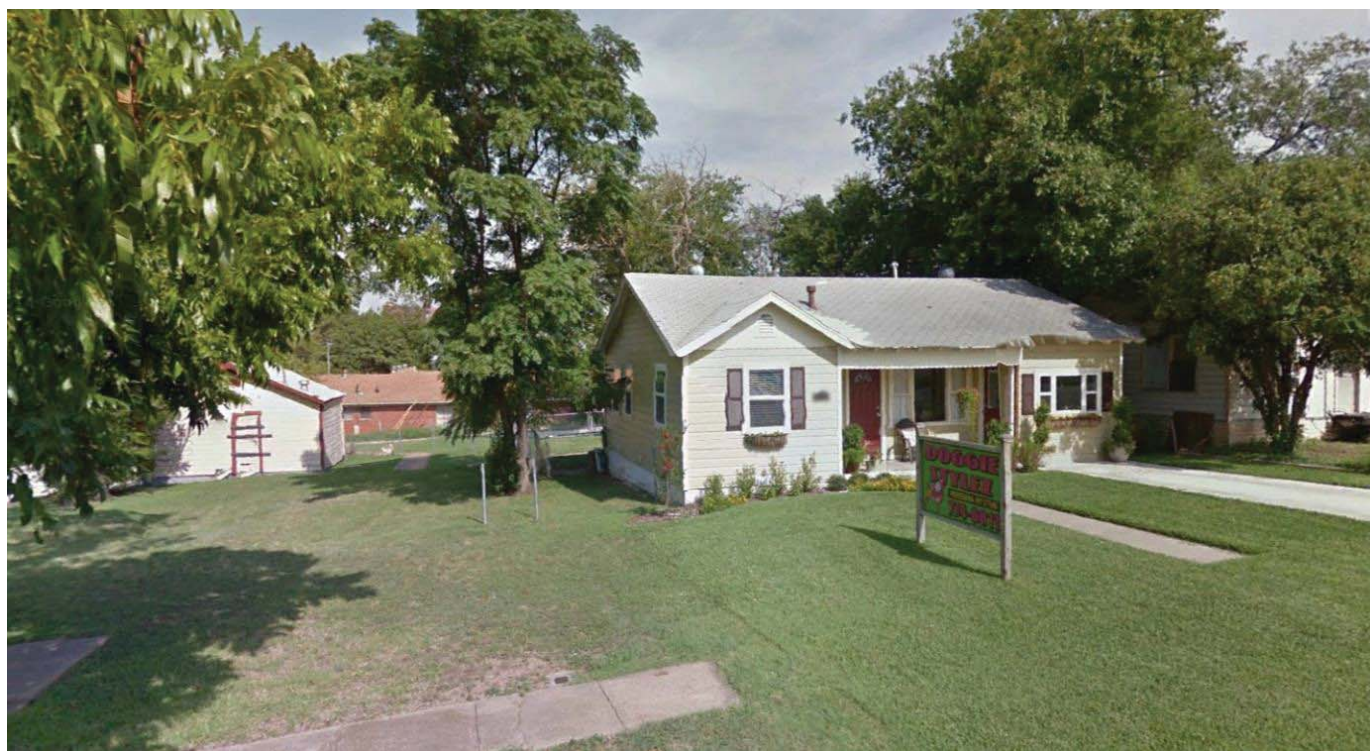
Property to the West



Property to the South



Property to the East



Property to the North

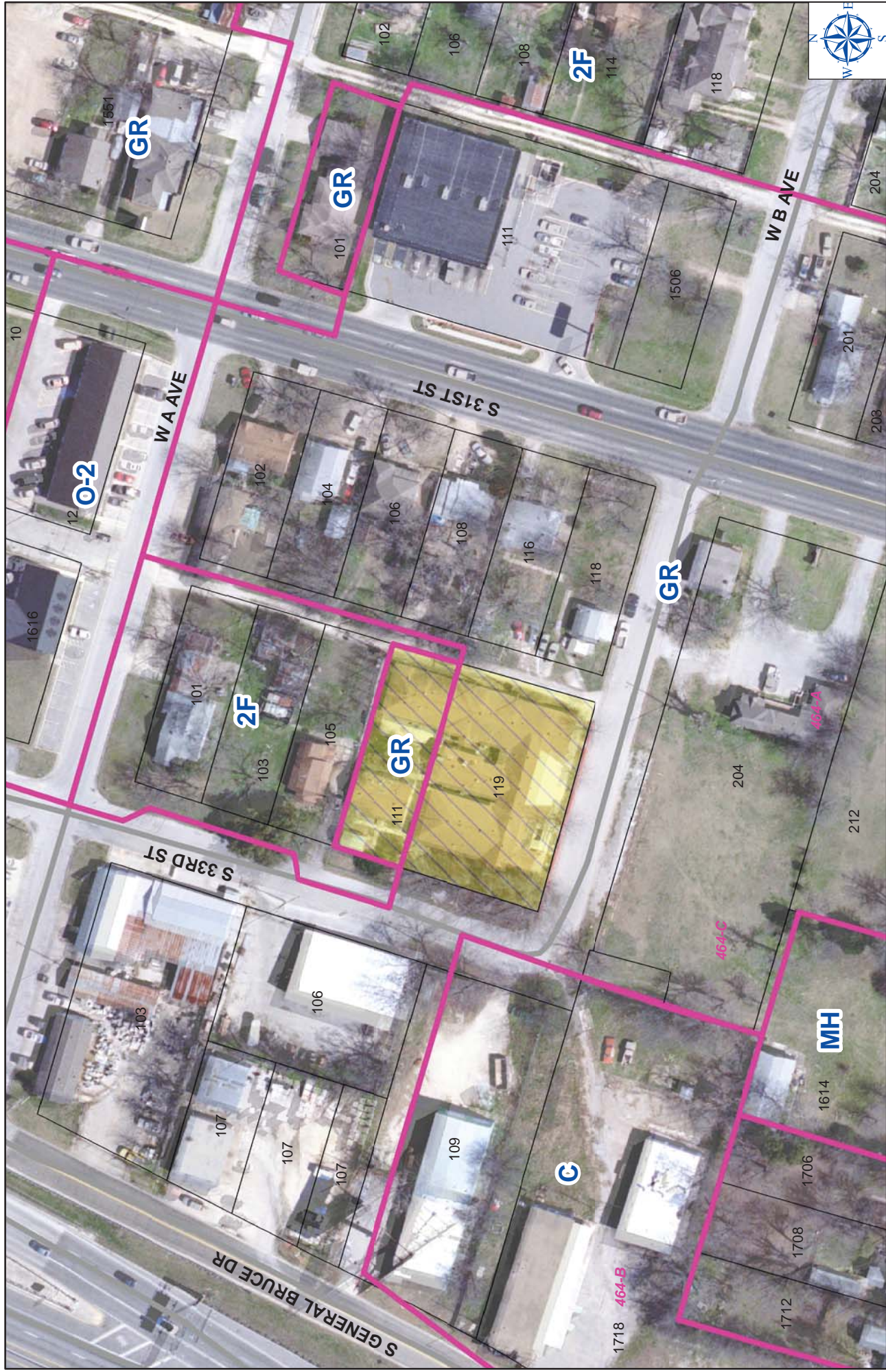




Z-FY-15-23

Conditional Use Permit Request for a Substance Abuse Treatment Facility

**111 & 119
S. 33rd St.**



Case

1234

Addresses



Zoning

0

200

Feet

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

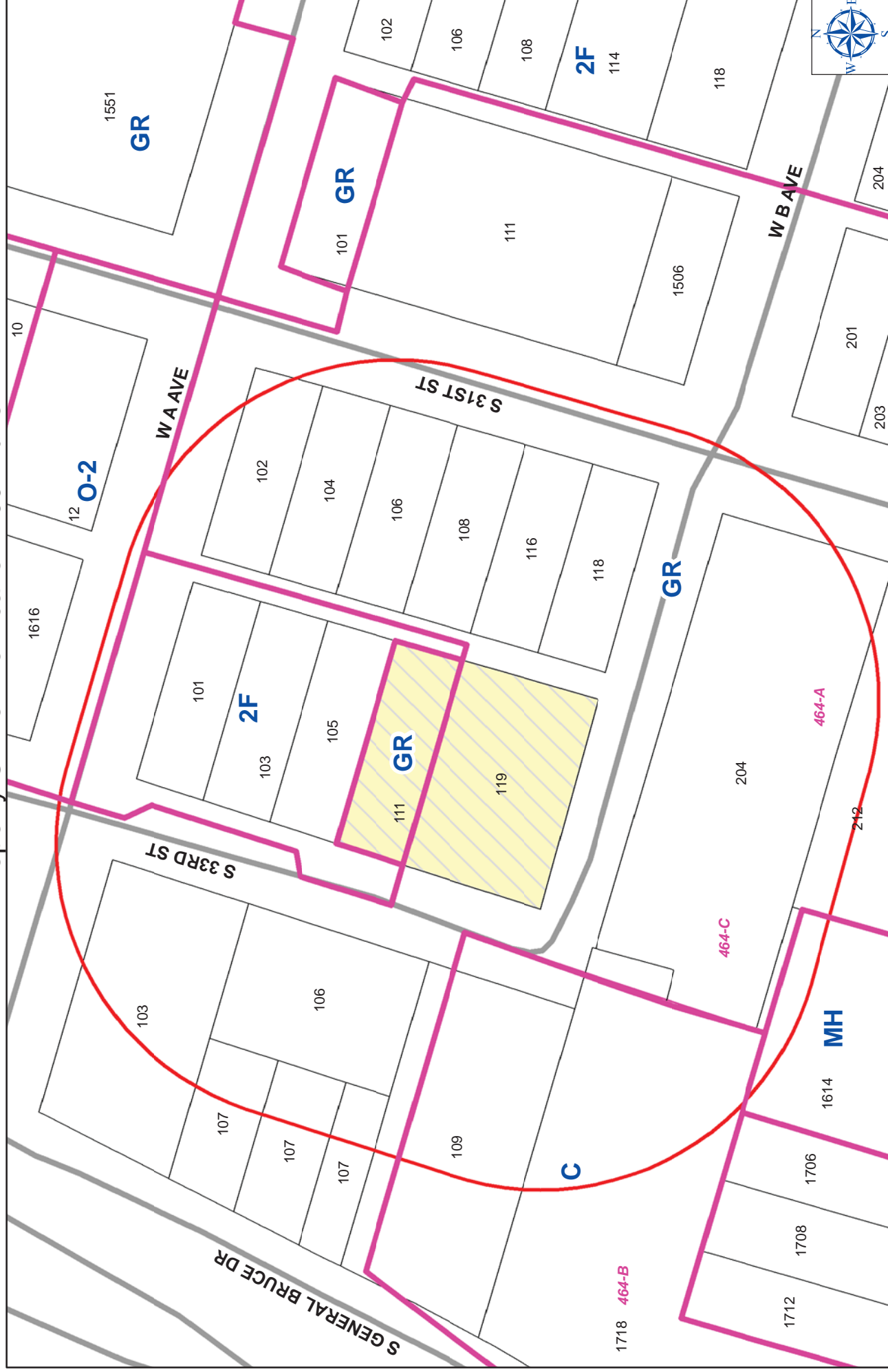
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City of Temple GIS
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Z-FY-15-23

**Conditional Use Permit Request for
a Substance Abuse Treatment Facility
Property Owner Notification 200' Buffer**

**111 & 119
S. 33rd St.**



Case



200' Buffer



Addresses



Zoning



Feet



0 200

Feet

5/28/2015
City of Temple GIS
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.

Temple Tudor Nursing Home

To Who It May Concern:

7.5.5 Off-Street Parking Design Standards

A. Dimensional and Access Standards

1. A typical 90 degree parking space must be striped and measure nine feet by 18 feet.
2. Off-street parking spaces and areas must be designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley. This provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.

B. Curb and Gutter

1. Curb and gutter six inches in height is required around the perimeter of the parking area and all landscaped parking islands. An alternative design may be proposed by a design engineer to be considered for approval by the Director of Planning. Areas not accessible or visible from the public street right-of-way or a public park are exempt from this requirement.

[Ord. 2012-4545]

C. Material Standards

All parking areas (required and optional) must be paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.

D. Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed in the table in paragraph 7.5.4B, the Director of Planning may apply the parking requirements of a similar use to the use in question.

E. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to paragraph 7.4.4A above, the minimum off-street parking requirements are established by the same process as provided in Sec. 5.2 for classifying new and unlisted uses.

In reference to the above conditions and standards, the parking that is being leased is currently in use and has been in use for many years. The upgrading of the parking lot to these standards would not be within the scope of the project.

The parking would be wholly on the church property and would not require backing or moving through or on to any public street. The parking is a gravel lot, and is currently used for parking, and has the required space.

The only access to a public street would be egress to and out of the parking lot from a paved city street.

Parking Agreement

Temple Tudor Nursing Home and New Day Awakening Church

A New Day Awakening Church 109 S. General Bruce, Temple, Tx, 76504 agrees to provide parking in their lot that is adjacent to the property 111-119 S. 33rd, Temple Texas, 76504 known as Temple Tudor.

A New Day Awakening Church will provide 10 spaces that are designated on a diagram and 10 ad-hoc spaces.

The rent will be \$850 a month, payable on the first of the month. A New Day Awakening Church will hold a deposit in the amount of \$850. The deposit will be applied to the last months of rent should the agreement be cancelled.

Parking will be used for the employee's and visitors of the facility only. No public or general parking is allowed. Each vehicle to be parked will need to be marked with a tag or other identification. Unauthorized or untagged vehicles will be subject to tow at the vehicle owner's expense and not the responsibility of A New Day Awakening Church.

The parking lot will not be used as a drive through or access to the property in any way.

This agreement will go into effect with the approval of the City of Temple of the new zoning request and payment of the first month's rent and deposit. The agreement will be with Clean Investments Residential LLC, the new owners and operators of the facility. The business and billing address is 119 S. 33, Temple Texas 76504.

TUTOR NURSING HOME
LOTS 4, 5, AND 6, BLOCK 3
MOORE'S KNIGHT ADDITION
CITY OF TEMPLE,
BELL COUNTY, TEXAS

33RD STREET

A technical drawing showing a cross-section of a building's roofline. The drawing includes labels such as "COMB" and "AVR".

20' ALLEY

GRAPHIC SCALE

1974-75, 1975-76, 1976-77, 1977-78, 1978-79, 1979-80, 1980-81, 1981-82, 1982-83, 1983-84, 1984-85, 1985-86, 1986-87, 1987-88, 1988-89, 1989-90, 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96, 1996-97, 1997-98, 1998-99, 1999-00, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25, 2025-26, 2026-27, 2027-28, 2028-29, 2029-30, 2030-31, 2031-32, 2032-33, 2033-34, 2034-35, 2035-36, 2036-37, 2037-38, 2038-39, 2039-40, 2040-41, 2041-42, 2042-43, 2043-44, 2044-45, 2045-46, 2046-47, 2047-48, 2048-49, 2049-50, 2050-51, 2051-52, 2052-53, 2053-54, 2054-55, 2055-56, 2056-57, 2057-58, 2058-59, 2059-60, 2060-61, 2061-62, 2062-63, 2063-64, 2064-65, 2065-66, 2066-67, 2067-68, 2068-69, 2069-70, 2070-71, 2071-72, 2072-73, 2073-74, 2074-75, 2075-76, 2076-77, 2077-78, 2078-79, 2079-80, 2080-81, 2081-82, 2082-83, 2083-84, 2084-85, 2085-86, 2086-87, 2087-88, 2088-89, 2089-90, 2090-91, 2091-92, 2092-93, 2093-94, 2094-95, 2095-96, 2096-97, 2097-98, 2098-99, 2099-00, 2100-01, 2101-02, 2102-03, 2103-04, 2104-05, 2105-06, 2106-07, 2107-08, 2108-09, 2109-10, 2110-11, 2111-12, 2112-13, 2113-14, 2114-15, 2115-16, 2116-17, 2117-18, 2118-19, 2119-20, 2120-21, 2121-22, 2122-23, 2123-24, 2124-25, 2125-26, 2126-27, 2127-28, 2128-29, 2129-30, 2130-31, 2131-32, 2132-33, 2133-34, 2134-35, 2135-36, 2136-37, 2137-38, 2138-39, 2139-40, 2140-41, 2141-42, 2142-43, 2143-44, 2144-45, 2145-46, 2146-47, 2147-48, 2148-49, 2149-50, 2150-51, 2151-52, 2152-53, 2153-54, 2154-55, 2155-56, 2156-57, 2157-58, 2158-59, 2159-60, 2160-61, 2161-62, 2162-63, 2163-64, 2164-65, 2165-66, 2166-67, 2167-68, 2168-69, 2169-70, 2170-71, 2171-72, 2172-73, 2173-74, 2174-75, 2175-76, 2176-77, 2177-78, 2178-79, 2179-80, 2180-81, 2181-82, 2182-83, 2183-84, 2184-85, 2185-86, 2186-87, 2187-88, 2188-89, 2189-90, 2190-91, 2191-92, 2192-93, 2193-94, 2194-95, 2195-96, 2196-97, 2197-98, 2198-99, 2199-00, 2200-01, 2201-02, 2202-03, 2203-04, 2204-05, 2205-06, 2206-07, 2207-08, 2208-09, 2209-10, 2210-11, 2211-12, 2212-13, 2213-14, 2214-15, 2215-16, 2216-17, 2217-18, 2218-19, 2219-20, 2220-21, 2221-22, 2222-23, 2223-24, 2224-25, 2225-26, 2226-27, 2227-28, 2228-29, 2229-30, 2230-31, 2231-32, 2232-33, 2233-34, 2234-35, 2235-36, 2236-37, 2237-38, 2238-39, 2239-40, 2240-41, 2241-42, 2242-43, 2243-44, 2244-45, 2245-46, 2246-47, 2247-48, 2248-49, 2249-50, 2250-51, 2251-52, 2252-53, 2253-54, 2254-55, 2255-56, 2256-57, 2257-58, 2258-59, 2259-60, 2260-61, 2261-62, 2262-63, 2263-64, 2264-65, 2265-66, 2266-67, 2267-68, 2268-69, 2269-70, 2270-71, 2271-72, 2272-73, 2273-74, 2274-75, 2275-76, 2276-77, 2277-78, 2278-79, 2279-80, 2280-81, 2281-82, 2282-83, 2283-84, 2284-85, 2285-86, 2286-87, 2287-88, 2288-89, 2289-90, 2290-91, 2291-92, 2292-93, 2293-94, 2294-95, 2295-96, 2296-97, 2297-98, 2298-99, 2299-00, 2300-01, 2301-02, 2302-03, 2303-04, 2304-05, 2305-06, 2306-07, 2307-08, 2308-09, 2309-10, 2310-11, 2311-12, 2312-13, 2313-14, 2314-15, 2315-16, 2316-17, 2317-18, 2318-19, 2319-20, 2320-21, 2321-22, 2322-23, 2323-24, 2324-25, 2325-26, 2326-27, 2327-28, 2328-29, 2329-30, 2330-31, 2331-32, 2332-33, 2333-34, 2334-35, 2335-36, 2336-37, 2337-38, 2338-39, 2339-40, 2340-41, 2341-42, 2342-43, 2343-44, 2344-45, 2345-46, 2346-47, 2347-48, 2348-49, 2349-50, 2350-51, 2351-52, 2352-53, 2353-54, 2354-55, 2355-56, 2356-57, 2357-58, 2358-59, 2359-60, 2360-61, 2361-62, 2362-63, 2363-64, 2364-65, 2365-66, 2366-67, 2367-68, 2368-69, 2369-70, 2370-71, 2371-72, 2372-73, 2373-74, 2374-75, 2375-76, 2376-77, 2377-78, 2378-79, 2379-80, 2380-81, 2381-82, 2382-83, 2383-84, 2384-85, 2385-86, 2386-87, 2387-88, 2388-89, 2389-90, 2390-91, 2391-92, 2392-93, 2393-94, 2394-95, 2395-96, 2396-97, 2397-98, 2398-99, 2399-00, 2400-01, 2401-02, 2402-03, 2403-04, 2404-05, 2405-06, 2406-07, 2407-08, 2408-09, 2409-10, 2410-11, 2411-12, 2412-13, 2413-14, 2414-15, 2415-16, 2416-17, 2417-18, 2418-19, 2419-20, 2420-21, 2421-22, 2422-23, 2423-24, 2424-25, 2425-26, 2426-27, 2427-28, 2428-29,



P.O. BOX 1371
TAYLOR, TEXAS 76774
512-365-2524
512-365-2726 (Fax)
SARVEYN RUDRAIAH, M.D.

UNKNWN BT: JC	CHECKED BT: BCB
SCALE: 1" = 20'	
DATE: FEBRUARY 7, 2007	
JOB NUMBER	SHEET
07-033	1 OF 1

10/22/07



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Frasier Family Trust
c/o Sidney & Carolyn Frasier Co-Trustees
7401 FM 1237
Moody, Texas 76557

Zoning Application Number: Z-FY-15-23

Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33rd Street

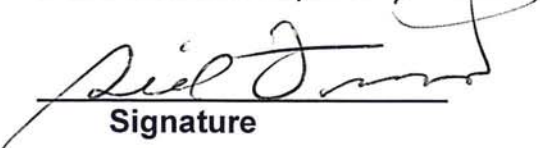
The proposed request is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible conditional use permit described on the attached notice,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

I recommend () approval

(☒) denial of this request.

Comments:

THE INDIVIDUALS THAT PARTICIPATE IN THESE PROGRAMS
ARE NOT TO BE TRUSTED IN A RETAIL OR NEIGHBORHOOD
ENVIRONMENT. IS IT THE CITY'S INTENT TO CREATE A
DRUG USER'S HABITAT? WHAT HIGHTENED SECURITY PROVISIONS
WILL BE INCORPORATED TO PREVENT THE CRIMES THAT FOLLOW
DRUG USERS & ABUSERS. IS THIS A TREATMENT FACILITY OR
A RESIDENCE THAT LOWERS THE COMMUNITY STANDARDS
AND PROPERTY VALUE


Signature

Sid Frasier
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 15, 2015.

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

RECEIVED

JUN 12 2015

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: June 4, 2015



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Henry Albro Etal
3413 Meadow Creek Lane
Temple, Texas 76504

Zoning Application Number: Z-FY-15-23

Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33rd Street

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

I recommend () approval

(☒) denial of this request.

Comments:

I have a sharpening business across the street
from this location and I do not want my
customers, my children or my grandchildren to
feel the least bit threatened.

Henry Albro
Signature

Henry Albro
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 15, 2015.

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

RECEIVED

JUN 15 2015

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: June 4, 2015



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

Roswitha Thorns
105 South 33rd Street
Temple, Texas 76504

Zoning Application Number: Z-FY-15-23

Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33rd Street

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

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

Comments:

Roswitha Thorns
Signature

ROSWITHA THORNS
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
June 15, 2015.**

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

Number of Notices Mailed: 20

Date Mailed: June 4, 2015

RECEIVED
JUN 15 2015
City of Temple
Planning & Development



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Oak Mott Enterprises LLC
4403 Nottingham Lane
Bryan, Texas 77802

Zoning Application Number: Z-FY-15-23

Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33rd Street

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

I recommend () approval

☒ denial of this request.

Comments:

The placement of a substance abuse facility in this location could potentially lower the value of my property, therefore, I do not support it.

Greg Owens
Signature

Greg Owens
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 15, 2015.

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

RECEIVED

JUN 12 2015

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: June 4, 2015



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Vijay Mehta
805 Paint Brush Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-15-23


Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33rd Street

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

I recommend ☒ approval () denial of this request.

Comments:


Signature

VIJAY MEHTA
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 15, 2015.

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

RECEIVED

JUN 10 2015

Number of Notices Mailed: 20

Date Mailed: June 4, 2015

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

City of Temple
Planning & Development

RESCHEDULED MEETING



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

James Etux Jana Warren
2380 Primrose Trail
Temple, Texas 76501

Zoning Application Number: Z-FY-15-23

Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33rd Street

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

I recommend () approval ☒ denial of this request.

Comments:

I'd rather this area thrive with positive commercial business for our community. I feel there are better areas capable of handling a treatment facility than next door to a neighborhood.


Signature

James Warren
Print Name

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

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

RECEIVED

JUL 06 2015

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: June 25, 2015

ORDINANCE NO. _____
(Z-FY-15-23)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A
SUBSTANCE ABUSE TREATMENT FACILITY ON LOTS 4-6, BLOCK 3,
MOORE'S KNIGHT ADDITION, LOCATED AT 111-119 SOUTH 33RD
STREET; DECLARING FINDINGS OF FACT; PROVIDING A
SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, a minimum 75 percent vote of all the members of the City Council is required to overrule the Planning and Zoning Commission's recommendation for denial of a Conditional Use Permit for a Substance Abuse Treatment Facility on Lots 4-6, Block 3, Moore's Knight Addition, located at 111-119 South 33rd Street; and

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

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

Part 1: The City Council approves by vote of 75 percent of all the members of the City Council, a Conditional Use Permit for a Substance Abuse Treatment Facility on Lots 4-6, Block 3, Moore's Knight Addition, located at 111-119 South 33rd Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with all Unified Development Code (UDC) development standards, including but not limited to, the following developmental standards and conditions of operation:

- A. Section 7.5.3: Parking Plan Required Off-street parking must be provided on the lot, an immediately adjacent lot, or on a lot within 150 feet of the building or structure, in accordance to the Required Parking Ratios and design standards. Parking must be located within a zoning district that allows the use for which the parking is intended. Shared parking must provide parking in an amount equal to the total of the Required Parking Ratios for all uses;
- B. Section 7.5.5 Off-Street Parking Design Standards –
 - 90 degree parking space striped and measured 9 feet by 18 feet;
 - Designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley;
 - Constructed with curb and gutter six inches in height around the perimeter of the parking area and all landscaped parking islands;
 - Paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley;
- C. Section 7.7 Screening and Buffering; Section 7.6 Signs –
 - Refuse container storage areas must be located in a rear or side service area, or alley where available, for all uses other than single-family and two-family dwellings.
 - New signage must comply with Section 7.6: Signs of the UDC.
 - If the property is utilized for a non-residential use, continuous buffering will be required along the boundary with the residential property to the north in accordance with Section 7.7.4 of the UDC.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **6th** day of **August**, 2015.

PASSED AND APPROVED on Second Reading on the **20th** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



CITY COUNCIL ITEM MEMORANDUM

08/20/15
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – A-FY-15-02: Consider adopting an ordinance abandoning a right-of-way consisting of 0.089 +/- acre, approximately 31.60 feet wide, formerly known as part of Old Belton Road, partially established by use, and partially dedicated by the plat of Hillside Addition, according to the plat recorded in Volume 397, Page 280, of the Deed Records of Bell County, Texas, and requiring conveyance of a 15 foot wide public utility easement on the property addressed as 3010 South General Bruce Drive.

STAFF RECOMMENDATION: Conduct a public hearing and consider the ordinance as presented, on first reading, and schedule second reading and final consideration for September 3, 2015.

ITEM SUMMARY: The applicant, Temple Civil Engineering, on behalf of RMSJ INVESTMENTS, LTD, has applied for abandonment of a 31.60 foot wide road right-of-way adjoining part of Lot 1, Hillside Addition, addressed 3010 South General Bruce Drive. The road was once known as Old Belton Road, and portions were later referenced on maps as West Avenue K. The subject tract is not maintained by the City for public road purposes. A portion of the subject tract was dedicated for public road purposes by the plat of Hillside Addition, which was recorded on May 10, 1929, in Volume 397, Page 280, of the Deed Records of Bell County, Texas. Hillside Addition was annexed into the City in 1940, according to County records. The remainder of the subject tract has been identified by the Texas Department of Transportation as right-of-way by use within Hillside Addition.

The abandoned roadway will be included in a future plat and is anticipated for a future non-residential development project, since the property is currently zoned Light Industrial (LI).

Public utility providers servicing the area were notified, including the City of Temple Public Works and Fire Department. While no Fire Department issues were identified, an active 6-inch sewer line within the 31.60-foot width has been identified. As a result, a 15-foot sewer easement will be required for the sewer line. Staff and the applicant have agreed that the 15-foot easement will be created by separate instrument.

The future plat will document the easement. The right-of-way abandonment will not be effective until the easement agreement is executed.

FISCAL IMPACT: If abandonment is approved, the applicant will pay consideration of \$1,372, the estimated fair market value of the subject tract. Revenue received will be deposited in account 110-0000-461-0423, Sale of Land, in the amount of \$1,372.

ATTACHMENTS:

[Site Photos \(Aerial\)](#)

[Surveyors Sketch & Field Notes \(Exhibit A\)](#)

[Ordinance](#)

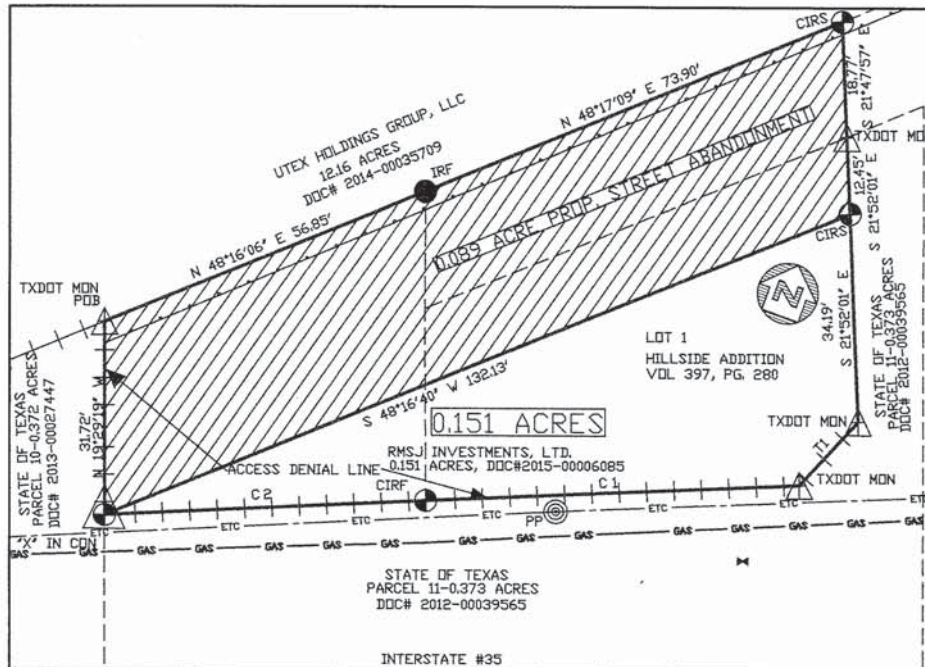
Site Photos



Vicinity (Aerial)



Vicinity (Closeup)



TANGENT TABLE		
NUMBER	DISTANCE	BEARING
T1	14.21'	S 23°00'47" W

LEGEND	
	IRON ROD SET W/ CAP#2181
	IRON ROD FOUND
	TEX-DOT MONUMENT
	"X" IN CONCRETE

CURVE TABLE				
NUMBER	CHORD BRG	RADIUS	LENGTH	CHD LENGTH
C1	S 67°53'33" W	21622.00'	61.43'	61.43'
TXDOT	N 67°51'46" E	21622.00'	114.18'	114.18'
C2	S 67°44'28" W	21622.00'	52.81'	52.81'
TXDOT	N 67°51'46" E	21622.00'	114.18'	114.18'

STATE OF TEXAS : NOTE: BEARING REFERENCE FOR THIS SURVEY IS GRID NORTH, NAD 83, ZONE 4203,
COUNTY OF BELL : CONVERGENCE 1DEG 31' 18"

KNOW ALL MEN BY THESE PRESENTS, that I, Carl B. Pearson, Registered Professional Land Surveyor in the State of Texas, do hereby certify that I did cause to be surveyed on the ground on 06/08/2015 that certain 0.089 acre tract of land being the proposed street abandonment property, out of the REDDING ROBERTS Survey, Abstract #692, Bell County, Texas. I further certify that this plat is a true and accurate representation of said survey.

IN WITNESS THEREOF, my hand and seal this the 30 th day of July, 2015.

Carl B. Pearson
Registered Professional Land Surveyor
Seal No. 2181
TEMPLE CIVIL ENGINEERING
P.O. BOX 1129
TEMPLE, TX 76503-1129



PART ONE-PLAT
PART TWO-FIELD NOTES
A-8711



TEMPLE CIVIL ENGINEERING COMPANY INC.
ENGINEERS, PLANNERS, SURVEYORS
1111 WEST AVE. SUITE 100
TEMPLE, TEXAS 76503-1129
Tel: 817-271-1129
Fax: 817-271-1129
Email: temple@templecivil.com

STREET ABANDONMENT

Field notes for a 0.089 acre Street Abandonment, being out of and a part of the REDDING ROBERTS SURVEY, ABSTRACT #692, in Temple, Bell County, Texas, and also being a part of that certain 0.151 acre tract of land described in a deed to RMSJ INVESTMENTS, LTD., recorded in Doc. #2015-00006085, of the Deed Records of Bell County, Texas, said proposed 0.089 acre Street Abandonment being more fully described as follows:

Beginning at a Texas Department of Transportation Monument found for the Northwest corner of this Street Abandonment and the Northwest corner of the aforementioned 0.151 acre tract of land, said point of beginning also being the most Northerly Northeast corner of Parcel #10, a 0.372 acre tract of land described in a Deed to the State of Texas recorded in Doc#2013-00027447 of the Deed Records of Bell County, Texas.

Thence: N 48deg. 16' 06" E, 56.85 feet with the North line of this Street Abandonment, with the North line of the aforementioned 0.151 acre tract of land and with the South line of a 12.16 acre tract of land described in a Deed to UTEX HOLDINGS GROUP, LLC., recorded in Doc. #2014-00035709 of the Deed Records of Bell County, Texas, to an iron rod found for an angle point in the North line of this Street Abandonment and the Northwest corner of Hillside Addition according to the Plat of Record in Volume 397, Page 280, of the Deed Records of Bell County, Texas.

Thence: N 48deg. 17' 09" E, 73.90 feet, continuing with the North line of this Street Abandonment, with the North line of the aforementioned 0.151 acre tract of land, with the North line of Hillside Addition and with the South line of the aforementioned 12.16 acre tract of land, to an iron rod set with Cap #2181 for the Northeast corner of this Street Abandonment and the Northeast corner of the said 0.151 acre tract of land.

Thence: S 21deg. 47' 57" E, 18.77 feet, with the East line of this Street Abandonment and with the East line of the aforementioned 0.151 acre tract of land to a Texas Highway Monument found for an angle point in the East line of this Street Abandonment and an Ell corner of a 0.373 acre tract of land described as Parcel #11 in a Deed to the State of Texas recorded in Doc #2012-00039565 of the Deed Records of Bell County, Texas.

Thence: S 21deg. 52' 01" E, 12.45 feet, continuing with East line of this Street Abandonment, with the East line of the aforementioned 0.151 acre tract of land, with the North line of the aforementioned 0.373 acre tract of land to an iron rod set with Cap #2181, for the Southeast corner of this Street Abandonment, said Southeast corner being set at the intersection of the East line of the said 0.151 acre tract of land and the South line of an existing street Right of Way indicated on the Survey Map of the aforementioned 0.373 acre Parcel #11.

Thence: S 48deg. 16' 40" W, 132.13 feet, with the South line of this Street Abandonment to an "x" in concrete for the Southwest corner of this Street Abandonment, the Southwest corner of the aforementioned 0.151 acre tract of land and the Northwest corner of the aforementioned 0.373 acre Parcel #11.

Thence: N 19deg. 29' 19" W, 31.72 feet, with the West line of this Street Abandonment, with the West line of the aforementioned 0.151 acre tract of land and with the East line of the aforementioned 0.372 acre Parcel #10 to the Place of beginning, containing 0.089 acres of land.

Bearing Basis for this survey is Grid North, NAD 83, Zone 4203, Convergence 1deg. 31' 18".

STATE OF TEXAS:
COUNTY OF BELL:

KNOW ALL MEN BY THESE PRESENTS, that I, Carl B. Pearson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground on the 8th day of June, 2015, the above described tract of land and to the best of my knowledge and belief, said description is true and accurate.

IN WITNESS THEREOF, my hand and seal, this 30th day of July, 2015.

Carl B. Pearson
Registered Professional Land Surveyor
Seal No. 2181

TEMPLE CIVIL ENGINEERING
P.O. BOX 1129
TEMPLE, TEXAS 76503-1129



PART ONE-PLAT
PART TWO-FIELD NOTES
FN-8711

ORDINANCE NO. _____

(A-FY-15-02)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING AN APPROXIMATELY 31.60 FEET OF RIGHT-OF-WAY LOCATED AT 3010 SOUTH GENERAL BRUCE DRIVE WHICH CONSISTS OF APPROXIMATELY 0.089 ACRES, FORMERLY KNOWN AS PART OF OLD BELTON ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Temple Civil Engineering, on behalf of RMSJ Investments, Ltd., has applied for abandonment of a 31.60 foot wide road right-of-way adjoining part of Lot 1, Hillside Addition, located at 3010 South General Bruce Drive;

Whereas, this tract of land is not maintained by the City for public road purposes and was once known as Old Belton Road - portions of this road were later referenced on maps as West Avenue K;

Whereas, a portion of this tract of land was dedicated for public road purposes by the plat of Hillside Addition, which was recorded on May 10, 1929, in Volume 397, Page 280, of the Deed Records of Bell County, Texas - Hillside Addition was annexed into the City in 1940, according to County records;

Whereas, the abandoned right-of-way will be included in a future plat and is anticipated for a future non-residential development project;

Whereas, public utility providers servicing the area were notified, including the City of Temple Public Works and Fire Department - while no Fire Department issues were identified, an active 6-inch sewer line within the 31.60 foot width has been identified and as a result, a 15-foot sewer easement will be required for the sewer line which will be created by separate instrument;

Whereas, the applicant will pay consideration of \$1,372 (the estimated fair market value of the subject tract) and that revenue will be deposited in Account No. 110-0000-461-0423;

Whereas, the road right-of-way abandonment will not be effective until the easement agreement is executed; and

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

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

Part 1: The City of Temple, Texas, hereby abandons an approximately 31.60 foot wide road right-of-way located at 3010 South General Bruce Drive, which consists of approximately 0.089 acres formerly known as part of Old Belton Road, and partially dedicated by the plat of Hillside Addition, according to the plat recorded in Volume 397, Page 280, of the Deed Records of Bell County, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: 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 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20th** day of **August**, 2015.

PASSED AND APPROVED on Second Reading on the **3rd** day of **September**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §
COUNTY OF BELL §

 This instrument was acknowledged before me on the ____ day of _____,
2015, by **Daniel A. Dunn**, Mayor of the City of Temple, Texas, on behalf of the City.

Notary Public, State of Texas



CITY COUNCIL ITEM MEMORANDUM

08/20/15

Item #8

Regular Agenda

Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW

Beverly Zendt Assistant Planning Director

ITEM DESCRIPTION: SECOND READING – 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
2. 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
Subject Property	Suburban Commercial	AG	Undeveloped
North	Suburban Commercial	AG	Undeveloped
South	Suburban Commercial	AG	Undeveloped
East	Industrial	AG	Undeveloped
West	Suburban Commercial	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.

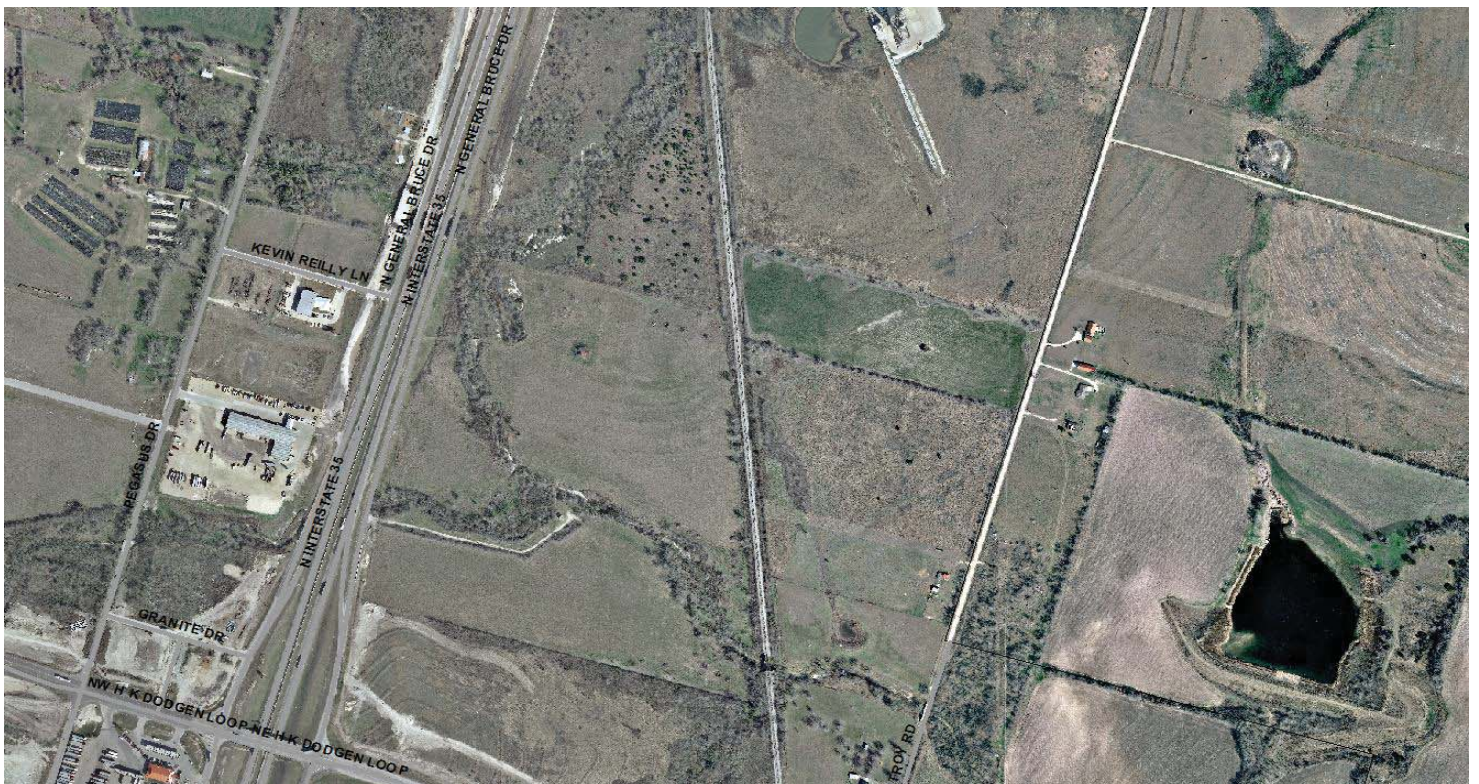
PUBLIC NOTICE: Eleven notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday June 10, 2015 at 12:00 PM, no notices had been received either in favor or against the 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](#)

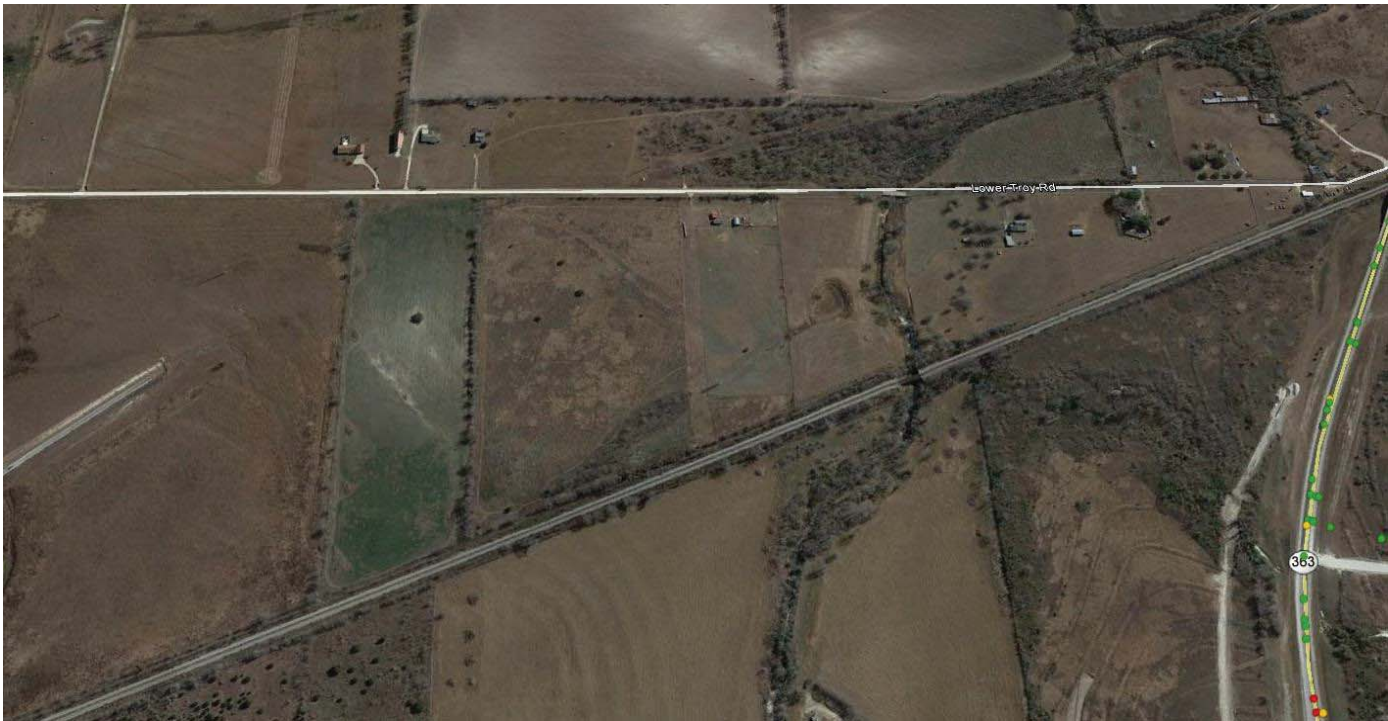
Subject Property: 4767, 4849, and 5141 North General Bruce Drive.



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



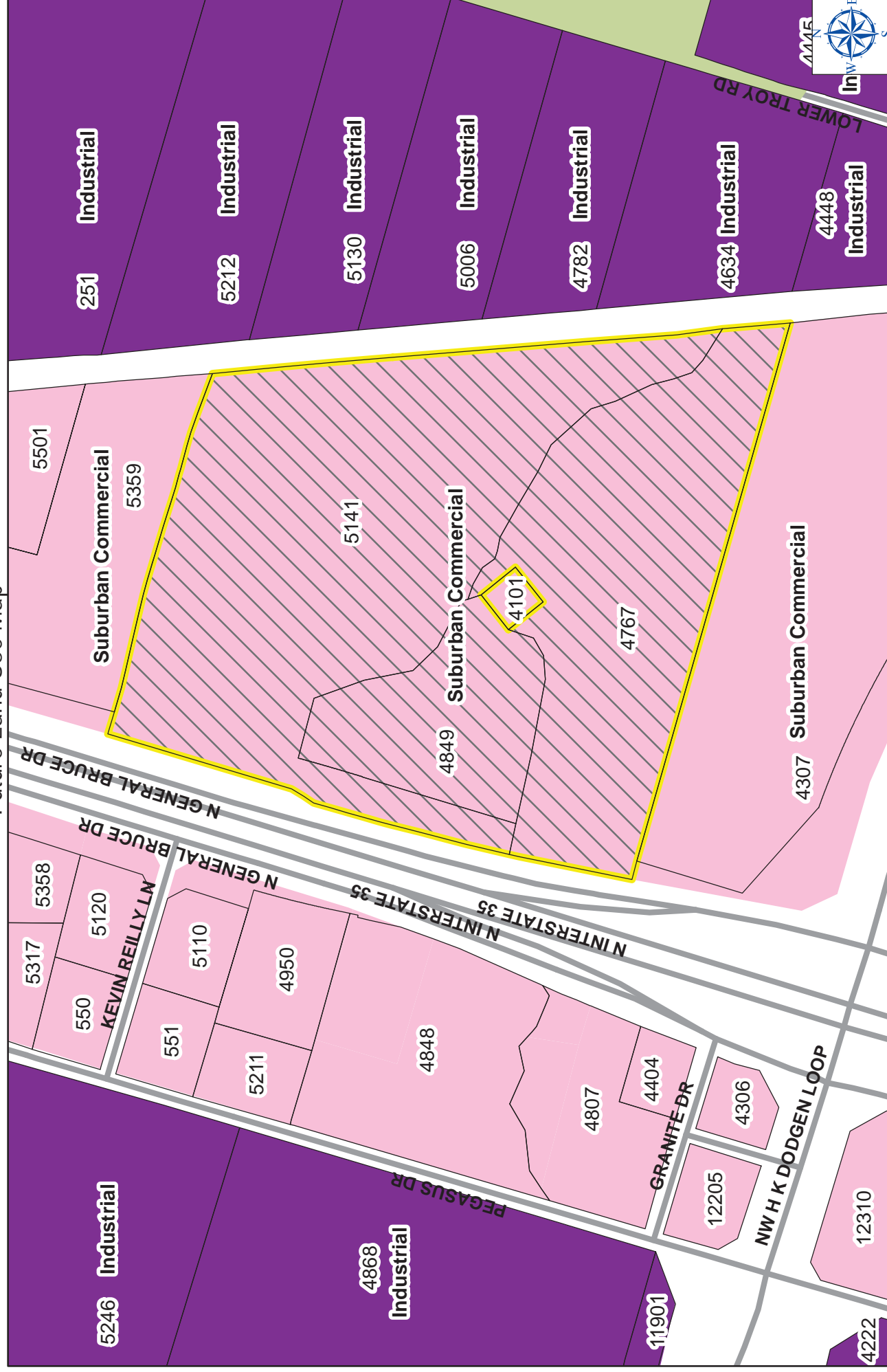
Zoning

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.



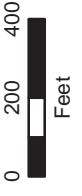
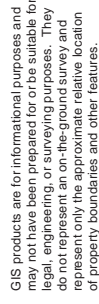
Case 1234 Addresses

6-9-2015
Temple Planning Department
bzendt

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.



5141, 4849, and 4767
N General Bruce Drive



Case ●●●●● CITY WIDE SPINE — COMMUNITY WIDE CONNECTOR — LOCAL CONNECTOR

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.



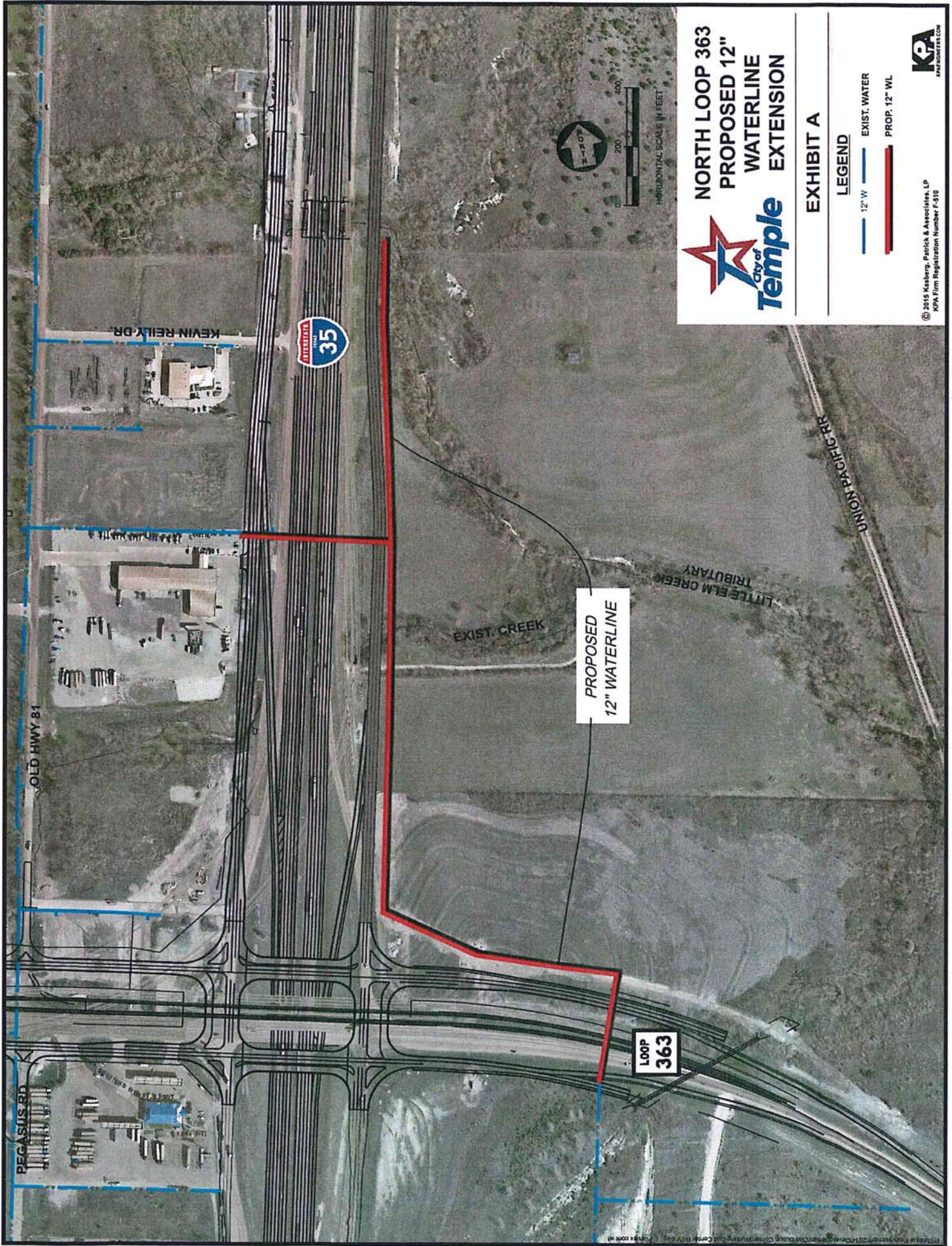
5141, 4849, and 4767
N General Bruce Drive

This is an aerial map of a residential area. The map shows several streets: N General Bruce Dr, N Interstate 35, Kevin Reilly Ln, Pegasus Dr, Granite Dr, Lower Troy Rd, and NE H K Dodgen Loop. Lot numbers are visible throughout the map, including 251, 5212, 5130, 5006, 4782, 4634, 4445, 4448, 4444, 5501, 5359, 5141, 4849, 4767, 4307, 4155, 5557, 5317, 5358, 550, 5120, 5110, 551, 4950, 5211, 4848, 4807, 4404, 4306, 12205, 12310, 4868, 11901, 6", 8", 12", 15", 10", and 8". A large green hatched area is highlighted, and a red line outlines a specific parcel. A blue line outlines another parcel. A north arrow is in the top right corner.

5-28-15
Temple Planning Department
bzndt

Case

+ Fire Hydrant — Sewer Line — Water Line



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



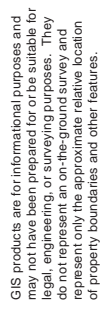
EXHIBIT A

LEGEND

- 12" W — EXIST. WATER
- PROP. 12" WL



5141, 4849, and 4767
N General Bruce Drive



11

1001

oring

5-28-15

5-28-15

Category	Number of people
Went to the cinema	200
Did not go to the cinema	200

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 **16th** day of **July**, 2015.

PASSED AND APPROVED on Second Reading on the **6th** 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



COUNCIL AGENDA ITEM MEMORANDUM

08/20/15
Item #9
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract for the Phase II bid with RT Schneider Construction Co. Ltd., in the amount of \$139,643, for the construction of additional parking and lighting to serve the Summit Recreation Center.

STAFF RECOMMENDATION: Approve resolution as presented in item description.

ITEM SUMMARY: This parking lot will provide additional parking for the south entrance of the Summit Recreation Center.

On July 28, 2015, the City of Temple received one bid for this parking lot project. The bid from RT Schneider Construction was \$139,643. The project includes construction of 35 additional parking spaces, some landscaping elements, and a lighting system to provide security for the citizens utilizing the Summit. After completion, this parking lot will have 55 total parking spaces.

The Parks and Recreation Department has worked with RT Schneider Construction on projects in the past and has found them to be a very responsive and responsible contractor.

FISCAL IMPACT: Funding is available in the accounts identified below for the construction award to RT Schneider Construction in the amount of \$139,643.

Account #	Project #	Funding
110-5935-552-6310	100876	\$ 66,300
365-3400-513-6874	100876	\$ 73,343
Total		\$139,643

ATTACHMENTS:

[Bid Tabulation](#)

[Letter of Recommendation](#)

[Resolution](#)

**Tabulation of Bids Received
on July 28,2015 at 2:00 p.m.
Summit Parking Lot Phase II
Bid# 35-02-15**

		Bidders
		RT Schneider Construction Co. Ltd.
		Belton, TX
Description		
Total Bid	\$139,643.00	
Acknowledge Addendum (1)	Yes	
Bid Bond	Yes	
Bond Affidavit	Yes	
Credit Check	Yes	



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

August 11, 2015

Mr. Val Roming
City of Temple Parks & Leisure
2 North Main Street Ste. 201
Temple, Texas 76501

Re: City of Temple, Texas
Summit Parking Lot Expansion

Dear Mr. Roming:

Bids were received by the City of Temple until 2:00 P.M. on Tuesday, July 28, 2015 for the above referenced project. One (1) competitive bid was received for this project. We have reviewed the competitive bid received and believe it to be a fair and reasonable price for this work.

The proposed project will expand the existing Summit Parking Lot and will include the installation of crushed limestone base, asphalt paving, landscaping elements, and parking lot lighting elements. This expansion will result in an additional 35 parking spaces.

We have reviewed the current workload, references and construction history of RT Schneider Construction Co, Ltd. As a result of our findings, we recommend that a contract be awarded to RT Schneider Construction Co, Ltd. in the amount of \$139,643.00. If you have questions, please call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alvin R. Sutton III', with a stylized flourish at the end.

Alvin R. (Trae) Sutton III, P.E., CFM

ARS/

xc: Mr. Kevin Beavers, City of Temple
Mr. RT Schneider, RT Schneider Construction Co., Ltd.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY OF BELTON, TEXAS, IN THE AMOUNT OF \$139,643, FOR THE CONSTRUCTION OF ADDITIONAL PARKING AND LIGHTING TO SERVE THE SUMMIT RECREATION CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 28, 2015, one bid was received for the construction of 35 additional parking spaces, additional landscaping elements, and a lighting system at the Summit Recreation Center;

Whereas, R.T. Schneider Construction submitted the bid in the amount of \$139,643 - the Parks and Recreation Department has worked with R.T. Schneider Construction on projects in the past and finds them to be a very responsive and responsible contractor;

Whereas, funds are available for this contract in Account No. 110-3400-552-6310 and Account No. 365-3400-513-6874, Project No. 100876; 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, after approval as to form by the City Attorney, to execute a construction contract with R.T. Schneider Construction Company of Belton, Texas, in the amount of \$139,643, for the construction of additional parking, landscaping, and lighting at the Summit Recreation Center.

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 **20th** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney