



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, MARCH 3, 2016**

4:00 P.M.

AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 3, 2016.
2. Discuss recent amendments to Texas Local Government Code Chapter 176 which covers the disclosure of certain relationships with local government officers
3. Discuss the status of right-of-way acquisition for the Santa Fe Plaza project.

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 three minutes. No discussion or final action will be taken by the City Council.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize the Temple Public Library for receiving the 2015 Achievement of Library Excellence Award.
4. Recognize March 2016 as National Social Work Month.

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.

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

Minutes

- (A) [February 18, 2016 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2016-8053-R](#): Consider adopting a resolution authorizing a contract with Wilson Construction Services, LLC of Belton, for base bid and add alternate in the amount of \$107,363 for the construction of a concrete trail and bridge in Echo Village Park.
- (C) [2016-8054-R](#): Consider adopting a resolution authorizing a FY 2016 street overlay construction contract in an amount not to exceed \$2,712,421 with APAC-Texas, Inc. of Cedar Park.
- (D) [2016-8055-R](#): Consider adopting a resolution authorizing a construction contract with Professional Turf Products, LP of Euless, in the amount of \$89,853 for the replacement of a vertical pump station at Sammons Golf Links.
- (E) [2016-8056-R](#): Consider adopting a resolution authorizing a contract with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for the provision of temporary workers for the Parks and Recreation Department in the amount of \$73,478 for fiscal year 2016.
- (F) [2016-8057-R](#): Consider adopting a resolution authorizing the purchase of 16 mobile digital video systems in the amount of \$88,613.60 from L-3 Communications Mobile-Vision of Rockaway, NJ.
- (G) [2016-8058-R](#): Consider adopting a resolution authorizing the purchase of nine properties necessary for the construction of the proposed Santa Fe Plaza, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses, in an amount not to exceed \$813,804.

Ordinances – Second & Final Reading

- (H) [2016-4753](#): SECOND READING - Consider adopting an ordinance authorizing the annexation of a 20.855 +/- acre tract of land out of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, and located adjacent to the Cedar Ridge Crossing subdivision.
- (I)
 - 1. [2016-4754](#): SECOND READING – Consider adopting an ordinance authorizing annexation of 0.278 acres of land out of and part of the George W. Lindsey Survey, Abstract 513, Bell County, Texas.
 - 2. [2016-4755](#): SECOND READING – Z-FY-16-13: Consider adopting an ordinance authorizing a rezoning upon annexation of a 0.278 acre tract of land from Agricultural District (AG) to Single-Family Two (SF-2) District, as part of the subdivision plat for Campus At Lakewood Ranch Phase X, located at the end of Richland Drive, between existing Campus At Lakewood Ranch Phases VIII and IX.
- (J) [2016-4756](#): SECOND READING – Consider adopting an ordinance amending Chapter 9 of the Code of Ordinances to be titled “Municipal Court” and adding provisions addressing juror compensation and unclaimed juror compensation.

Misc.

- (K) [2016-8059-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

V. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

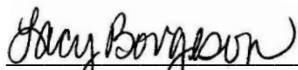
6. [2016-4757](#): FIRST READING – PUBLIC HEARING - Z-FY-16-11: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) for an indoor automotive window tinting use (classified in Sec. 6.7 of the Unified Development Code as “minor vehicle servicing”) on Lot 2, Block 1, Trnum Subdivision Phase VIII, located at 5806 South General Bruce Drive.
7. [2016-4758](#): FIRST READING – PUBLIC HEARING - Z-FY-16-12: Consider adopting an ordinance authorizing amendments to Ordinance No. 2006-4090, to allow indoor climate-controlled mini storage warehouses within a 4.801 +/- acre portion of a 10.202 +/- acre Planned Development – General Retail (PD-GR) District, subject to a Development Plan, with conceptual Development Plan for the remaining 5.401 +/- acres, being within the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 5015 South 31st Street.

RESOLUTIONS

8. [2016-8060-R](#): Consider adopting a resolution authorizing a professional services agreement for the preparation of the Bend of the River Botanical Garden master plan and cleanup plan.
9. [2016-8061-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Building and Standards Commission – one alternate member to fill an expiring term through March 1, 2018; one alternate member to fill an unexpired term through March 1, 2017; three members to fill expiring terms through March 1, 2018; and one member to fill an unexpired term through March 1, 2017
 - (B) Development Standards Advisory Board –three members to fill expiring terms through March 1, 2019; two members to fill an expired term through March 1, 2018
 - (C) Parks and Leisure Services Advisory Board – three members to fill expiring terms through March 1, 2019
 - (D) Zoning Board of Adjustment – three members to fill expiring terms through March 1, 2018; and two alternate members to fill expiring terms through March 1, 2018
 - (E) [2015-7967-R](#): Library Board - 2015-7967-R: Consider adopting a resolution appointing two members to the Library Board to fill expired terms through September 1, 2018.

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 3:30 PM, on Friday, February 26, 2016.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

03/03/16
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) February 18, 2016 Special and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

February 18, 2016 Special and Regular Meeting – to be provided



COUNCIL AGENDA ITEM MEMORANDUM

03/03/16
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Wilson Construction Services, LLC of Belton, for base bid and add alternate in the amount of \$107,363 for the construction of a concrete trail and bridge in Echo Village Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond was installing a trail to connect Echo Village Park to South 5th Street.

This project includes the base bid construction of a six foot wide concrete trail approximately 1700 feet in length and an add alternate footbridge approximately 90 feet in length. This trail will connect to the existing trail that is within the neighborhood park from Raye Allen Elementary School to South 5th Street.

On February 18, 2016, the City of Temple received 5 bids that ranged from \$107,363 to \$142,086.62 with the low bid submitted by Wilson Construction Services, LLC. The Parks and Recreation Department has worked with Wilson Construction Services, LLC for several years and have always found them to be a responsible and responsive contractor.

This resolution will also waive any construction permit fees associated with the project.

Base Bid	\$ 76,810
Add Alt	<u>30,553</u>
Total Bid	<u>\$107,363</u>

FISCAL IMPACT: This project is funded by the Parks GO Bonds that were approved by voters on May 9, 2015 and sold on September 24, 2015. Funding is appropriated in account 362-3500-552-64-06, project 101315, as follows:

Project Budget	\$ 204,800
Encumbered/Committed To Date	(12,095)
Construction Contract Award - Wilson Construction	(107,363)
Remaining Funds	<u>\$ 85,342</u>

ATTACHMENTS:

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



Comprehensive Engineering Solutions, Inc.

319 South First St., Suite A Temple, Texas 76504

Voice: (254) 742-2050 FAX: (254) 742-2055

February 19, 2016

Mr. Val Roming
City of Temple
2 North Main Street, Suite 201
Temple, Texas 76501

Re: Proposal for Professional Services
South Temple / Echo Village Trail
Temple, Bell County, Texas

Dear Mr. Roming:

The City of Temple received bids on February 18, 2016 for the referenced project. Please see the attached Bid Schedule for detailed pricing. Five companies presented bids for this project. The Total Base Bids ranged from \$76,810.00 (Wilson Construction Services, LLC) to \$96,632.94 (TCB Construction, Inc.).

The Add Alternate Bid is the footbridge at the end of the sidewalk to connect the sidewalk project with the existing sidewalk on South 5th Street. The Add Alternate Bids ranged from \$30,553.00 (Wilson Construction Services, LLC) to \$45,453.68 (TCB Construction, Inc.).

After reviewing the Bid Summary, we recommend that the City of Temple award a contract to Wilson Construction Services, LLC in the amount of \$107,363.00 for the Total Base Bid plus Add Alternate Bid.

If you have any questions, please call me at 254-743-2050, ext. 101.

Thank you,

Kristine B. Andrews, P.E.
Principal Engineer
Comprehensive Engineering Solutions, Inc.
Firm Registration No. F-1071

Xc: Ms. Belinda Mattke, Director of Purchasing, City of Temple
Ms. Sarah Parker, Senior Buyer II, Purchasing, City of Temple



Tabulation of Bids Received
on February 18, 2016 @ 2:30pm
Echo Village Trail
Bid# 35-06-16

Description	Bidders				
	Battery Warehouse McAllen, Texas	TCB Construction, Inc Austin, Texas	Wilson Construction Services, LLC Belton, Texas	Cody Stanley Construction, LLC Belton, Texas	RM Rodriguez Construction, LP Temple, Texas
Mobilization and bonding	\$9,000.00	\$14,800.00	\$12,000.00	\$11,411.00	\$5,000.00
Site preparation and construction staking	\$6,000.00	\$16,587.45	\$5,600.00	\$16,813.00	\$25,050.00
Furnish and install 6' wide concrete sidewalk including all incidentals	\$70,371.00	\$59,815.35	\$55,850.00	\$50,275.00	\$55,850.00
Furnish and apply broadcast seeding on disturbed areas for erosion control	\$3,000.00	\$3,820.14	\$600.00	\$4,063.00	\$1,500.00
Furnish and install silt fence including all incidentals	\$2,760.00	\$1,610.00	\$2,760.00	\$2,484.00	\$4,600.00
Total Base Bid	\$91,131.00	\$96,632.94	\$76,810.00	\$85,046.00	\$92,000.00
Furnish and install 2" x 6" treated pine flooring for foot bridge with six crew fasteners per slat including all incidentals	\$4,200.00	\$4,680.00	\$5,160.00	\$6,822.00	\$3,000.00
Furnish and install 2" x 6" treated pine railing for foot bridge with screw fasteners, including all incidentals	\$4,200.00	\$6,948.00	\$3,600.00	\$6,000.00	\$1,800.00
Furnish and install 4" x 4" treated pine posts at 50" tall for foot bridge with screw fasteners including all incidentals	\$1,320.00	\$2,217.60	\$3,058.00	\$2,640.00	\$2,200.00
Furnish and install 4" x 4" HSS weld pockets for posts including painting and all incidentals	\$5,896.00	\$2,973.08	\$2,640.00	\$1,342.00	\$3,300.00
Furnish and install 12" x 16" x 1/2" weld plates including anchors, painting and all incidentals	\$2,400.00	\$2,100.00	\$1,320.00	\$1,098.00	\$900.00
Furnish and install 8" x 8" x 3/8" HSS beams including painting and all incidentals	\$13,500.00	\$16,353.00	\$9,600.00	\$20,781.00	\$20,100.00
Furnish and install 8" x 8" x 3/8" HSS columns at 40" tall including all incidentals	\$3,000.00	\$7,932.00	\$3,300.00	\$1,543.98	\$9,600.00
Furnish and install concrete footings as shown in details including all incidentals	\$1,125.00	\$2,250.00	\$1,875.00	\$1,125.00	\$1,800.00
Total Add Alternate Bid (Footbridge)	\$35,641.00	\$45,453.68	\$30,553.00	\$41,351.98	\$42,700.00
Acknowledge Addendums (2)	Yes	Yes	Yes	Yes	Yes
Bid Bond (if greater than \$25,000)	5%, not on City form	Yes	Yes	Yes	Yes
Bond Requirement Affidavit (if greater than \$25,000)	Yes	No	Yes	Yes	Yes
Credit Check Authorization (if greater than \$25,000)	Yes	Yes	Yes	Yes	Yes

Recommended for Council Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH WILSON CONSTRUCTION SERVICES, LLC OF BELTON, TEXAS, IN AN AMOUNT NOT TO EXCEED \$107,363, FOR THE CONSTRUCTION OF A CONCRETE TRAIL AND BRIDGE IN ECHO VILLAGE PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond was the installation of a trail to connect Echo Village Park to South 5th Street;

Whereas, the trail will be approximately 1700 feet in length and the bridge will be approximately 90 feet in length - the trail will connect to the existing trail that is located within the neighborhood park from Raye Allen Elementary School to South 5th Street;

Whereas, on February 18, 2016, the City received 5 bids with Wilson Construction Services, LLC submitting the low bid - the Parks and Recreation Department has worked with Wilson Construction Services for several years and has always found them to be a responsible and responsive contractor;

Whereas, this project is funded by the Parks GO Bonds that were approved by voters on May 9, 2015 and sold on September 24, 2015 and funding is available in Account No. 362-3500-552-6406, Project No. 101315; 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 Wilson Construction Services, LLC of Belton, Texas, in an amount of \$107,363 for the construction of a concrete trail and bridge in Echo Village Park.

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 3rd day of **March**, 2016.

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

03/03/16
Item #5(C)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Public Works Director
Kenny Henderson, Transportation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a FY 2016 street overlay construction contract in an amount not to exceed \$2,712,421 with APAC-Texas, Inc. of Cedar Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Significant street maintenance work for FY 2016 will be met through city-wide overlay improvements, including milling of certain roadways. Funds budgeted for pavement maintenance needs this year total \$2,712,500. Pavement assessment and evaluation criteria have been used to identify roadways which will receive scheduled maintenance. See attached list of 2016 Proposed Overlay Locations.

As shown on the attached bid tabulation, one bid for the overlay program was received from APAC-Texas, Inc. ("APAC") on February 18, 2016. The bid was structured to allow for quantity changes depending on appropriated funding, and the bid was structured to allow for four 1-year extensions to the contract, if agreed to by the City and APAC. Since \$2,712,421 in funding is available for the overlay program in FY 2016, it is staff's recommendation to authorize overlay improvements in this amount, which is \$17,880.35 higher than the APAC's total bid of \$2,694,540.65 based on the estimated quantities.

Even though only one bid was received, staff has evaluated the bid and has concluded that the offered pricing is a good value.

Staff is pleased with the services provided by APAC TX – Wheeler Company and recommends that Council authorize the contract.

FISCAL IMPACT: The street overlay project was funded with the issuance of CO Bonds sold in January 2016. The project was funded in the amount of \$5,425,000 which funds the street overlay project for FY 2016 and FY 2017. The street overlay construction contract awarded in this item is only for FY 2016. It is anticipated that staff will bring an item to Council to award the FY 2017 contract in the fall of 2016.

Funding is appropriated in account 365-3400-531-6527, project #100955, as follows:

Project Budget	\$5,425,000
Encumbered/Committed To Date	(79)
FY 2016 Construction Contract Award - APAC TX - Wheeler Co.	(2,712,421)
Remaining Funds for FY 2017	<u>\$2,712,500</u>

ATTACHMENTS:

2016 Proposed Overlay Locations
Bid Tabulation
Resolution

2016 Proposed Overlay Locations

Address	From / To
Erie Tr	Deer to Filly
Tyler Tr	Pecos to Erie
Trinity Dr	Pecos to Erie
Sabine Cr	Hopi Tr to Dead End
Pecos Dr	To Dead End
Filly Ln	Erie to Ermine
Ermine Tr	Adams to Erie
Fox Tr	Antelope to Cul de sac
Gazelle Tr	Dead End to Dead End
Brazos Dr	Antelope to Hopi
Neches Cr	Filly to Dead End
Antelope Tr	Ermine to Hopi
W Ave R	S 1 st to S 31 st St
S 11 th St	Ave H to Ave R
S 13 th St	Ave H to Ave R
S 15 th St	Ave H to Ave R
S 19 th St	Ave H to Ave M
S 28 th St	Ave H to Dead End
E Central	14 th to Terrace
E Ave A	14 th to Ave B
N/S 34 th St	Adams to Ave H
E Ave B	14 th to Dead End
E Ave C	14 th to Ave E
E Ave D	14 th to S 34 th
S 32 nd St	Ave D to Ave E
Knob	E Ave E to Dead End
E Ave F	Knob to 26 th

**Tabulation of Bids Received
on February 18, 2016 at 2:00 p.m.
Overlay Program
Bid# 34-07-16**

		Bidders	
		APAC-Texas, Inc.	
		Cedar Park, TX	
Description	Qty	Unit Price	Total Price
Hot Mix Asphalt	18,705	\$100.60	\$1,881,723.00
Milling	205,756	\$3.10	\$637,843.60
4" Yellow Striping	7,500	\$1.05	\$7,875.00
4" White Striping	3,263	\$2.50	\$8,157.50
8" White Striping	80	\$3.30	\$264.00
24" White Striping	1,250	\$11.50	\$14,375.00
Combination left turn with straight ahead directional white arrow	1	\$200.00	\$200.00
Right turn directional white arrow	5	\$160.00	\$800.00
Left turn directional white arrow	2	\$160.00	\$320.00
Straight ahead directional white arrow	2	\$160.00	\$320.00
Traffic buttons	2,063	\$3.85	\$7,942.55
Mobilization	1	\$134,720.00	\$134,720.00
Total Bid Price		\$2,694,540.65	
Bid Bond		Yes	
Bond Requirement Affidavit		Yes	
Credit Check Authorization		Yes	

Recommended for Council approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH APAC-TEXAS, INC. OF CEDAR PARK, TEXAS, IN AN AMOUNT NOT TO EXCEED \$2,712,421, FOR STREET OVERLAY IMPROVEMENTS FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, significant street maintenance work for fiscal year 2016 will be met through city-wide overlay improvements, including milling of certain roadways;

Whereas, pavement assessment and evaluation criteria have been used to identify roadways which will receive scheduled maintenance;

Whereas, Staff received one bid for street overlay improvements from APAC-Texas, Inc. of Cedar Park, Texas, and believes the bid offered is a good value to the City – Staff has previously done work with APAC -Texas, Inc. and are pleased with the services they provide;

Whereas, this project is funded with the issuance of CO Bonds sold in January 2016 and available in Account No. 362-3400-531-6527, Project No. 100955; 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 APAC-Texas, Inc. of Cedar Park, Texas, in an amount not to exceed \$2,712,421, for street overlay improvements for fiscal year 2016.

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 3rd day of **March**, 2016.

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

03/03/16
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Professional Turf Products, LP of Euless, in the amount of \$89,853 for the replacement of a vertical pump station at Sammons Golf Links.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Approval of this item will allow the execution of a construction contract with Professional Turf Products, LP for the replacement of an existing vertical pump station that provides irrigation water to a portion of the Sammons Golf Links located at 2727 West Adams Avenue.

As shown on the attached bid tabulation, on February 18, 2016, the City received two bids for this project. The base bids ranged from a low of \$89,853 to a high of \$93,400.40. The Base Bid includes the removal of the existing vertical pump station and the installation of a new vertical pump station.

As indicated on the attached Engineer's Letter of Recommendation, Professional Turf Products, LP was the low responsive bidder. It is the recommendation of Rabroker & Associates and the City staff to award the bid as outlined in the Engineer's Letter of Recommendation and Bid Tabulation.

Construction of this project is expected to be complete by June 15, 2016, based on 95 designated construction days.

FISCAL IMPACT: Funding for this project was appropriated in the FY2016 CIP Budget in account 110-5931-551-6310, project 101438, as identified below:

Project Budget	\$	137,000
Encumbered/Committed To Date		(10,421)
Construction Contract Award - Professional Turf Products, LP		(89,853)
Remaining Funds	\$	<u>36,726</u>

ATTACHMENTS:

[Engineer's Letter of Recommendation](#)
[Bid Tabulation](#)
[Resolution](#)



RABROKER

& ASSOCIATES

Texas Registered Engineering Firm #F-12538

MEP Consulting Engineers
P.O. Box 2061
Belton, TX 76513

February 18, 2016

Ms. Sarah Parker

Senior Buyer

City of Temple

2 North Main Street

Temple, TX 76501

Re: Sammon's Park Vertical Pump Replacement Contractor recommendation

City of Temple bid #35-05-16

Dear Ms. Parker:

Bids were received by the City of Temple until 2:00 p.m. on Thursday, February 18, 2016, for the above referenced project. There were two (2) sealed bids received and a bid tabulation of these bids is attached. The two Contractors submitting bids were: Professional Turf Products, LP, of Euless, Texas, and Motor Controls Inc., of Dallas, Texas.

The Sammon's Park Vertical Replacement Project will replace an existing skid-mounted vertical pump system that provides irrigation water to a portion of the golf course. The project also consists of the necessary electrical and mechanical system modifications with the pump house that are associated with the new pump system equipment.

One Contractor, Professional Turf Products, did not acknowledge receipt of the third project addendum, but it was noted during the bid opening that this addendum simply allowed a wider variety of products and did not restrict the products being proposed by either Contractor. Professional Turf Products acknowledged that their number would have remain unchanged, even when considering the information supplied in project addendum three.

Therefore, the low bidder who provided a complete bid submission was Professional Turf Products, LP, 1010 No. Industrial Boulevard, Euless, Texas, 76039 in the amount of **\$89,853.00**. Professional Turf Products, LP has indicated in their bid submission they have carefully examined the plans, specifications, General Instructions to Bidders, Notice to Bidders, and all other related contract documents and the site of the proposed work.



RABROKER

& ASSOCIATES

Texas Registered Engineering Firm #F-12538

MEP Consulting Engineers

P.O. Box 2061

Belton, TX 76513

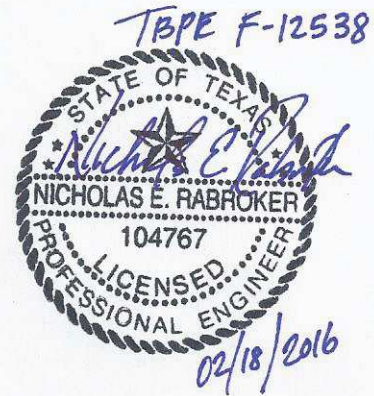
Based upon the information submitted by Professional Turf Products, LP, Rabroker & Associates, P.C. recommends the City of Temple award the Sammon's Park Vertical Pump Replacement project to the Eulless office of Professional Turf Products, LP in the amount of **\$89,853.00**.

Please do not hesitate to contact us should you have any additional questions.

Sincerely,

Nicholas E. Rabroker, P.E., LEED ® AP

Rabroker & Associates, P.C.



cc: Ms. Belinda Mattke, Purchasing Director, City of Temple
Mr. Monty Clark, P.E., Clark & Fuller PLLC
file

Tabulation of Bids Received
on February 18, 2016 @ 2:00pm
Sammons Golf Links Vertical Pump Replacement
Bid# 35-05-16

	Bidders	
	Professional Turf Products, LP Euless, Texas	Motor Controls, Inc Dallas, Texas
Description		
Mobilization, bonds, and insurance	\$1,522.00	\$2,720.40
Remove existing pump, skid structure, plumbing, etc. as required to provide new vertical pumping station	\$4,960.00	\$4,300.00
Furnish and install new vertical pump, motor, skid structure, piping, fittings, valves, plumbing, startup, paint, finish, testing	\$68,465.00	\$69,245.00
Disconnection and reconnection of the electrical system at the pump house, including any temporary power provisions as necessary.	\$985.00	\$1,000.00
Removal of the existing electrical system and associated raceways, conductors, boxes, terminations, etc. from the pump house. Include the removal of existing branch circuits supplying existing pump system.	\$250.00	\$1,200.00
Modify the existing electrical system, including, but not limited to all: new disconnects, fuses, wiring gutters, lighting fixtures, mini power zone, conductors, conduit, raceway, boxes, circuit breakers, connections and terminations to all new equipment, devices, and fixtures, reconnection of existing circuits to the pavilion and restroom buildings, electrical system testing, etc.	\$11,311.00	\$8,335.00
Furnish and install the new exhaust fan and associated line voltage thermostat and louver	\$70.00	\$2,500.00
Furnish and install the new unit heater and associated line voltage thermostat and local disconnecting means	\$2,290.00	\$2,600.00
Provide and record drawings as per the specifications and as per City of Temple requirements.	\$0.00	\$1,500.00
Total Base Bid	\$89,853.00	\$93,400.40
Acknowledge Addendums (3)	Acknowledged 2 of 3	Yes
Bid Bond (if greater than \$25,000)	Yes	Cashier's Check \$4,670.02
Bond Requirement Affidavit (if greater than \$25,000)	Yes	Yes
Credit Check Authorization (if greater than \$25,000)	Yes	Yes

Recommended for Council Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH PROFESSIONAL TURF PRODUCTS, LP OF EULESS, TEXAS, IN AN AMOUNT NOT TO EXCEED \$89,853, FOR THE REPLACEMENT OF A VERTICAL PUMP STATION AT SAMMONS GOLF LINKS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the vertical pump station that provides irrigation water to a portion of the Sammons Golf Links, located at 2727 West Adams Avenue, is in need of replacement;

Whereas, on February 18, 2016, the City received 2 bids with Professional Turf Products, LP submitting the low bid – Staff and the City’s Engineer, Rabroker & Associates recommend awarding a construction contract with Professional Turf Products for the replacement of a vertical pump station at Sammons Golf Links;

Whereas, funding for this contract was appropriated in the fiscal year 2016 CIP Budget and is available in Account No. 110-5931-551-6310, Project No. 101438; 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 Professional Turf Products, LP of Euless, Texas, in an amount of \$89,853 for the replacement of a vertical pump station at Sammons Golf Links.

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 3rd day of **March**, 2016.

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

03/03/16
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for the provision of temporary workers for the Parks and Recreation Department in the amount of \$73,478 for fiscal year 2016.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Since 2001, Parks and Recreation has utilized the services of the Temple Veterans Affairs (VA) Hospital to provide contract day laborer services to help maintain the park system. The VA has provided temporary workers to conduct a number of duties including: mowing/edging/trimming, restroom cleaning, litter removal, planter bed maintenance, ball field maintenance, painting and carpentry work.

FISCAL IMPACT: The FY 2016 Operating Budget includes funding in the amount of \$73,478, in account 110-3500-552-2623, for contracted services with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for temporary workers.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH THE DEPARTMENT OF VETERANS AFFAIRS, VETERANS INDUSTRIES/COMPENSATED WORK THERAPY, IN THE AMOUNT OF \$73,478, FOR THE PROVISION OF TEMPORARY WORKERS FOR THE PARKS AND RECREATION DEPARTMENT, FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, since 2001, the Parks and Recreation Department has utilized the services of the Temple Veterans Affairs (VA) Hospital to provide contract day laborer services to help maintain the City's parks system;

Whereas, the VA has provided temporary workers to conduct a number of duties including mowing/edging/trimming, restroom cleaning, litter removal, planter bed maintenance, ball field maintenance, painting and carpentry work;

Whereas, this program has been very successful and the Parks and Recreation Department has been pleased with the services provided by the VA;

Whereas, the fiscal year 2016 Operating Budget includes funding for these contracted services in Account Number 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 a contract with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy, after approval as to form by the City Attorney, in the amount of \$73,478, for the provision of temporary workers for the 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 3rd day of **March**, 2016.

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

03/03/16
Item #5(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 16 mobile digital video systems in the amount of \$88,613.60 from L-3 Communications Mobile-Vision of Rockaway, NJ.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department seeks approval to purchase 16 mobile digital video systems to replace our Mobile Vision VHS models and the Watchguard DVD models. The digital video system being considered is the same system we are now using through L-3 Communications Mobile-Vision. This system wirelessly downloads videos to a server which reduces the time that officers and employees must handle VHS tapes and DVDs, as well as reducing the costs associated with purchasing these recording media. The system also provides for much quicker access to the recordings by officers, supervisors, and prosecutors, saving considerable time when incidents need to be reviewed, or are moving through the criminal justice system.

This purchase is being recommended utilizing a Houston-Galveston Area Council (HGAC) Cooperative contract #EF04-15. All contracts available through the HGAC Cooperative have been awarded by virtue of a public competitive procurement process compliant with state statutes.

FISCAL IMPACT: A budget adjustment is being presented to Council appropriating State Seized Funds for the purchase of 16 mobile digital video systems in the amount of \$88,614. Upon approval of the budget adjustment, funding will be available for the purchase of the mobile digital video systems from L-3 Communications Mobile-Vision in account 110-2031-521-6229, project 101491.

Project Budget \$ 88,614

Encumbered/Committed To Date -

Purchase Digital Video Systems - L-3 Communications Mobile-Vision (88,614)

Remaining Funds \$ -

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2016

BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

+

11

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE
110-2031-521-62-29	101491	OCU Seized funds/State	\$ 88,614		
110-0000-313-03-30		Reserved for Seized Funds			88,614
		DO NOT POST			
TOTAL.....			\$ 88,614		\$ 88,614

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

State seized funds will be used to purchase sixteen (16) L-3 In-car recording systems.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

3/3/2016

WITH AGENDA ITEM?

☒ Yes☐ No

WITH AGENDA ITEM? 7279
Department Head/Division Director

2-23-16
Date

<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 16 MOBILE DIGITAL VIDEO SYSTEMS, FROM L-3 COMMUNICATIONS MOBILE-VISION OF ROCKAWAY, NEW JERSEY, IN THE AMOUNT OF \$88,613.60, UTILIZING A HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE CONTRACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department currently uses a digital video system through L-3 Communications Mobile-Vision which wirelessly downloads videos to a server, reduces the time officers and employees must handle VHS tapes and DVDs, as well as reduces the costs associated with purchasing recording media;

Whereas, the system provides much quicker access to the recordings by officers, supervisors, and prosecutors which saves considerable time when incidents need to be reviewed, or are moving through the criminal justice system;

Whereas, the 16 mobile digital video systems will be purchased utilizing a Houston-Galveston Area Council Cooperative Contract - all contracts available through the Houston-Galveston Area Council Cooperative have been awarded through a public competitive procurement process in compliance with State law;

Whereas, funding is available for this purchase but an amendment to the fiscal year 2016 budget needs to be approved to transfer the funds to Account No. 110-2031-521-6229, Project No. 101491; and

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

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

Part 1: The City Council authorizes the purchase of 16 mobile digital video systems from L-3 Communications Mobile-Vision of Rockaway, New Jersey, in the amount of \$88,613.60, utilizing a Houston-Galveston Area Council Cooperative Contract.

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

Part 3: The City Council authorizes an amendment to the fiscal year 2016 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 4: It is hereby officially found and determined that the meeting at which this Resolution 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 3rd day of **March**, 2016.

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

03/03/16
Item #5(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of nine properties necessary for the construction of the proposed Santa Fe Plaza, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses, in an amount not to exceed \$813,804.

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.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed Santa Fe Plaza. The design requires the acquisition of real property from twelve different property owners. Appraisals have been performed on the parcels and the City is in the process of performing the relocation studies. Staff is asking for authorization to purchase nine of the twelve properties, pay closing costs, and pay any relocation expenses that may be required by law, in an amount not to exceed \$813,804. The addresses of the nine properties are listed below:

7 South 11th Street
11 South 11th Street
516 West Avenue A
10 – 14 South 9th Street
18 South 9th Street
9 South 9th Street
11 South 9th Street
21 South 9th Street
413 West Avenue A

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 404, account 795-9500-531-6870, project 101008, Santa Fe Plaza, to fund the purchase of nine properties necessary for the construction of the Santa Fe Plaza.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF NINE PROPERTIES NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED SANTA FE PLAZA, AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASES, AND AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES IN AN AMOUNT NOT TO EXCEED \$813,804; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed Santa Fe Plaza and the design requires the acquisition of real property from nine separate property owners;

Whereas, appraisals have been performed on the parcels and the City is in the process of performing relocation studies on the following properties:

7 South 11 th Street	11 South 11 th Street	516 West Avenue A
10-14 South 9 th Street	18 South 9 th Street	9 South 9 th Street
11 South 9 th Street	21 South 9 th Street	413 West Avenue A

Whereas, Staff recommends the purchase of the properties listed above, the payment of closing costs, and the payment of any relocation expenses that may be required by law, in an amount not to exceed \$813,804;

Whereas, funding for the purchase of these properties is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 404, Account No. 795-9500-531-6870, Project No. 101008; and

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

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

Part 1: The City Council authorizes the purchase of the nine properties listed above which are necessary for the construction of the proposed Santa Fe Plaza, authorizes the payment of closing costs associated with these purchases and authorizes the payment of relocation expenses, in an amount not to exceed \$813,804.

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

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 **3rd** day of **March**, 2016.

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

03/03/16
Item #5(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance authorizing the annexation of a 20.855 +/- acre tract of land out of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, and located adjacent to the Cedar Ridge Crossing subdivision.

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

ITEM SUMMARY: Jennifer Beck, JB Land Investments, LLC, filed a petition on December 8, 2015 seeking voluntary annexation of 20.855 acres into the City of Temple, being more particularly described as Exhibit "A" (Field Notes) and depicted as Exhibit "B" (Drawing) of the annexation petition.

Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

This voluntary annexation was triggered by a plat request and is subject to a 2008 non-annexation agreement. On December 17, 2015, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property.

Pursuant to Chapter 43 of the Local Government Code, the City has completed the following steps during the annexation process:

1. December 17, 2015 - City Council resolution adopted to direct staff to develop the Municipal Service Plan
2. January 21, 2016 - Municipal Service Plan Public Hearing #1
3. January 22, 2016 – Municipal Service Plan Public Hearing #2

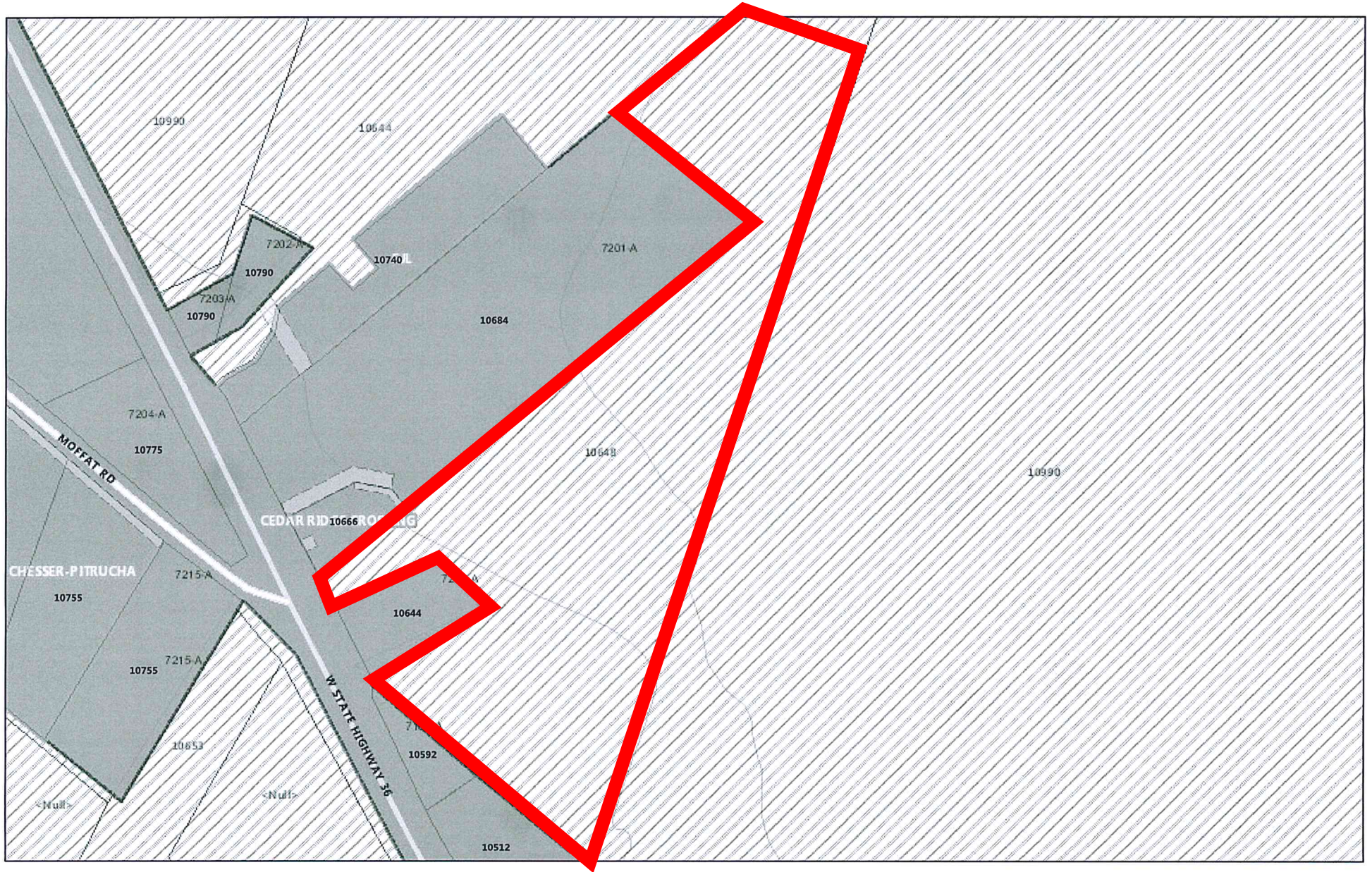
The applicant has not requested a separate rezoning of the subject property, therefore the zoning district of Agricultural (AG) will be assigned to the property until such time that a separate request is approved by City Council.

FISCAL IMPACT: The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve the 20.855 +/- acre tract.









ATTACHMENTS:

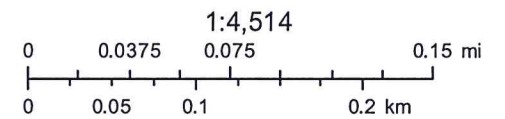
Vicinity Map
Municipal Service Plan
Field Notes of Proposed Annexation Area (Exhibit A)
Survey of Proposed Annexation Area (Exhibit B)
Voluntary Annexation Schedule
Development Agreement (2008 Non-Annexation Agreement)
Ordinance

J.B. Investments - Vicinity Map



December 18, 2015

- | | | |
|--|--|--|
|  Parcels |  Park Labels |  Subdivision |
|  Street Labels |  Easement |  ETJ Boundary |
|  Railroad Labels |  Outblock Numbers | |



CITY OF TEMPLE ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION JB INVESTMENTS

For a 20.855 acre tract of land, located adjacent to the Cedar Ridge Crossing subdivision abutting the city limits boundary out of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas and being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Survey) of the Annexation Ordinance (2016-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection from Station 8 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits

of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density as those found in the boundaries of the voluntary annexation also rely on on-site sewage facilities for wastewater infrastructure. For this reason and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the voluntary annexation.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2016.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

Survey showing 20.855 ACRES, situated in the
SARAH FITZHENRY SURVEY, ABSTRACT #312
Temple, Bell County, Texas

This sketch to accompany a metes and bounds
description of the herein shown 20.855 Acre tract.

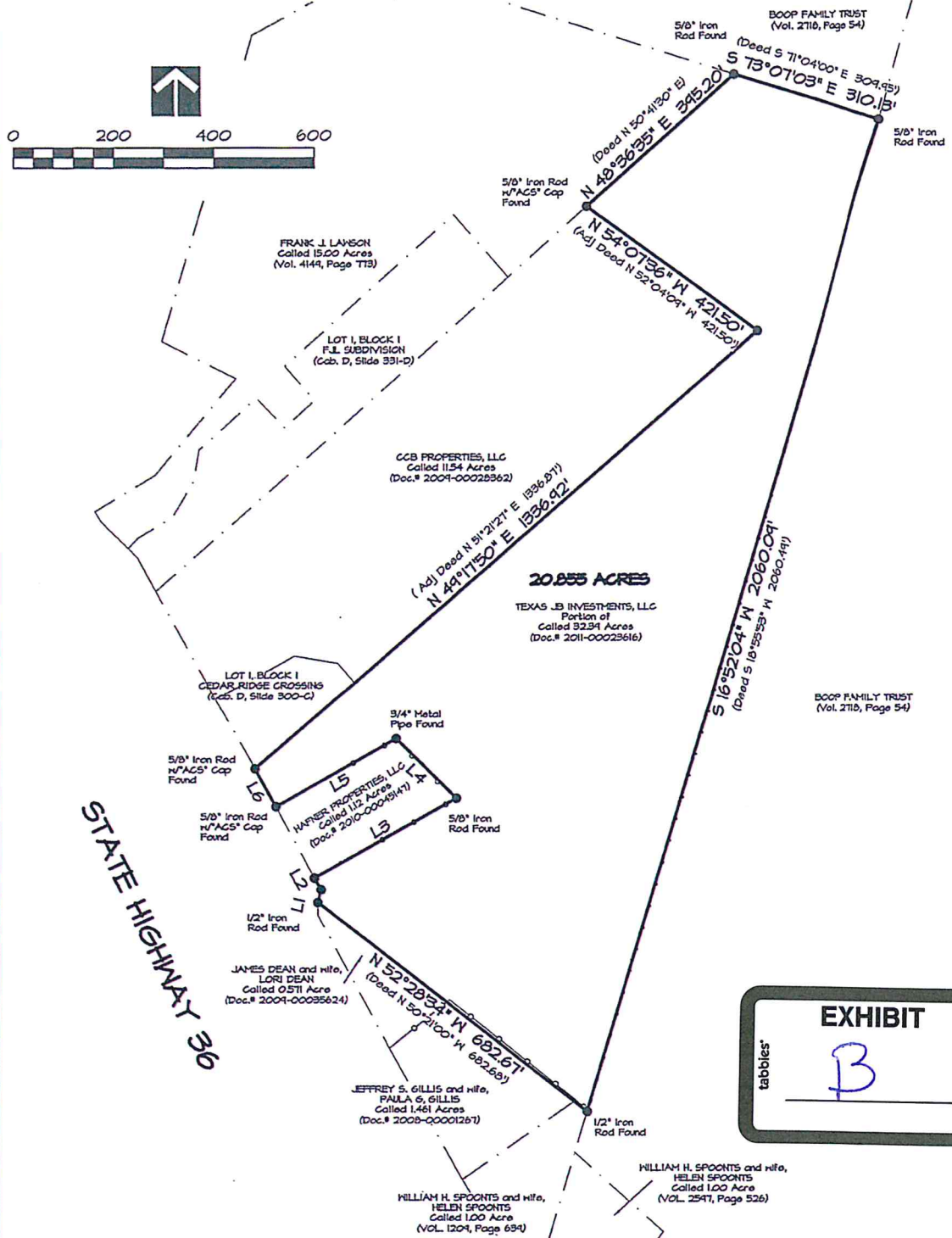


EXHIBIT
B

This document is not valid for any purpose unless signed
and sealed by a Registered Professional Land Surveyor.

ALL COUNTY SURVEYING, INC.
1303 South 21st Street
Temple, Texas 76504
254-778-2272 Killean 254-634-4636
Fax 254-774-1608
Tx. Firm Lic. No. 10023600



Survey completed: 09-18-2015
Scale: 1" = 200'
Job No.: 150634.1
Dwg No.: 150634.01A
Drawn by: MDH
Surveyor: CCL #4636
Copyright 2015 All County Surveying, Inc.

Plot Date: 10-02-2015

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

October 1, 2015

Surveyor's Field Notes for:

20.855 ACRES, situated in the **SARAH FITZHENRY SURVEY, ABSTRACT 312**, Bell County, Texas, being a portion of that called 32.39 acre tract of land conveyed in a deed to Texas JB Investments, LLC., in Document Number 2011-00023616, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

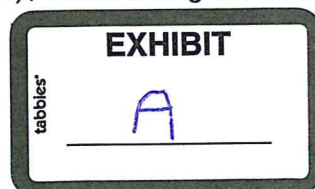
BEGINNING at a ½" iron rod found in the west line of a tract of land conveyed to the Boop Family Trust in Volume 2718, Page 54, Official Public Records of Real Property, Bell County, Texas, being the southeast corner of said 32.39 acre tract and being the northeast corner of a called 1.00 acre tract conveyed to William H. Spoons and wife, Helen Spoons in Volume 1209, Page 639, Deed Records of Bell County, Texas, for the southeast corner of this;

THENCE in a northwesterly direction, with a southwest line of said 32.39 acre tract (*Deed N. 50° 21' 00" W., 682.68 feet*), same being the northeast line of said 1.00 acre tract, the northeast line of a called 1.461 acre tract conveyed to Jeffrey S. Gillis and wife, Paula G. Gillis in Document Number 2008-00001267, Official Public Records of Real Property, Bell County, Texas and the northeast line of a called 0.571 acre tract conveyed to James Dean and wife, Lori Dean in Document Number 2009-00035624, Official Public Records of Real Property, Bell County, Texas, **N. 52° 28' 34" W., 682.67 feet**, to a ½" iron rod found on the northeast right of way of State Highway 36, being a corner of said 32.39 acre tract and being the most northerly corner of said 0.571 acre tract, for a corner of this tract;

THENCE continuing in a northwesterly direction, with the southwest line of said 32.39 acre tract, same being the northeast right of way of State Highway 36, the following two (2) courses and distances:

- 1) **N. 13° 49' 12" E., 26.36 feet** (*Deed N. 15° 40' 40" E., 26.00 feet*), to a 5/8" iron rod with "ACS" cap set, for a corner of this tract;
- 2) **N. 29° 37' 17" W., 26.66 feet** (*Deed N. 27° 45' 42" W., 26.72 feet*), to a 5/8" iron rod with "ACS" cap set, being an angle corner of said 32.39 acre tract and being the southwest corner of a called 1.12 acre tract conveyed to Hafner Properties, LLC. in Document Number 2010-00045147, Official Public Records of Real Property, Bell County, Texas, for a corner of this tract;

THENCE in an easterly direction, with an interior line of said 32.39 acre tract (*Deed N. 63° 08' 56" E., 325.69 feet*), same being the south line of said 1.12 acre tract, **N. 61° 07'**



45° E., 325.39 feet, to a 5/8" iron rod found, being an interior corner of said 32.39 acre tract and being the southeast corner of said 1.12 acre tract, for an interior corner of this tract;

THENCE in a northerly direction, with an interior line of said 32.39 acre tract (*Deed N. 43° 13' 29" W., 169.89 feet*), same being the east line of said 1.12 acre tract, **N. 45° 12' 42" W., 169.96 feet**, to a 3/4" metal pipe found, being an interior corner of said 32.39 acre tract, same being the northeast corner of said 1.12 acre tract, for an interior corner of this tract;

THENCE in a westerly direction, with an interior line of said 32.39 acre tract (*Deed S. 62° 42' 10" W., 277.20 feet*), same being the north line of said 1.12 acre tract, **S. 60° 39' 21" W., 277.16 feet**, to a 5/8" iron rod with "ACS" cap found on the northeast right of way of State Highway 36, being an ell corner of said 32.39 acre tract, same being the northwest corner of said 1.12 acre tract, for an ell corner of this tract;

THENCE in a northwesterly direction with a southwesterly line of said 32.39 acre tract (*Deed N. 26° 45' 52" W.*), same being the northeast right of way of State Highway 36, **N. 28° 55' 59" W., 86.57 feet**, to a 5/8" iron rod with "ACS" cap found, being the most southerly corner of Lot 1, Block 1, Cedar Ridge Crossing, an addition in the City of Temple, Bell County, Texas, of record in Cabinet D, Slide 300-C, Plat Records of Bell County, Texas, for the most westerly, northwest corner of this tract;

THENCE in a northeasterly direction with the southeast line of said Lot 1, Block 1 and with the southeast line of a called 11.54 acre tract of land conveyed to CCB properties, LLC. in Document Number 2009-00028362, Official Public Records of Real Property, Bell County, Texas (*Deed N. 51° 21' 27" E., 1336.87 feet*), **N. 49° 17' 50" E., 1336.92 feet**, to a 5/8" iron rod with "ACS" cap set, being the most easterly corner of said 11.54 acre tract, for an ell corner of this tract;

THENCE in a northwesterly direction, with the northeast line of said of 11.54 acre tract (*Deed N. 52° 04' 09" W., 421.50 feet*), **N. 54° 07' 36" W., 421.50 feet**, to a 5/8" iron rod with "ACS" cap found on the southeast line of a called 15.00 acre tract of land conveyed to Frank J. Lawson in Volume 4149, Page 773, Official Public Records of Real Property, Bell County, Texas, bring the most northerly corner of said 11.54 acre tract, for an ell corner of this tract;

THENCE in a northeasterly direction, with a northwesterly line of said 32.39 acre tract (*Deed N. 50° 41' 30" E.*), same being the southeast line of said 15.00 acre tract, **N. 48° 36' 35" E., 395.20 feet**, to a 5/8" iron rod found on a south line of a tract of land conveyed to the Boop Family Trust in Volume 2718, Page 54, Official Public Records of Real Property, Bell County, Texas, being the northwest corner of said 32.39 acre tract, same being the northeast corner of said 15.00 acre tract, for the northwest corner of this tract;

THENCE in an easterly direction, with the north line of said 32.39 acre tract (*Deed S. 71° 04' 00" E., 309.95 feet*), same being the south line of said Boop Family Trust tract, **S. 73° 07' 03" E., 310.13 feet**, to a 5/8" iron rod found, being the northeast corner of said 32.39 acre tract, for the northeast corner of this tract;

THENCE in a southerly direction, with the east line of said 32.39 acre tract (*Deed S. 18° 55' 53" W., 2060.49 feet*), same being a west line of said Boop Family Trust Tract, **S. 16° 52' 04" W., 2060.09 feet**, to the **POINT OF BEGINNING** and containing **20.855 Acres of Land**.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 608. The theta angle at City Monument No. 608 is 01° 28' 54". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 608 to the southeast corner of this 20.855 acre tract S 62°54'47" E 8,557.20 feet. Published City coordinates for project reference point 608 are N. = 10,407,944.61 E. = 3,195,940.81.

This metes and bounds description to accompany a Surveyor's Sketch showing the herein described 20.855 Acre tract.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed September 18, 2015

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro150000/150600/150634/150634 Annex.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

SCHEDULE

Voluntary Annexation – Texas JB Investments, LLC (20.855 acres)

DATE	ACTION	TIME LIMIT/NOTES
12-08-15	CITY RECEIVES PETITION of landowner to annex area adjacent to city limits; fewer than 3 qualified voters reside in the area.	N/A
12-17-15 Regular Meeting	COUNCIL ADOPTS RESOLUTION 1. Granting petition; 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings <i>9th day after petition filed</i>	1. Hear and grant or deny petition after the 5 th day, but on or before the 30 th day after petition is filed. 2. Council must direct Staff to develop the services plan before publication of notice of 1 st hearing required under § 43.063 LGC. § 43.065 LGC
12-21-15	CITY SECRETARY MAILS NOTICES TO 1. Property owners 2. Public and private service entities 3. Railroads <i>31st day before 1st public hearing</i>	Before the 30 th day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
01-04-16 to 01-12-16	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>17th–9th day before 1st public hearing</i>	Within the period prescribed for publishing the notice of the 1 st hearing under § 43.063 LGC
01-03-16	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City web site Publishes notice in Telegram <i>18th day before 1st public hearing</i> <i>19th day before 2nd public hearing</i>	Publish hearing notice on or after the 20 th day but before the 10 th day before the date of the hearing § 43.063(c)LGC
01-13-16	RESIDENTS' LAST DAY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 10 days after publication of notice. § 43.063(b) LGC
01-21-16 Regular meeting	COUNCIL HOLDS 1st PUBLIC HEARING Staff presents service plan <i>28th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. § 43.063(a) LGC.
01-22-16 Special meeting	COUNCIL HOLDS 2nd PUBLIC HEARING Staff presents service plan <i>27th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. LGC § 43.063(a)
02-18-16 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	First reading institutes proceedings for purposes of statutory time limits.
03-03-16 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCES ON 2ND READING <i>14th day from 1st reading</i>	Complete annexation proceedings within 90 days from 1 st reading. § 43.064(A) LGC.

DATE	ACTION	TIME LIMIT/NOTES
	INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP 1. Amended City limit boundary 2. Amended City ETJ boundary	

	CITY SECRETARY SENDS NOTICES TO: TEXAS SECRETARY OF STATE 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	VOTER REGISTRAR FOR BELL COUNTY 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 th day after the date the change is adopted. § 42.0615 Election Code The County Election Administrator is the Voter Registrar for Bell County.
	STATE COMPTROLLER, SALES TAX DIVISION 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	PUC AND FRANCHISEES Utility, telecommunication, transportation, and EMS providers	
	TxDOT If state road is affected.	
	TEXAS COMMISSION ON FIRE PROTECTION	<i>[No citation found. No information found on Commission's web site.]</i>
	U. S. BUREAU OF THE CENSUS	<i>[Or does SOS notify Bureau of the Census?]</i>

	CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS: 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
--	---	--

John Adcock
L-5246
06-02-08
Exp. 06-02-20
Doc# 00033303

RP 08/11/2008

STATE OF TEXAS \$



COUNTY OF BELL \$

70 2008 00033303

**CITY OF TEMPLE
DEVELOPMENT AGREEMENT
PURSUANT TO CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE**

This Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code by and between the City of Temple, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property.

WHEREAS, the Owner owns a parcel of real property (the "Property") in Bell County, Texas, which is more particularly and separately described as geographic identification number **0512440001**, property identification number **108315**, and as evidenced as the deed recorded as volume _____ and page _____ and which is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter of the Tax Code;

WHEREAS, the City has initiated or will initiate annexation proceedings on all or portions of Owner's Property and will hold public hearings at a location to be determined later in compliance with State law;

WHEREAS, the Owner desires to have the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement;

WHEREAS, this Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City;

WHEREAS, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement;

WHEREAS, the City Council authorized and approved this agreement at a regularly-scheduled council meeting subject to the Open Meetings Act in compliance with the laws of the State of Texas and the ordinances and Charter of the City on November 1, 2007.

WHEREAS, this Development Agreement is to be recorded in the real property records of Bell County, Texas; and

WHEREAS, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

John Adcock
City of Temple
2 North Main St # 303
Temple TX 76701

Section 1. Agreement by the City Not to Annex the Property During Term of this Agreement. The City guarantees the continuation of the extraterritorial status of the Owner's Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement subject to the terms and conditions contained herein. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement. However, if the Property is annexed pursuant to the terms of this Agreement, then the City shall provide services to the Property pursuant to Chapter 43 of the Texas Local Government Code.

Section 2. Agreement by the Owner. (a) The Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management, and/or timber land management consistent with Chapter 23 of the Texas Tax Code, except for any *existing* single-family residential use of the property, without the prior written consent of the City. The Owner has completed and executed an *Affidavit of Tax Appraisal Status and Current Uses*, which is attached to this Agreement as Exhibit "A," and included herein as part of this Agreement as if set out in full.

(b) The Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property with Bell County or the City until the Property has been annexed into, and zoned by, the City, nor shall the Owner take such action to develop or subdivide the Property that would require a plat to be filed with the City or the County under State law.

(c) Except as provided herein, the Owner covenants and agrees not to construct, or allow to be constructed, any buildings, other than one single family residence (new or a replacement for an existing single family residence) or one or more accessory buildings reasonably needed to support the Agricultural use of the Property, provided the Owner obtains a permit from the City to construct such improvements. The Owner also covenants and agrees that the City's "A" or "Agricultural" zoning district requirements apply to the Property, and that the Property shall be used only for uses allowed in an A—Agricultural zoning district that exist on that Property at the time of the execution of this Agreement, unless otherwise provided in this Agreement.

(d) The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the Owner who signs this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.

Section 3. Filing of a Plat During Term of Agreement Constitutes a Petition for Voluntary Annexation. (a) The Owner acknowledges that if any plat or related development document is filed in violation of this Agreement, or if the Owner commences development of the Property in violation of this Agreement, then in addition to the City's other remedies, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City

Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner.

If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures under an annexation plan. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

Section 4. Owner Agreement that City May Enforce Its Development and Planning Regulations on Property. Pursuant to Sections 43.035(b)(1)(B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the use of the Property for agriculture, wildlife management, or timber, in the same manner the regulations are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

Section 5. Term. (a) The term of this Agreement (the "Term") is twelve (12) years from the date that the City Manager's signature to this Agreement is acknowledged by a notary public.

(b) The Owner, and all of the Owner's heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation before the end of the Term, for annexation of the Property to be completed on or after the end of the Term. Prior to the end of the Term, the City may commence the voluntary annexation of the Property. In connection with annexation pursuant to this section, the Owners hereby waive any vested rights they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

Section 6. Future Zoning of Property. Property annexed pursuant to this Agreement will initially be zoned "A-Agricultural" pursuant to the City's Code of Ordinances, pending determination of the property's permanent zoning in accordance with the provisions of applicable law and the City's Code of Ordinances.

Section 7. Permits and Vested Rights. Pursuant to Texas Local Government Code Section 43.035 this Agreement is not a permit for purposes of Chapter 245 of the Texas Government Code, that the Agreement shall be deemed to be a petition for voluntary annexation. The Owner and all Owner's heirs, successors and assigns hereby waive any and all vested rights including rights and claims that they may have under common law, federal case law or Section 43.002 of the Texas Local Government Code related to uses, anticipated uses or potential uses of the Property, other than the existing uses.

Section 8. No Municipal Services. The City shall not be obligated to provide the Owner with any municipal services (such as police protection, fire protection, drainage and street construction, or maintenance), with respect to the Property for the duration of this Agreement.

Section 9. Notice to Third Parties. Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyance, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owner and the Owner's heirs, successors, and assigns shall give the City written notice within 14 days of any change in the agricultural, wildlife management or timber management (as applicable) exemption status of the Property. A copy of either notice required by this section shall be forwarded to the City at the following address:

**City of Temple
Attn: City Manager
2 North Main Street
Temple, TX 76501**

Section 10. Agreement Runs with the Land. This Agreement shall run with the Property and be recorded in the real property records of Bell County, Texas.

Section 11. Severance Clause. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

Section 12. No Waiver. This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

Section 13. Enforceability. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

Section 14. Applicable law and Venue. This Agreement was executed in Bell County, Texas, and is governed by the laws of the State of Texas. The venue for any legal proceeding to enforce or interpret the provisions of this Agreement shall be in Bell County, Texas.

Section 15. Multiple copies. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and the same instrument.

Section 16. Survival of Certain Rights of the City Upon Termination. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 2, 3, and 4 herein.

Entered into this 14th day of January, 2008.

Property Owners

[Signature]
Signature
Printed Name: John Adcock

Signature
Printed Name: _____

Signature
Printed Name: _____

Signature
Printed Name: _____

City of Temple

[Signature]
David Blackburn
City Manager



ATTEST:

[Signature]
Clydetta Entzminger
City Secretary

Approved as to form:

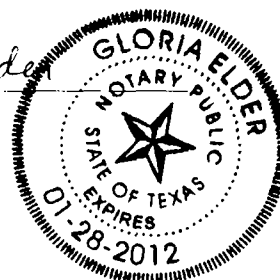
[Signature]
Jonathan Graham
City Attorney

THE STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the 2nd day of June, 2008,
by David Blackburn, City Manager, City of Temple, Texas.

[Signature]
Notary Public, State of Texas



THE STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the 14th day of January, 2008,
by John Adcock, Owner.

Deborah K. Duse
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF BELL §



This instrument was acknowledged before me on the _____ day of _____, 2007,
by _____, Owner.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the 1 day of _____, 2007, by
_____, Owner.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of _____, 2007, by
_____, Owner.

Notary Public, State of Texas

Affidavit of Tax Appraisal Status and Current Uses

John Adcock appeared in person before me today and stated under oath:

"My name is John Adcock. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct. I am the owner of a parcel of real property (the "Property") in Bell County, Texas, which is more particularly and separately described as geographic identification number **0512440001**, property identification number **108315**, and as evidenced as the deed recorded as volume _____ and page _____ and which is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter of the Tax Code.

The current improvements on my Property are as follows: (Please list all permanent property improvements, for example, buildings, signs, or other structures, on the Property as shown on your most recent statement received from the Bell County Appraisal District and improvements which have been added by you since January 1, 2007):

None

The current uses being made of my Property are as follows: (for example: farming, grazing, single family residential, retail, commercial or industrial uses)

Ag

I understand that the information provided herein will be used by the City to substantiate my current use of my Property, and to determine during the term of this Agreement to which this Affidavit is an Exhibit, whether the uses of the Property have changed, and that providing misleading information will invalidate my Agreement with the City.

Executed on this 14th day of January, 2008.

Property Owner

John Adcock
Signature

This instrument was acknowledged before me on the 14th day of January, 2008, by John Adcock, Owner.

Deborah K. Duson

Notary Public, State of Texas



Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2008-00033303

Recorded On: August 11, 2008

As
Recordings

Parties: ADCOCK JOHN
To CITY OF TEMPLE

Billable Pages: 7
Number of Pages: 8

Comment:

(Parties listed above are for Clerks reference only)

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

Recordings	38.00
Total Recording:	38.00

***** 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:

Document Number: 2008-00033303
Receipt Number: 36704
Recorded Date/Time: August 11, 2008 11:25:48A
User / Station: M Evans - Cash Station 2

Record and Return To:

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

A handwritten signature in cursive script, reading "Shelley Coston".

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING APPROXIMATELY 20.855 ACRES OF LAND OUT OF THE SARAH FITZHENRY SURVEY, ABSTRACT NO. 312, BELL COUNTY, TEXAS, AND LOCATED ADJACENT TO THE CEDAR RIDGE CROSSING SUBDIVISION; APPROVING A MUNICIPAL SERVICE PLAN; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City;

Whereas, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code and the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

Whereas, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

Whereas, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city; and

Whereas, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

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

Part 1: All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The property consisting of approximately 20.855 acres of land out of the Sarah Fitzhenry Survey, Abstract No. 312, located adjacent to the Cedar Ridge Crossing Subdivision, described in Exhibit 'A' attached hereto, is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

Part 3: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this ordinance, made a part hereof and attached hereto as Exhibit "B."

Part 4: The official map and boundaries of the City of Temple are hereby amended so as to include the annexed Property as part of the City of Temple.

Part 5: The annexed Property shall be zoned at a future date, in compliance with the Zoning Ordinance of the City of Temple.

Part 6: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.

Part 7: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 8: If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 9: 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 10: 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 **18th** day of **February**, 2016.

PASSED AND APPROVED on Second and Final Reading on the **3rd** day of **March**, 2016.

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

03/03/16
Item #5(I-1)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance authorizing annexation of 0.278 acres of land out of and part of the George W. Lindsey Survey, Abstract 513, Bell County, Texas.

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

ITEM SUMMARY: Kiella Land Investments, Ltd filed a petition on November 23, 2015, seeking voluntary annexation of 0.278 acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

On December 17, 2015, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property, which was involved in an extraterritorial jurisdiction land swap with Morgan's Point Resort on May 15, 2014. If annexed, this 0.278 acres of land would accompany the other 137 acres of Campus at Lakewood Ranch, Phase X development that were annexed on June 5, 2014.

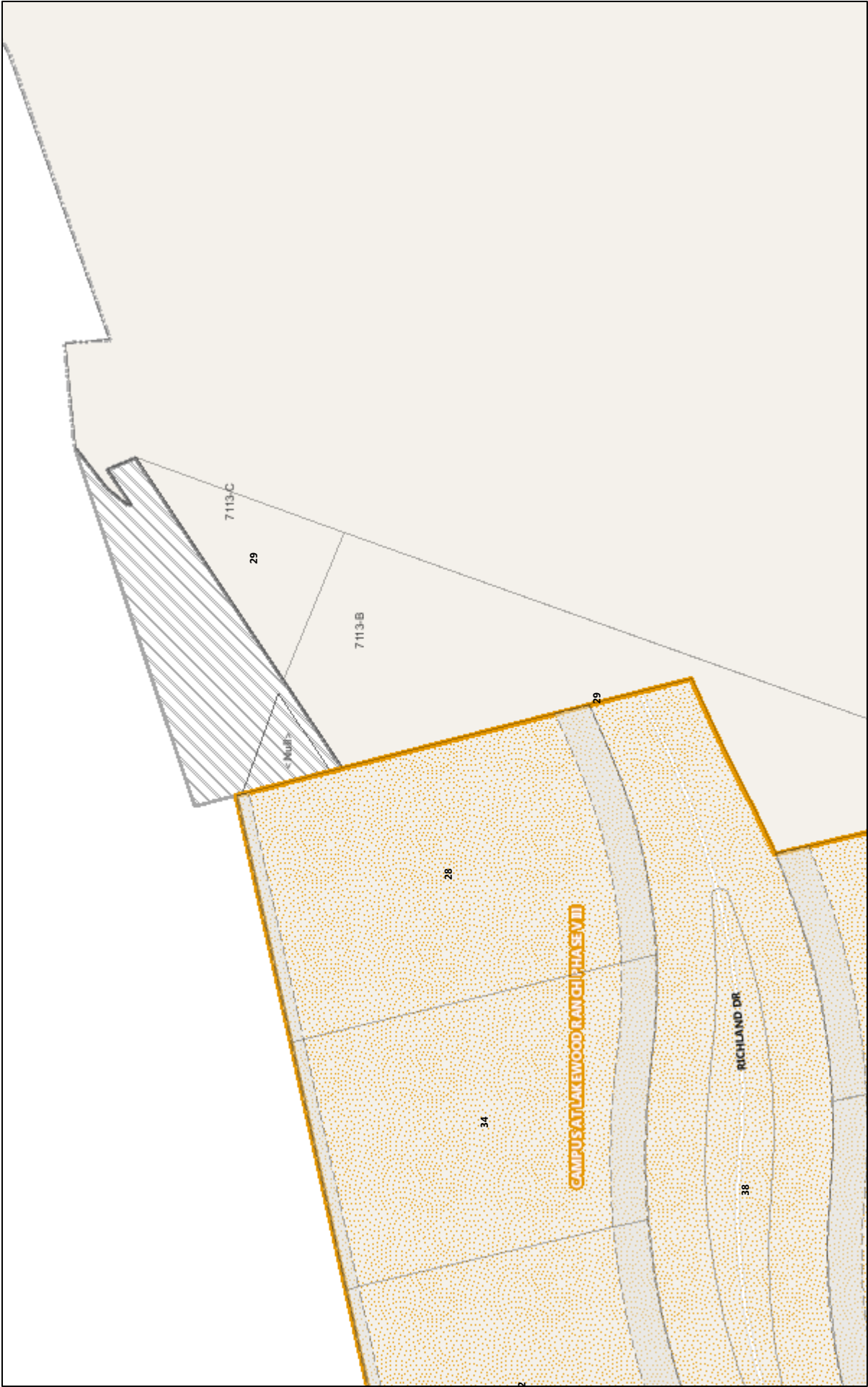
The applicants request the subject property be annexed into the City of Temple with a zoning of Single Family Two (SF-2) to match the surrounding SF-2 zoning, approved by City Council on June 5, 2014. The proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on March 3, 2016.

FISCAL IMPACT: Public water and wastewater facilities will not need to be extended to the subject property, since an existing six-inch water line is available at Richland Drive and the property will be serviced by a septic system.

ATTACHMENTS:

Voluntary Annexation Map
Campus at Lakewood Ranch Plat (Phase X)
Municipal Service Plan
Field Notes of Proposed Annexation Area
Survey of Proposed Annexation Area
Voluntary Annexation Schedule
Ordinance

Annexation Map X-FY-16-05



December 19, 2015

Parcels

Park Labels

Major Arterial

Proposed Minor Arterial

Street Labels

Thoroughfare Plan

Proposed Major Arterial

Collector

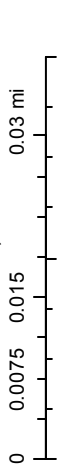
Railroad Labels

Expressway

Minor Arterial

Proposed Collector

1:1,128



CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
Kiella Land Investments, Ltd.

For a 0.278 acre tract of land being more or less 88 feet in width and 219 feet in length, located adjacent to The Campus At Lakewood Ranch, Phase VIII and located adjacent to Lot 3, Block 3, The Campus at Lakewood Ranch, Phase IX, hereafter called the Tract, abutting the city limits boundary out of and part of the George W. Lindsey Survey, Abstract 513, County of Bell, and more particularly described as Exhibit "A" (Fields) and depicted as Exhibit "B" (Survey) of the Annexation Ordinance (2016-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection from Station #7 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility

company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density as those found in the boundaries of the voluntary annexation also rely on on-site sewage facilities for wastewater infrastructure. For this reason and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the voluntary annexation.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2016.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 0.278 acre tract situated in the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 25.000 acre tract of land described in a Executor's Special Warranty Deed dated April 2, 2008 from Edward William Clinite, Independent Executor and as Trustee of any Trusts Created under the Last Will and Testament of LaVerne Miller, Deceased to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2008-00016748, Official Public Records of Bell County, Texas and being a part or portion of that certain 23.856 acre tract (TRACT2) described in a Special Warranty Deed dated October 1, 2012 from Edward William Clinite, Trustee of the Esta Laperle Clinite Descendants Separate Trust to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042201, Official Public Records of Bell County, Texas and being a part or portion of that certain 112.763 acre tract of land described in a Special Warranty Deed dated October 1, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042199, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with cap stamped "RPLS 2475" found being the most easterly northeast corner of that certain 15.047 acre tract of land described as The Campus at Lakewood Ranch, Phase VIII according to the map or plat of record in Cabinet D, Slide 375-B, Plat Records of Bell County, Texas and being the southeast corner of Lot 3, Block 3, The Campus at Lakewood Ranch, Phase IX according to the map or plat or record in Year No. 2014, Plat No. 144, Plat Records of Bell County, Texas and being in the north boundary line of the said 25.000 acre tract and being in the south boundary line of the said 23.856 acre tract for corner;

THENCE departing the said 15.047 acre tract and the said 25.000 acre tract and the said south boundary line and over and across the said 23.856 acre tract the following seven (7) calls:

- 1) N. 15° 56' 32" W., 24.87 feet departing the said The Campus at Lakewood Ranch, Phase VIII and with the east boundary line of the said Lot 3, Block 3, The Campus at Lakewood Ranch, Phase IX to a ½" iron rod with cap stamped "RPLS 2475" set being the southwest corner of Lot 2, said Block 3 for corner;
- 2) N. 70° 06' 33" E., 219.92 feet with the south boundary line of the said Block 3 to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 3) S. 50° 38' 46" W., 30.44 feet departing the said Block 3 to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 4) S. 37° 15' 50" W., 15.29 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 5) N. 54° 23' 42" E., 1.00 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;



6) S. 17° 46' 25" W., 2.98 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

7) N. 54° 23' 10" E., 24.76 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE S. 24° 20' 30" E., 17.60 feet over and across the said 23.856 acre tract and continuing over and across the aforementioned 112.763 acre tract to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE S. 54° 57' 16" W., 216.30 feet over and across the said 112.763 acre tract and continuing over and across the said 23.856 acre tract and continuing over and across the aforementioned 25.000 acre tract to a ½" iron rod with cap stamped "RPLS 2475" set being in the east boundary line of the aforementioned The Campus at Lakewood Ranch, Phase VIII for corner;

THENCE N. 15° 56' 32" W., 63.25 feet continuing over and across the said 25.000 acre tract and with the said east boundary line of The Campus at Lakewood Ranch, Phase VIII to the Point of BEGINNING and containing 0.278 acres of land.

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

Michael E. Alvis

Michael E. Alvis, R.P.L.S. #5402
November 20, 2015



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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 04"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852
PUBLISHED CITY COORDINATES ARE X = 3,198,199.05 Y = 10,383,950.33
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. 29° 17' 25" W., 4674.11 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

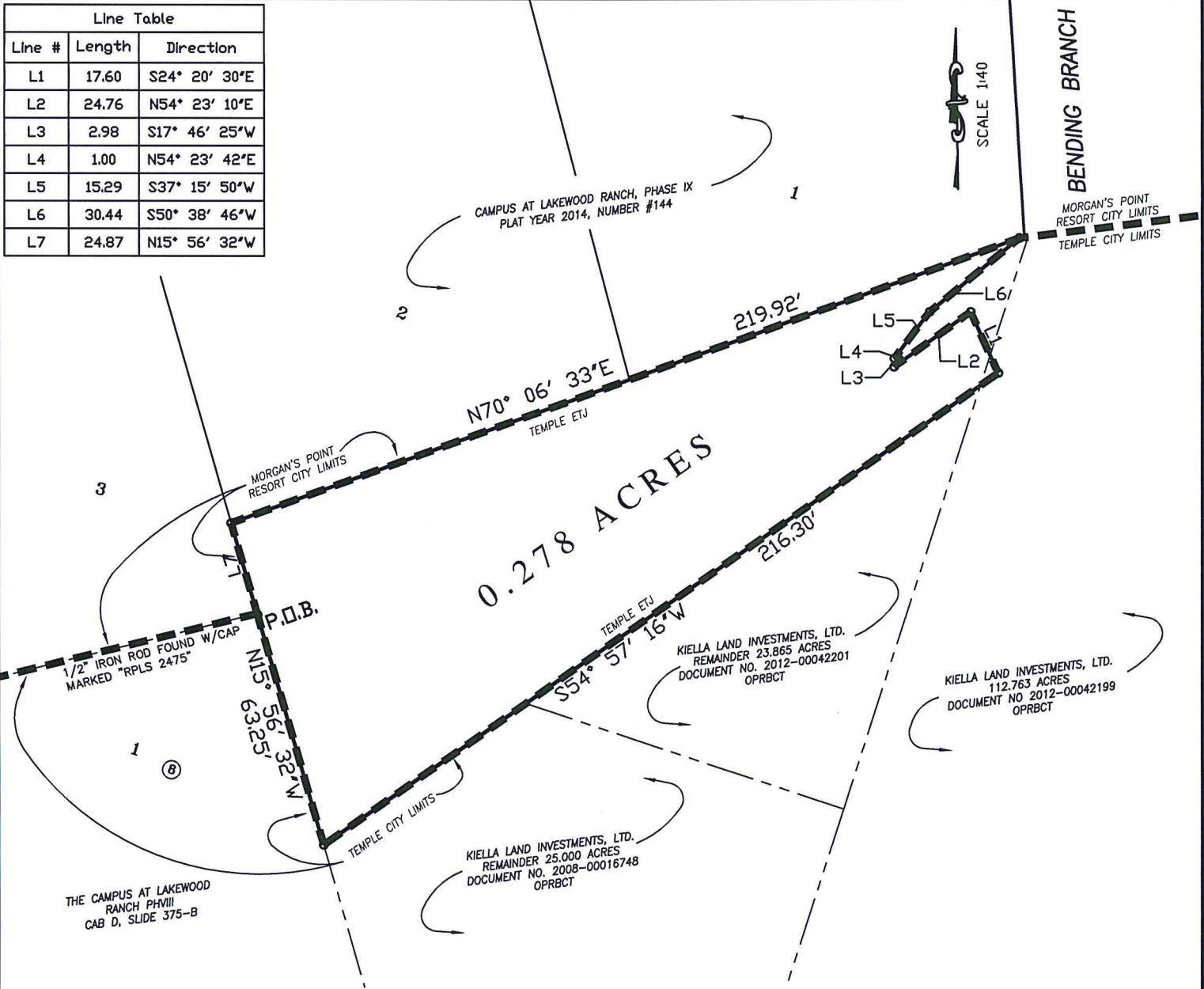
Page 2 of 2



TURLEY ASSOCIATES, INC.

ENGINEERING • SURVEYING • PLANNING
301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400

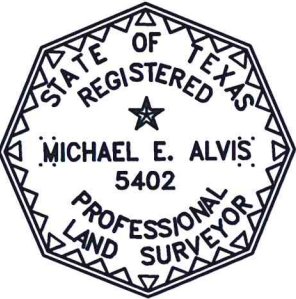
Line Table		
Line #	Length	Direction
L1	17.60	S24° 20' 30"E
L2	24.76	N54° 23' 10"E
L3	2.98	S17° 46' 25"W
L4	1.00	N54° 23' 42"E
L5	15.29	S37° 15' 50"W
L6	30.44	S50° 38' 46"W
L7	24.87	N15° 56' 32"W



BEING a 0.278 acre tract situated in the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 25.000 acre tract of land described in a Executor's Special Warranty Deed dated April 2, 2008 from Edward William Clinite, Independent Executor and as Trustee of any Trusts Created under the Last Will and Testament of LaVerne Miller, Deceased to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2008-00016748, Official Public Records of Bell County, Texas and being a part or portion of that certain 23.856 acre tract (TRACT2) described in a Special Warranty Deed dated October 1, 2012 from Edward William Clinite, Trustee of the Esta Laperle Clinite Descendants Separate Trust to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042201, Official Public Records of Bell County, Texas and being a part or portion of that certain 112.763 acre tract of land described in a Special Warranty Deed dated October 1, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042199, Official Public Records of Bell County, Texas and being more particularly described by separate metes and bounds in separate field notes.

STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS, that I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct and that there are no discrepancies, conflicts, shortages in the area, easements, and right-of-ways except as shown hereon, that this tract of land has access to and from a public road, and I have marked all corners with monuments.

IN WITNESS THEREOF, my hand and seal, this the 23rd day of November, 2015.



Michael E. Alvis
Michael E. Alvis, R.P.L.S., No. 5402

**ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP MARKED "RPLS 2475" SET UNLESS NOTED OTHERWISE.

0.278 acre tract being more particularly described by separate metes and bounds.

 ENGINEERING • PLANNING • SURVEYING CONSTRUCTION MANAGEMENT TURLEY ASSOCIATES, INC. F-1658 301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400	0.278 ACRES GEORGE W. LINDSEY SURVEY, ABSTRACT #513 BELL COUNTY, TEXAS	DATE: 11/23/15	SCALE: 1: 40	DWN. BY: JFBII/MJK
		REFERENCE: 12512-D	JOB NO: 13-379	
		SHEET 1 OF 1	FILE NO: 12789-A	

SCHEDULE

Voluntary Annexation – Campus at Lakewood Ranch, Phase X (0.278 acre)

DATE	ACTION	TIME LIMIT/NOTES
11-23-15	CITY RECEIVES PETITION of landowner to annex area adjacent to city limits; fewer than 3 qualified voters reside in the area.	N/A
12-17-15 Regular Meeting	COUNCIL ADOPTS RESOLUTION 1. Granting petition; 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings <i>24th day after petition filed</i>	1. Hear and grant or deny petition after the 5 th day, but on or before the 30 th day after petition is filed. 2. Council must direct Staff to develop the services plan before publication of notice of 1 st hearing required under § 43.063 LGC. § 43.065 LGC
12-21-15	CITY SECRETARY MAILES NOTICES TO 1. Property owners 2. Public and private service entities 3. Railroads <i>31st day before 1st public hearing</i>	Before the 30 th day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
01-04-16 to 01-12-16	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>17th–9th day before 1st public hearing</i>	Within the period prescribed for publishing the notice of the 1 st hearing under § 43.063 LGC
01-03-16	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City web site Publishes notice in Telegram <i>18th day before 1st public hearing</i> <i>19th day before 2nd public hearing</i>	Publish hearing notice on or after the 20 th day but before the 10 th day before the date of the hearing § 43.063(c)LGC
01-13-16	RESIDENTS' LAST DAY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 10 days after publication of notice. § 43.063(b) LGC
01-21-16 Regular meeting	COUNCIL HOLDS 1st PUBLIC HEARING Staff presents service plan <i>28th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. § 43.063(a) LGC.
01-22-16 Special meeting	COUNCIL HOLDS 2nd PUBLIC HEARING Staff presents service plan <i>27th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. LGC § 43.063(a)
02-18-16 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	First reading institutes proceedings for purposes of statutory time limits.
03-03-16 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCES ON 2ND READING <i>14th day from 1st reading</i>	Complete annexation proceedings within 90 days from 1 st reading. § 43.064(A) LGC.

DATE	ACTION	TIME LIMIT/NOTES
	INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP 1. Amended City limit boundary 2. Amended City ETJ boundary	

	CITY SECRETARY SENDS NOTICES TO: TEXAS SECRETARY OF STATE 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	VOTER REGISTRAR FOR BELL COUNTY 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 th day after the date the change is adopted. § 42.0615 Election Code The County Election Administrator is the Voter Registrar for Bell County.
	STATE COMPTROLLER, SALES TAX DIVISION 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	PUC AND FRANCHISEES Utility, telecommunication, transportation, and EMS providers	
	TxDOT If state road is affected.	
	TEXAS COMMISSION ON FIRE PROTECTION	<i>[No citation found. No information found on Commission's web site.]</i>
	U. S. BUREAU OF THE CENSUS	<i>[Or does SOS notify Bureau of the Census?]</i>

	CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS: 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING APPROXIMATELY 0.278 ACRES OF LAND OUT OF AND A PART OF THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, BELL COUNTY, TEXAS; APPROVING A MUNICIPAL SERVICE PLAN; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City;

Whereas, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code and the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

Whereas, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

Whereas, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city; and

Whereas, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

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

Part 1: All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The property consisting of approximately 0.278 acres of land out of and part of the George W. Lindsey Survey, Abstract No. 513, described in Exhibit 'A' attached hereto, is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

Part 3: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this ordinance, made a part hereof and attached hereto as Exhibit "B."

Part 4: The official map and boundaries of the City of Temple are hereby amended so as to include the annexed Property as part of the City of Temple.

Part 5: The annexed Property shall be zoned at a future date, in compliance with the Zoning Ordinance of the City of Temple.

Part 6: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.

Part 7: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 8: If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 9: 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 10: 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 **18th** day of **February**, 2016.

PASSED AND APPROVED on Second and Final Reading on the **3rd** day of **March**, 2016.

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

03/03/16
Item #5(I-2)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-16-13: Consider adopting an ordinance authorizing a rezoning upon annexation of a 0.278 acre tract of land from Agricultural District (AG) to Single-Family Two (SF-2) District, as part of the subdivision plat for Campus At Lakewood Ranch Phase X, located at the end of Richland Drive, between existing Campus At Lakewood Ranch Phases VIII and IX.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its February 1, 2016, meeting the Planning and Zoning Commission voted 9/0 to recommend approval of a permanent zoning of Single Family Two (SF-2) District upon annexation of the subject 0.278 tract of land.

STAFF RECOMMENDATION: Staff recommends approval of a permanent zoning of Single Family Two (SF-2) upon annexation into the City of Temple for the following reasons:

1. Compliance with the Future Land Use Plan;
2. Compatibility with surrounding zoning and land uses;
3. Compatibility with the Thoroughfare Plan; and
4. Public and private facilities will be available to serve the subject property.

ITEM SUMMARY: On December 17, 2015, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property, which was involved in an extraterritorial jurisdiction land swap with Morgan's Point Resort on May 15, 2014. If annexed, this 0.278 acres of land would accompany the other 137 acres of Campus at Lakewood Ranch, Phase X development that were annexed on June 5, 2014.

The applicant requests the subject property be annexed into the City of Temple with a zoning of Single Family Two (SF-2) to match the surrounding SF-2 zoning, approved by City Council on June 5, 2014. Public hearings were held on January 21 and 22, 2016 related to the Municipal Service Plan, while the annexation readings will be presented with this zoning case.

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

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

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

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

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

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	None (ETJ)	None	Undeveloped Property
North	None (Morgan's Point Resort)	None	Undeveloped Property
South	Suburban Residential	SF-2	Undeveloped Property
East	Suburban Residential	SF-2	Undeveloped Property
West	None / Suburban Residential	SF-2	Residential and Undeveloped Property

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Compliance?</u>
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)

Since the subject property was part of Morgan's Point Resort during the review process of the *Choices '08* City of Temple Comprehensive Plan, it was not assigned a land use character district, but it is surrounded by the Suburban Residential character district.

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

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

The subject property does not have street frontage because it is a sliver of land within Block 2, Lot 1 of The Campus at Lakewood Ranch, Phase X. The subject Lot fronts on the future street, Bending Branch, which is compliant with single-family development. Bending Branch proposes a street width of 38 feet (back of ribbon curbing-back of ribbon curbing) within 60 feet of right-of-way.

Availability of Public Facilities (CP Goal 4.1)

An existing six-inch water line is available at Richland Drive, located west of the subject property. The surrounding development will be serviced by 6-inch and 8-inch water lines along the subject property along Bending Branch. The subject property will be serviced by septic system.

PUBLIC NOTICE: Fourteen (14) 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 Monday, February 8, 2016, thirteen (13) notices have been received in favor of the proposed rezoning and no notices have been returned in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on January 21, 2016, in accordance with state law and local ordinance.




FISCAL IMPACT: Not Applicable




ATTACHMENTS:

[Subject and Surrounding Property Photos](#)
[Zoning and Location Map](#)
[Future Land Use and Character Map](#)
[Thoroughfare Map](#)
[Utility Map](#)
[Buffer Notification Map](#)
[Response Letters](#)
[Campus at Lakewood Ranch, Phase X Ordinance](#)

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	None (ETJ)	Undeveloped Property	
East	SF-2	Undeveloped Property	
West	None (ETJ) and SF-2	Single-Family Residential and Undeveloped Property	

Direction	Zoning	Current Land Use	Photo
			 <p>Richland Drive</p>
South	SF-2	Undeveloped Property	
North	None	Undeveloped Property in Morgan's Point Resort	















SF-2 with Annexation

AERIAL MAP

Zoning Case :
Z-FY-16-13

Address :
ETJ

Streets

-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  CaseArea

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.

tlyerly
Date: 1/19/2016





SF-2 with Annexation

FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-13

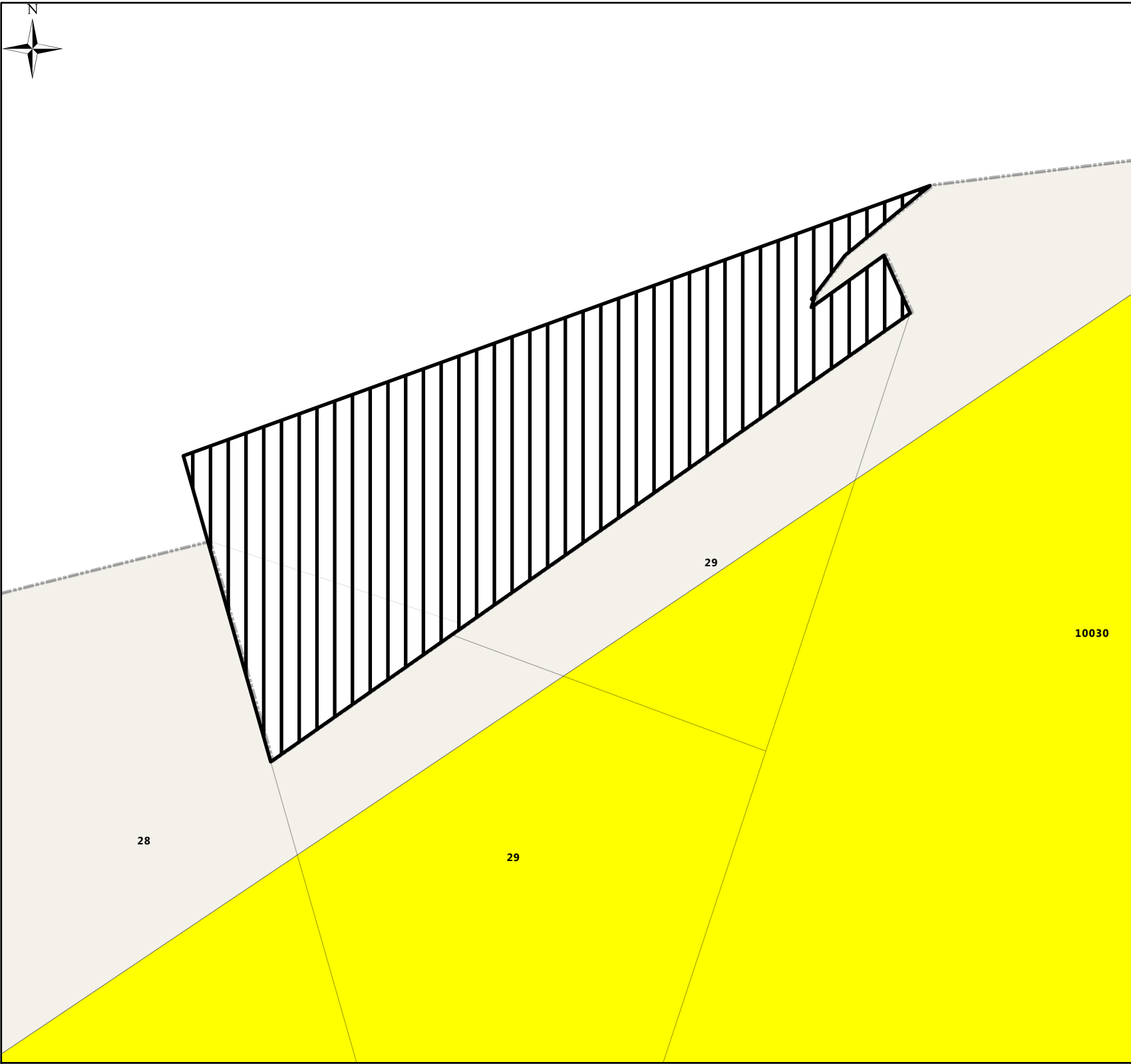
Address :
ETJ

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
- CaseArea

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tlyerly

Date: 1/19/2016

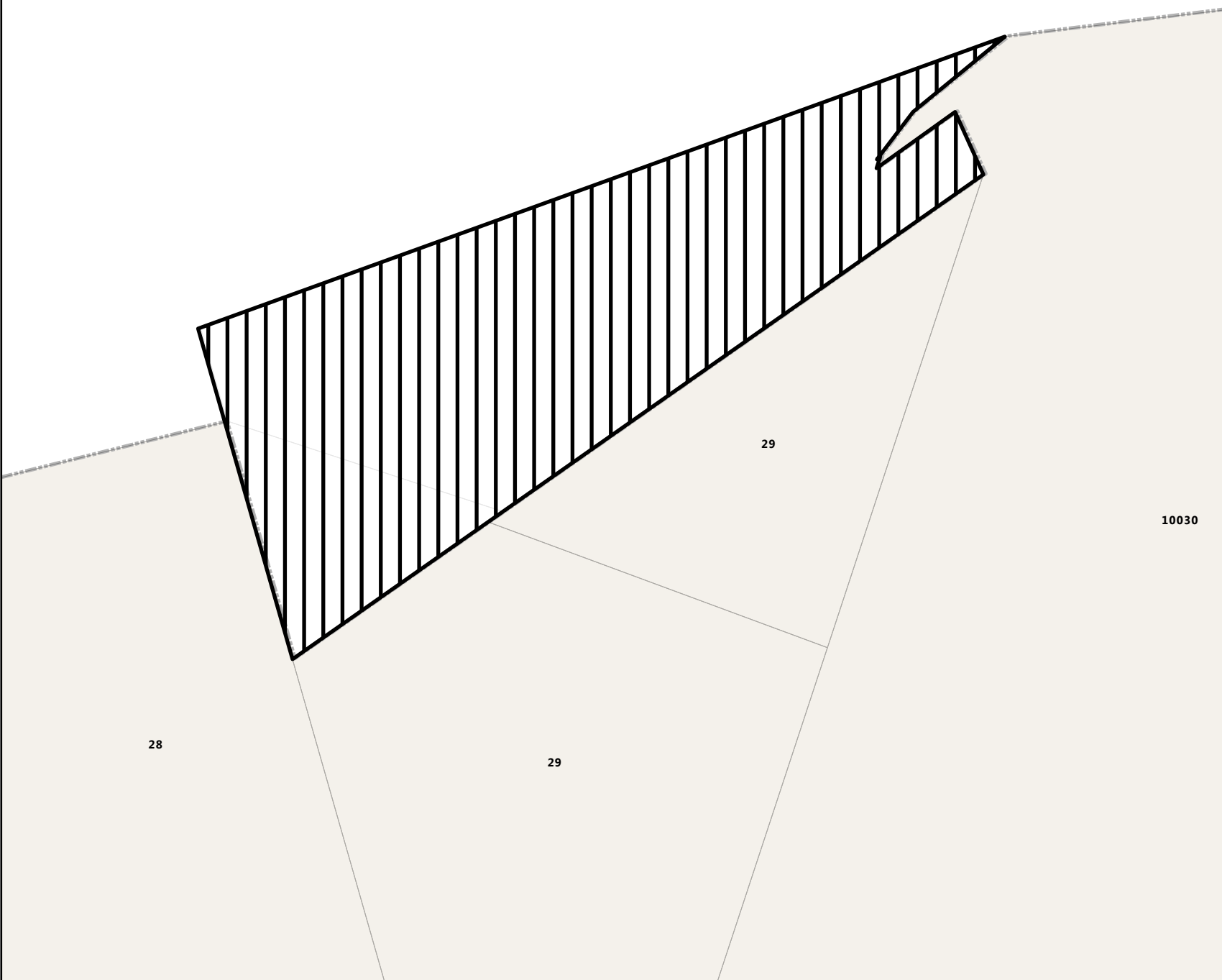




SF-2 with Annexation THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-16-13

Address :
ETJ



- Parcels
- Thoroughfare Plan
 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector
- Trails Master Plan
 - EXISTING, CITY WIDE SPINE
 - EXISTING, COMMUNITY WIDE CONNECTOR
 - EXISTING, LOCAL CONNECTOR
 - PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR
- CaseArea

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tlyerly
Date: 1/19/2016











SF-2 with Annexation

UTILITY MAP

Zoning Case :
Z-FY-16-13

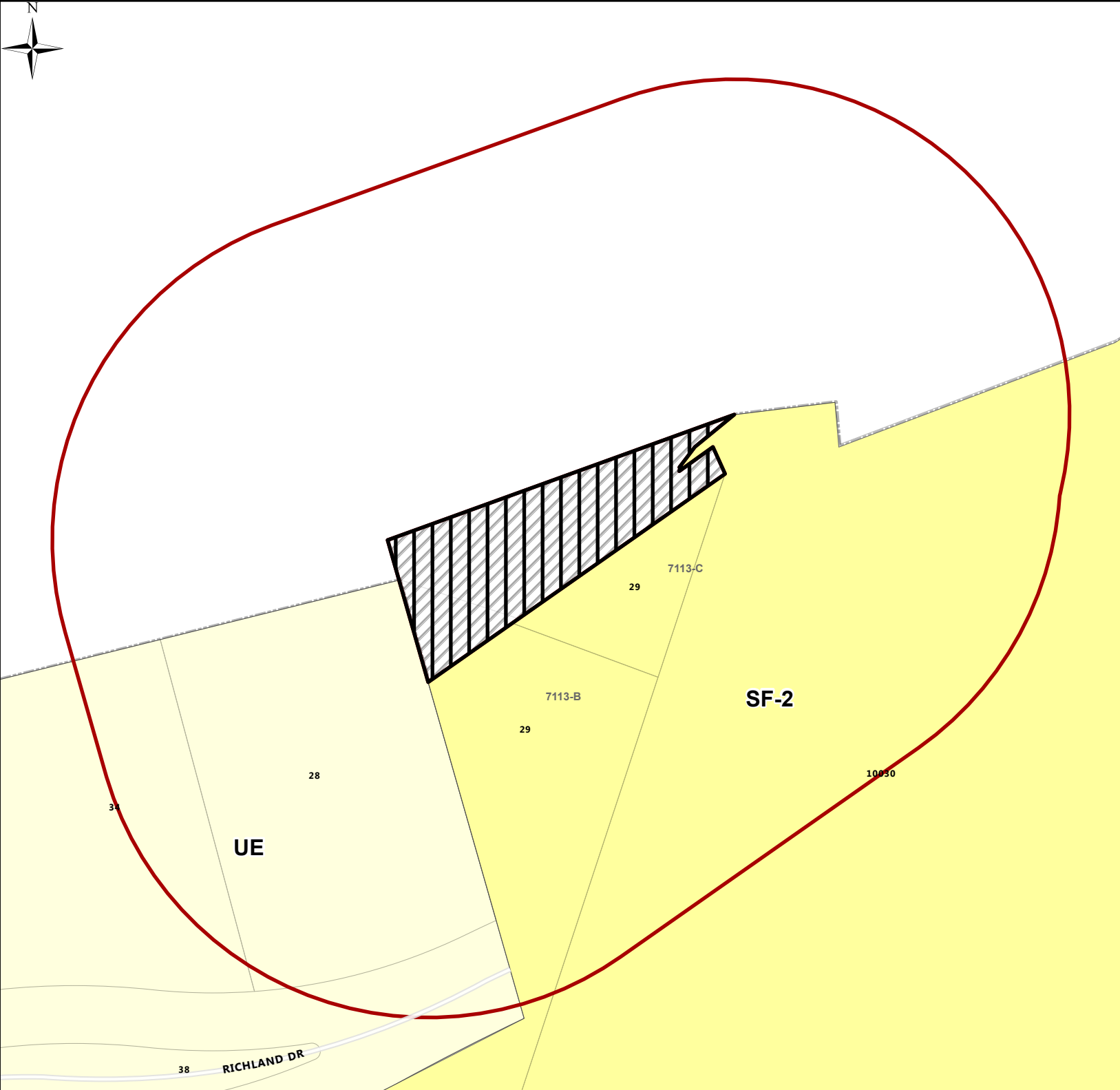
Address :
ETJ

-  Manhole
-  Gravity Main
-  Hydrant
-  Main
-  Parcels
-  CaseArea

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tlyerly
Date: 1/19/2016





SF-2 with Annexation

200'

NOTIFICATION MAP

Zoning Case :
Z-FY-16-13
Address :
ETJ

CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	Buffer
MF-2 - PD	HI - PD	CaseArea
MF-3 - PD	AG	

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tlyerly
Date: 1/19/2016





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

TAVERNIER, ANTHONY P ETUX REGINA
34 RICHLAND DR
BELTON, TX 76513

Zoning Application Number: Z-FY-16-13

Project Manager: Tammy Lyerly

Location: At the end of Richland Drive between existing Campus At Lakewood Ranch Phases VIII and IX

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:

RECEIVED

FEB - 3 2016

City of Temple
Planning & Development


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.

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

Number of Notices Mailed: 14

Date Mailed: January 21, 2016



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

KIELLA DEVELOPMENT INC
PO BOX 1344
TEMPLE, TX 76503-1344

Zoning Application Number: Z-FY-16-13

Project Manager: Tammy Lyerly

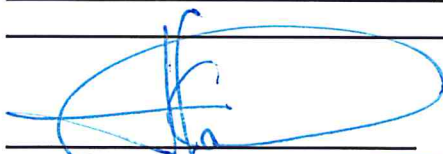
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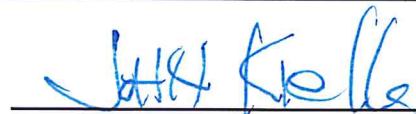
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JAN 27 2016
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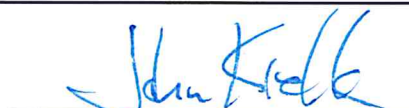
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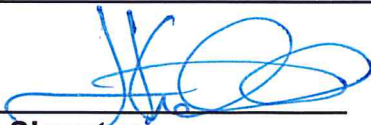
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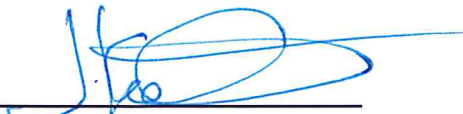
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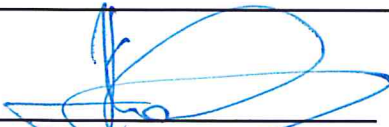
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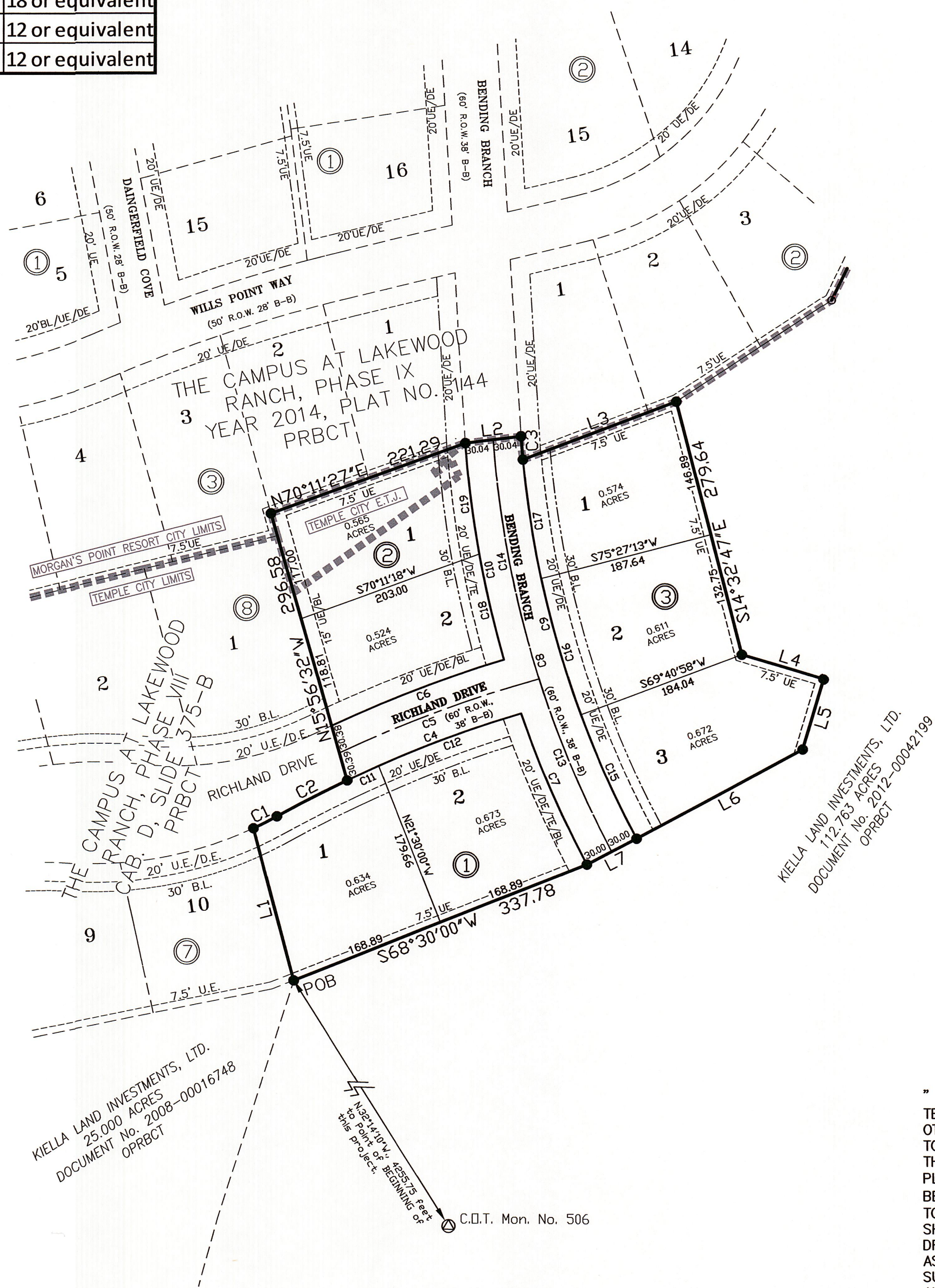
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Municipal Building
Temple, Texas 76501**

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Date Mailed: January 21, 2016

DRIVEWAY CULVERT TABLE			
BLOCK	LOT	FRONTAGE	CMP (INCHES)
1	1	Richland Drive	12 or equivalent
1	2	Richland Drive	12 or equivalent
1	2	Bending Branch	18 or equivalent
2	1	Bending Branch	18 or equivalent
2	2	Bending Branch	18 or equivalent
2	2	Richland Drive	12 or equivalent
3	1-3	Bending Branch	12 or equivalent



STREET DATA		
STREET NAME	LENGTH	AREA
BENDING BRANCH	461.25 L.F.	0.635 ACRES
RICHLAND LANE	198.26 L.F.	0.273 ACRES

ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP MARKED "RPLS 2475" SET UNLESS NOTED OTHERWISE.

THIS PROJECT IS REFERENCED IN NAD 1983 CENTRAL TEXAS STATE PLANE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506 THE THETA ANGLE AT SAID CITY MONUMENT IS 01°29'04" THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852 PUBLISHED CITY COORDINATES ARE X=3,198,199.05 Y=10,383,950.33 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS N. 32° 14' 10" W., 4255.75 FEET.

I, THE UNDERSIGNED, A REGISTERED SANITARIAN IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION HAS BEEN REVIEWED FOR COMPLIANCE WITH APPLICABLE STATE AND COUNTY REGULATIONS GOVERNING ON-SITE SEWAGE FACILITIES AND IS HEREBY RECOMMEND FOR APPROVAL.

SIGNATURE: _____ DATE: _____
TITLE: _____, BELL COUNTY PUBLIC HEALTH DISTRICT

I HEREBY, CERTIFY THIS PLAT WAS APPROVED THIS _____ DAY OF _____, 2015 BY THE BELL COUNTY COMMISSIONERS COURT, AND MAY BE FILED FOR RECORD IN THE DEED RECORDS OF BELL COUNTY BY THE COUNTY CLERK

COUNTY JUDGE _____

WITNESS MY HAND THIS _____ DAY OF _____, 2015

NOTARY PUBLIC _____

FILED FOR RECORD THIS _____ DAY OF _____, 2015, IN YEAR _____, PLAT # _____, PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT # _____, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.

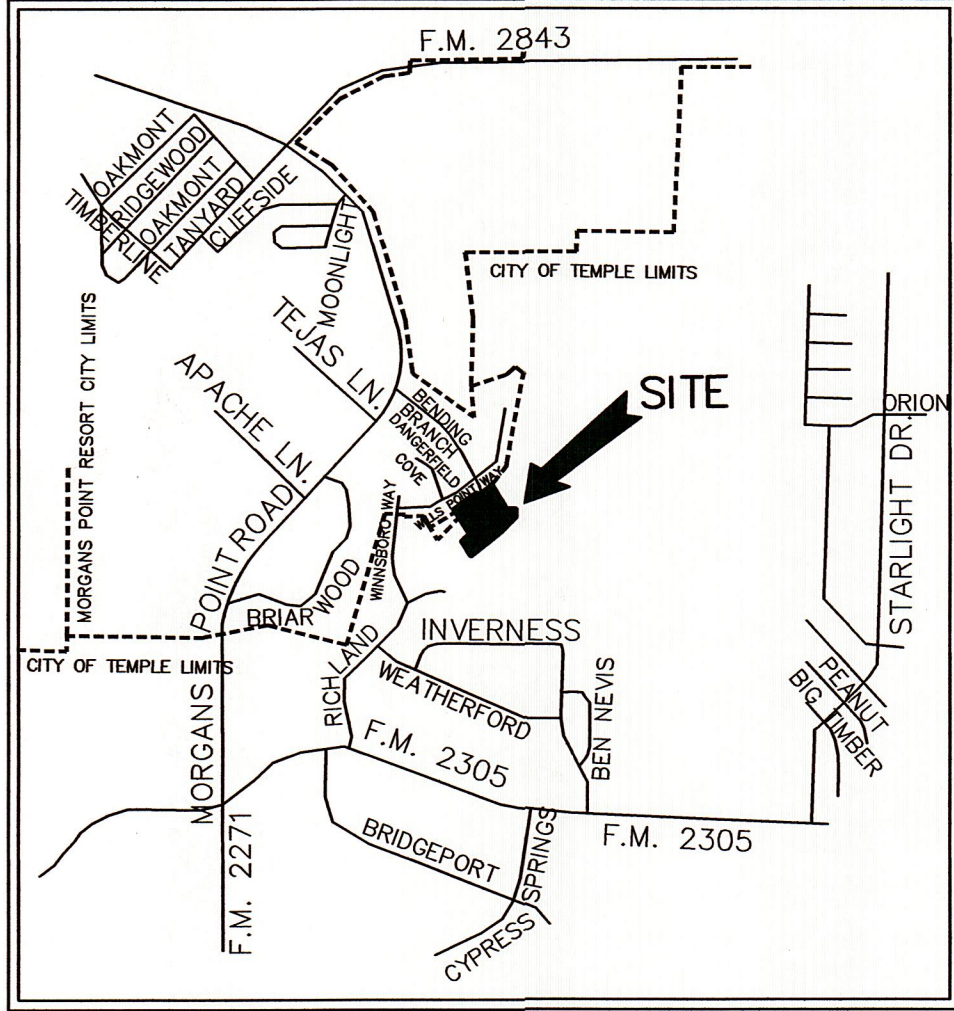
TRACT SURVEYED AUGUST 31, 2015
5.162 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

" IN APPROVING THIS PLAT BY THE COMMISSIONER'S COURT OF BELL COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS, AND OTHER PUBLIC THOROUGHFARES AND ANY BRIDGES OR CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IS THE RESPONSIBILITY OF THE OWNERS OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONER'S COURT OF BELL COUNTY, TEXAS. SAID COMMISSIONER'S COURT ASSUMES NO OBLIGATION TO BUILD ANY OF THE STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR OF CONSTRUCTING ANY OF THE BRIDGES OR DRAINAGE IMPROVEMENTS IN CONNECTION THEREWITH. THE COUNTY WILL ASSUME NO RESPONSIBILITY FOR DRAINAGE WAYS OR EASEMENTS IN THE SUBDIVISION, OTHER THAN THOSE DRAINAGE OR PROTECTING THE ROAD SYSTEM AND STREETS. THE COUNTY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF REPRESENTATION BY OTHER PARTIES IN THIS PLAT. FLOOD PLAN DATA, IN PARTICULAR, MAY CHANGE DEPENDING ON SUBSEQUENT DEVELOPMENT."

UE = UTILITY EASEMENT
DE = DRAINAGE EASEMENT
BL = BUILDING SETBACK LINE
TE = TRAIL EASEMENT

NOTES:

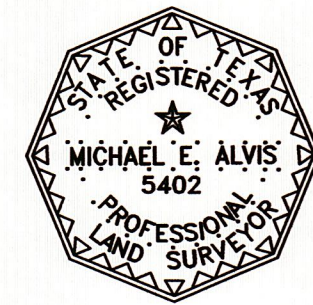
- THIS PROPERTY IS NOT WITHIN THE 100-YEAR FLOOD BOUNDARY PER F.E.M.A. FEDERAL INSURANCE RATE MAP No. 48027C0175E DATED SEPTEMBER 26, 2008
- THERE SHALL BE A 5' BUILDING LINE ON ALL SIDE LOT LINES UNLESS OTHERWISE SHOWN HEREON.
- THERE SHALL BE A 10' REAR BUILDING LINE UNLESS OTHERWISE SHOWN HEREON.
- ALL RESIDENTIAL LOTS SHALL HAVE A 7.5' UTILITY EASEMENT ALONG THE REAR LOT LINES UNLESS OTHERWISE SHOWN HEREON.
- ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP STAMPED "RPLS 2475" SET UNLESS OTHERWISE NOTED HEREON.
- UTILITY COMPANIES HAVE BEEN PROVIDED A COPY OF THIS PLAT FOR THEIR REVIEW.
- A 6' WIDE SIDEWALK SHALL BE CONSTRUCTED BY THE HOMEOWNER AS EACH LOT IS DEVELOPED ALONG THE SOUTH SIDE OF BENDING BRANCH WITHIN THE TRAIL EASEMENT.
- THE 6' WIDE SIDEWALK TO BE CONSTRUCTED WITHIN THE TRAIL EASEMENT ALONG THE SOUTH SIDE OF BENDING BRANCH SHALL BE OWNED AND MAINTAINED BY THE CAMPUS AT LAKEWOOD RANCH HOMEOWNERS ASSOCIATION.
- THE CAMPUS AT LAKEWOOD RANCH HOMEOWNERS ASSOCIATION IS THE HOLDER OF THE TRAIL EASEMENTS, WHICH OVERLAP PUBLIC DRAINAGE AND UTILITY EASEMENTS.
- WATER SERVICE SHALL BE PROVIDED BY THE CITY OF TEMPLE, BELL COUNTY, TEXAS.



VICINITY MAP: Not To Scale

Line Table		
Line #	Direction	Length
L1	N14°49'42"W	167.92'
L2	N83°00'00"E	60.08'
L3	N69°17'09"E	175.68'
L4	S73°26'10"E	91.08'
L5	S16°33'50"W	78.68'
L6	S61°53'57"W	201.67'
L7	S62°38'33"W	60.00'

Curve Table				
Curve #	Length	Radius	Delta	Chord
C1	28.33	405.00	4°00'29"	N63°03'39"E 28.33
C2	84.68	1322.94	3°40'02"	N62°53'26"E 84.66
C3	25.03	1070.00	1°20'25"	S4°38'35"E 25.03
C4	199.57	1322.94	8°38'36"	S69°02'45"W 199.38
C5	228.27	1352.94	9°40'02"	S69°45'59"W 228.00
C6	197.75	1382.94	8°11'34"	S69°13'44"W 197.58
C7	176.14	1130.00	8°55'52"	S23°35'45"E 175.96
C8	461.25	1100.00	24°01'30"	S16°04'05"E 457.87
C9	425.56	1070.00	22°47'15"	S16°42'25"E 422.76
C10	235.75	1130.00	11°57'12"	S10°06'38"E 235.32
C11	36.97	1322.94	1°36'05"	S65°31'29"W 36.97
C12	162.60	1322.94	7°02'32"	S69°50'47"W 162.50
C13	200.23	1100.00	10°25'45"	S22°51'57"E 199.95
C14	261.02	1100.00	13°35'45"	S10°51'12"E 260.41
C15	145.36	1070.00	7°47'01"	S24°12'33"E 145.25
C16	151.45	1070.00	8°06'35"	S16°15'45"E 151.32
C17	128.75	1070.00	6°53'40"	S8°45'38"E 128.67
C18	116.07	1130.00	5°53'06"	S13°08'41"E 116.02
C19	119.68	1130.00	6°04'06"	S7°10'05"E 119.62



STATE OF TEXAS COUNTY OF BELL

KIELLA DEVELOPMENT, INC. A TEXAS CORPORATION, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS FINAL PLAT OF CAMPUS AT LAKEWOOD RANCH, PHASE X, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

THE OWNER ACKNOWLEDGES THAT IT IS THE RESPONSIBILITY OF THE OWNER, NOT THE COUNTY, TO ASSURE COMPLIANCE WITH THE PROVISIONS OF ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS RELATING TO THE ENVIRONMENT, INCLUDING (BUT NOT LIMITED TO) THE ENDANGERED SPECIES ACT, STATE AQUIFER REGULATIONS, AND MUNICIPAL WATERSHED ORDINANCES.

ALL PUBLIC ROADWAYS AND EASEMENTS AS SHOWN ON THIS PLAT ARE FREE OF LIENS.

KIELLA DEVELOPMENT, INC.
A TEXAS CORPORATION
7462 WEST ADAMS AVENUE, TEMPLE, TEXAS 76502
254-778-0085

JOHN KIELLA
PRESIDENT

STATE OF TEXAS COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2015 BY JOHN KIELLA, PRESIDENT OF KIELLA DEVELOPMENT, INC., A TEXAS CORPORATION.

NOTARY PUBLIC _____

STATE OF TEXAS COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT:

JENNIFER RYKEN
No. 106277

STATE OF TEXAS COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

Michael E. Alvis, R.P.L.S., No. 5402

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

DATED THIS _____ DAY OF _____, 2015.

SECRETARY TO PLANNING & ZONING COMMISSION: _____

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

DATED THIS _____ DAY OF _____, 2015

CHAIRPERSON: _____

TAX CERTIFICATE

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

DATED THIS _____ DAY OF _____, 2015.

BELL COUNTY TAX APPRAISAL DISTRICT

BY: _____

FOR REVIEW ONLY

FINAL PLAT of: CAMPUS AT LAKEWOOD RANCH, PHASE X 5.162 ACRES 3 BLOCKS, 7 LOTS

LOTS 1 thru 2, BLOCK 1
LOTS 1 thru 2, BLOCK 2
LOTS 1 thru 3, BLOCK 3

A RESIDENTIAL DEVELOPMENT
(PROPOSED ZONING OF SFR (SINGLE FAMILY RESIDENTIAL))
PART OF THE GEORGE W. LINDSEY SURVEY, ABSTRACT #513,
A SUBDIVISION PARTLY IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS
AND PARTLY IN THE EXTRATERRITORIAL JURISDICTION
OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS



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

SURVEY FIRM # 10056000
ENGINEER FIRM # F-1658

FINAL PLAT of:
CAMPUS AT LAKEWOOD RANCH

PHASE X

PART OF THE GEORGE W. LINDSEY SURVEY, ABSTRACT #513
A SUBDIVISION PARTLY IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS
AND PARTLY IN THE EXTRATERRITORIAL JURISDICTION
OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

PREPARED FOR:
KIELLA DEVELOPMENT, INC.

REVISIONS		
DATE	COMMENTS	MEASUREMENT
09/04/15		MEASUREMENT

DATE:	09/04/15
DRN. BY:	MEA
REF.:	
FB/LB	
JOB NO.:	15-804
SHEET	1 OF 1
COMPUTER DWG.	NO. 15-804

13070-D
FILE NO.

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-13)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING PERMANENT ZONING UPON ANNEXATION TO SINGLE FAMILY-TWO DISTRICT ON APPROXIMATELY 0.278 ACRES, AND GRANTING A REZONING FROM AGRICULTURAL DISTRICT TO SINGLE FAMILY-TWO DISTRICT AS PART OF THE SUBDIVISION PLAT FOR CAMPUS AT LAKEWOOD RANCH PHASE X, LOCATED AT THE END OF RICHLAND DRIVE, BETWEEN EXISTING CAMPUS AT LAKEWOOD RANCH PHASES VIII AND IX; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a permanent zoning upon annexation to Single Family-Two District on approximately 0.278 acres and granting a rezoning from Agricultural District to Single-Family Two District, located at the end of Richland Drive, between existing Campus At Lakewood Ranch Phases VIII and IX, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

Part 5: It is hereby officially found and determined that the meeting at which this Ordinance 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 **18th** day of **February**, 2016.

PASSED AND APPROVED on Second Reading on the **3rd** day of **March**, 2016.

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

03/03/16
Item #5(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance amending Chapter 9 of the Code of Ordinances to be titled “Municipal Court” and adding provisions addressing juror compensation and unclaimed juror compensation.

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

ITEM SUMMARY: Before 2007, the State of Texas had, for many years, paid jurors for their jury service in municipal courts. In 2007, the State amended Texas Government Code Section 61.001 to expressly exclude jurors who serve on municipal court juries from State reimbursement. However, the State gave municipalities the authority to compensate jurors for their jury service in an amount determined to be reasonable by the municipality. Since 2007, the City has provided municipal jurors with compensation in the amount of \$6.00 per day or fraction of a day the jurors are in attendance in municipal court in response to a jury summons. City Staff wishes to formalize the policies regarding juror compensation related both the amount of juror compensation and the City’s policy regarding unclaimed juror compensation.

Staff is proposing increasing the amount of juror compensation to \$10/day which would represent reimbursement for travel and related expenses. The proposed ordinance would also provide a process for handling unclaimed juror compensation. If a juror does not cash or deposit a check for juror compensation before the 90th day after it is issued, the check is considered forfeited and void and the money may be placed back into the City’s General Fund.

The proposed amendments are set forth below:

CHAPTER 9 MUNICIPAL COURT ARTICLE I. JUROR COMPENSATION

Sec. 9-1. Juror Compensation

Each juror who is summoned and appears at the municipal court on the appointed date and time shall receive ten dollars (\$10.00) for each day or fraction of a day that the juror attends court.

Sec. 9-2. Unclaimed Juror Compensation

If a check, instrument, or other method of payment, representing juror compensation under this Article is not presented for payment or redeemed before the 90th day after it is issued:

1. the instrument or other method of payment is considered forfeited and is void; and
2. the money represented by the instrument or other method of payment may be placed in the City of Temple's General Fund.

FISCAL IMPACT: \$2,200 is budgeted in account 110-1800-525-25-25 for Juror Compensation. In fiscal year 2015, a total of \$1,452 was paid for 242 jurors at six dollars (\$6) for each day or fraction of a day. If the rate of pay is increased to ten dollars (\$10) for each day or fraction of a day, the estimated amount to be paid in fiscal year 2016 is \$2,260.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 9, "MUNICIPAL COURT" OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, ADDING PROVISIONS ADDRESSING JUROR COMPENSATION AND UNCLAIMED JUROR COMPENSATION; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, prior to 2007, the State of Texas had, for many years, paid jurors for their jury service in municipal courts - in 2007, the State amended Texas Government Code Section 61.001 to expressly exclude jurors who serve on municipal court juries from State reimbursement;

Whereas, that amendment gave municipalities the authority to compensate jurors for their jury service in an amount determined to be reasonable by the municipality and since 2007, the City of Temple has provided municipal jurors with compensation in the amount of \$6.00 per day or fraction of a day the jurors are in attendance in municipal court in response to a jury summons;

Whereas, Staff wishes to formalize the policy regarding juror compensation related both the amount of juror compensation and the City's policy regarding unclaimed juror compensation;

Whereas, Staff recommends increasing the amount of juror compensation to \$10 per day which would represent reimbursement for travel and related expenses;

Whereas, Staff also recommends that if a juror compensation check is not cashed or deposited before the 90th day after the check is issued, the check will be considered forfeited and void and the money will be placed back into the City's General Fund; and

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

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

Part 1: Chapter 9, "Municipal Court," is amended to read as follows:

CHAPTER 9
MUNICIPAL COURT
ARTICLE I. JUROR COMPENSATION

Sec. 9-1. Juror Compensation

Each juror who is summoned and appears at the municipal court on the appointed date and time shall receive ten dollars (\$10.00) for each day or fraction of a day that the juror attends court.

Sec. 9-2. Unclaimed Juror Compensation

If a check, instrument, or other method of payment, representing juror compensation under this Article is not presented for payment or redeemed before the 90th day after it is issued:

1. the instrument or other method of payment is considered forfeited and is void; and
2. the money represented by the instrument or other method of payment may be placed in the City of Temple's General Fund.

Part 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 4: The Code of Ordinances of the City, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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 **18th** day of **February**, 2016.

PASSED AND APPROVED on Second Reading on the **3rd** day of **March**, 2016.

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

03/03/16
Item #5(K)
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 2015-2016.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2015-2016 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$32,507,380.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
March 3, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-0000-431-0261		State Grants / State Grants	\$ 190,000	
110-3400-531-6310	101091	Capital Building & Grounds / Signage on IH-35		\$ 190,000
110-0000-431-0261		State Grants / State Grants	\$ 60,000	
110-3400-531-6310	101010	Capital Building & Grounds / Landscaping @ Loop 363 & 1st Street		\$ 60,000
<p>To unappropriate KTB grant funds that will be used on State projects within the City. Grant funds will be administered directly by the State for State owned projects and applied directly to the costs of the projects. The City will not directly receive any of the funding. \$190,000 grant will be used for signage on IH-35 and \$60,000 will be used for the landscaping project at Loop 363 and 1st Street.</p>				
110-1900-519-6228	101489	Capital Equipment / Public Education Government Expense	\$ 25,000	
110-0000-315-1900		Reserved for Public Education Channel		\$ 25,000
<p>To appropriate funding for network upgrade (to include wireless) for video servers for network traffic on the City's data network.</p>				
260-3600-560-6310	101340	Capital Building & Grounds / Airport Improvements	\$ 100,000	
260-0000-431-0261		State Grants / State Grants		\$ 50,000
260-0000-490-2588		Transfer In / Airport Grant Match		\$ 50,000
110-5900-560-6310	101340	Capital Building & Grounds / Airport Improvements		\$ 100,000
110-0000-431-0261		State Grants / State Grants	\$ 50,000	
110-9100-591-8160		Transfer Out - Grant Fund	\$ 50,000	
<p>To reallocate grant revenue and expenditures to the Grant Fund from the General Fund. This is for the FY 2016 TxDOT Routine Airport Maintenance (RAMP) Grant. Council authorized acceptance of this grant during the October 1, 2015 Council Meeting.</p>				
430-5700-580-7550		Payment to Refunding Escrow Agent	\$ 10,578,801	
430-5700-580-7111		Payment to Refunding Escrow Agent - Current Funds	\$ 40,000	
430-5700-580-7312		Bond Issuance Costs	\$ 88,421	
430-5700-580-7314		Original Issue Discount	\$ 58,705	
430-5700-580-7211		Bond Interest		\$ 36,077
430-0000-490-1575		Refunding Bond Proceeds		\$ 9,500,000
430-0000-490-1518		Bond Premium		\$ 1,229,850
<p>To appropriate the 2016 General Obligation Refunding Bonds (Debt Service Portion) that closed on 02/17/2016. This budget adjustment accounts for the revenue received from the bond issue and the amount paid to the refunding escrow agent.</p>				
260-3400-531-6315	101440	Capital Building & Grounds / Sidewalks - N. 31st Street Sidewalks	\$ 10,900	
260-0000-490-2582		Transfer In - Designated Capital Projects - Unallocated		\$ 10,900
110-9100-591-8160		Transfer Out - Grant Fund	\$ 10,900	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 10,900
<p>To appropriate funding for the Contract Amendments for engineering services provided by Kasberg, Patrick & Associates: CA # 1 for construction administration in the amount of \$1,300 and CA # 2 for professional services to prepare for the 8 additional easements.</p>				
110-1800-525-2221		Capital < \$5,000 / Computer Equipment	\$ 750	
110-0000-452-0455		Administrative Fees / Technology Fee		\$ 750
<p>To allocate funding for the replacement purchase of 2 HP Laser Jet printers.</p>				
110-2011-521-2516		Other Services / Judgement & Damages	\$ 1,868	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 1,868
<p>To appropriate insurance proceeds received from TML in the amount of \$1,867.67. Asset # 14048 was damaged by a sign due to a motorist hitting the arrow sign. Incident occurred on 02/02/2016.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
March 3, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
365-3400-531-6527	100955	Capital - Bonds / Street/Road Improvement - Overlay	\$ 5,425,000	
365-3400-531-6813	101121	Capital - Bonds / Outer Loop, Phase 3B	\$ 5,000,000	
365-3400-531-6885	100392	Capital - Bonds / Tarver Road Extension	\$ 1,700,000	
365-3400-531-6857	100952	Capital - Bonds / Hogan Road Improvements	\$ 1,300,000	
365-3400-531-6888	100346	Capital - Bonds / Kegley Road Improvements	\$ 700,000	
365-2800-532-6810	101490	Capital - Bonds / Traffic Signals - Kegley Road @ Adams	\$ 50,000	
365-3400-531-6862	101257	Capital - Bonds / Prairie View Road Improvements, Phase 2	\$ 3,777,000	
365-2200-522-6852	101338	Capital - Bonds / Fire Engines - Quint 6	\$ 1,300,000	
365-2200-522-6852	101339	Capital - Bonds / Fire Engines - Engine 7	\$ 600,000	
365-3400-531-6532		Capital Special Projects / Contingency Fund	\$ 1,038,195	
365-1500-515-6536		Capital Special Projects / Contingency - Compensation	\$ 115,000	
365-0000-490-1516		Bond Proceeds		\$ 18,285,000
365-0000-490-1516		Bond Premium		\$ 2,928,740
365-5700-580-7314		Bond Discount	\$ 117,533	
365-5700-580-7312		Bond Issuance Costs	\$ 91,012	

To appropriate the Certificate of Obligation (CO) TCIP bond proceeds as authorized by Council on 01/21/2016. Bond proceeds were received by the City on 02/17/2016.

110-2055-521-6229	101492	Capital Equipment / OCU State Seized Expenditure - City Patrol Cruiser	\$ 12,495	
110-0000-313-0330		Reserve for Seized Funds - State		\$ 12,495

To allocate State Seized Funds for the purchase of a City Patrol Cruiser (CPC). The purchase of this vehicle will be utilized for two purposes. The primary purpose of use will be for the Parking Enforcement Officer, which will improve overall mission and efficiency of the downtown parking enforcement initiative. In addition, when the vehicle is not being utilized for parking activities, it can be used by the department for community events such as the Christmas Parade, Temple Bloomin' Festival, Cinco de Mayo, MLK Parade, Lake Patrol, and Central Texas Airshow.

110-2041-521-6229	101495	Capital Equipment / OCU State Seized Expenditure - Cellebrite Software	\$ 15,800	
110-0000-313-0330		Reserve for Seized Funds - State		\$ 15,800

To allocate State Seized Funds for the purchase of a forensic software program, Cellebrite, that is designed to aid investigators by extracting and analyzing information and potential evidence found within cell phones of suspects and witnesses of crimes.

TOTAL AMENDMENTS

\$ 32,507,380 \$ 32,507,380

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	\$ 44,230
Added to Contingency Judgments & Damages from Council Contingency	-
Taken From Judgments & Damages	(34,318)
Net Balance of Judgments & Damages Contingency Account	\$ 9,912
Beginning Compensation Contingency	\$ 375,000
Added to Compensation Contingency	-
Taken From Compensation Contingency	(375,000)
Net Balance of Compensation Contingency Account	\$ -
Net Balance Council Contingency	\$ 9,912
Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	-
Taken From Budget Sweep	-
Net Balance of Budget Sweep Contingency Account	\$ -

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
March 3, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		WATER & SEWER FUND		
		Beginning Contingency Balance		\$ 50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(23,198)
		Net Balance of Contingency Account		\$ 26,802
		Beginning Compensation Contingency		\$ 64,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(64,000)
		Net Balance of Compensation Contingency Account		\$ -
		Net Balance Water & Sewer Fund Contingency		\$ 26,802
		HOTEL/MOTEL TAX 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		\$ 13,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(13,300)
		Net Balance of Compensation Contingency Account		\$ -
		Net Balance Hotel/Motel Tax Fund Contingency		\$ -
		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		\$ 10,300
		Added to Compensation Contingency		(10,300)
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account		\$ -
		Net Balance Drainage Fund Contingency		\$ -
		FED/STATE GRANT FUND		
		Beginning Contingency Balance		\$ -
		Carry forward from Prior Year		69,089
		Added to Contingency Sweep Account		-
		Taken From Contingency		(59,221)
		Net Balance of Contingency Account		\$ 9,868

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE
2015-2016 CITY BUDGET; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, on the 27th day of August, 2015, the City Council approved a budget
for the 2015-2016 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain
amendments to the 2015-2016 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 2015-2016 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 3rd day of **March**, 2016.

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

03/03/16
Item #6
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION AND REVIEW:

Brian Chandler, Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-11: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) for an indoor automotive window tinting use (classified in Sec. 6.7 of the Unified Development Code as “minor vehicle servicing”) on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

P&Z RECOMMENDATION: At their February 1, 2016 meeting, P&Z recommended unanimous approval of staff’s recommendation.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-16-11, a Conditional Use Permit to allow an indoor automotive window tinting use within the I-35 Corridor Overlay with the following condition:

- That all tinting operations and employee parking are fully enclosed within the 2,025 sf warehouse building

ITEM SUMMARY: 5806 South General Bruce Drive currently has a base zoning of C (Commercial District), which allows a minor vehicle servicing use by right. However, the I-35 Corridor Overlay requires approval of a CUP for minor vehicle servicing use within the Freeway Retail/Commercial Sub-District, which is how staff classified the proposed automotive window tinting use.

City Council approved a CUP for a paint shop/general contractor facility at this same location on June 4, 2015 (Ordinance No. 2015-4713), which included the following conditions:

1. Painting is prohibited on-site;
2. Ordinance No. 2014-4669 which allowed a retail nursery/landscape facility on the property is repealed;
3. This CUP expires when the current tenant (the tenant occupying the property as of June 4, 2015) discontinues use of the property as a paint shop/general contractor facility;
4. Landscaping must be planted to screen a minimum of 40% of the existing I-35 facing chain-link fence;
5. Owner of the property must obtain a permit for and pave the remaining gravel area in the front of the property to ensure compliance with Unified Development Code parking, driveway and approach standards and as shown on the attached Site Plan; and
6. Vehicle parking is prohibited on any surface unless the surface is asphalt or concrete.

Staff has confirmed compliance with all conditions, including the paving of the driveway and parking area. The applicant intends to use only the existing warehouse, while MCS Construction would continue to utilize the existing office and outdoor storage area.

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

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

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

According to the CUP application, the proposed business, Classic Tint:

- 1) Installs window tint film on site inside of the building
- 2) No work is done outside on cars
- 3) Primarily caters to car dealerships in the area only
- 4) Storage of materials is all indoors
- 5) The only chemicals used to install are water and baby shampoo
- 6) Has only 1 employee, who is the owner of the business

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	C	Commercial
North	Auto-Urban Commercial	C	Commercial
South	Auto-Urban Commercial	C	Commercial
East	Auto-Urban Commercial	LI and GR	Commercial
West	Auto-Urban Commercial	C	Vacant

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

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

CP = Comprehensive Plan

Future Land Use Map (CP Map 3.1)

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

Thoroughfare Plan (CP Map 5.2)

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

Availability of Public Facilities (CP Goal 4.1)

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

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

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

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

PUBLIC NOTICE: Nine notices of the public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday January 28, 2016, zero (0) notices had been returned. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 21, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Application
Aerial Location Map
Photos
Zoning Map
Future Land Use Map
New Site Plan
Notification Map
Ordinance No. 2014-4669
Ordinance No. 2015-4713
Ordinance

City of Temple Universal Application

Rev. 06-04-15

(Incomplete applications will not be accepted)

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

PROJECT INFORMATION:

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

Project Name: CLASSIC TINT Parcel(s) Tax ID# (Required): 454578

Project Address (Location): 5750 S. GEN. BRUCE DR Total Acres: 1.705

Lot: 2 Block: 1 Subdivision: TRANUM SUB. PH B VIII

Cabinet #: _____ Slide #: _____

Outblock (if not platted): _____

Brief Description of Project: COMMERCIAL, RESIDENTIAL, AUTOMOTIVE TINT

Current Zoning COMMERCIAL/W/CUP # of Existing Lots _____ # of Existing Units _____

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

APPLICANT / CONTACT INFORMATION:

(This will be the primary contact; please ensure email address is legible)

Name: BRIAN McCLANAHAN Company Name: CLASSIC TINT

Address: 5750 S. GEN. BRUCE DR City: TEMPLE State: TX Zip: 76502

Phone: (254) 718-8940 Cell #: _____ Fax #: _____

Email Address: CLASSICTINT@BRIAN@YAHOO.COM

PROPERTY OWNER INFORMATION:

Name: CHRIS McGREGOR Company Name: CHRIS McGregor

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

Phone: 254-770-7262 Cell #: same Fax #: _____

Email Address: mcchecker05@aol.com

DEVELOPER ENGINEER SURVEYOR INFORMATION:

(Please ensure email address is legible)

Name: _____ Company Name: _____

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

Phone: _____ Cell #: _____ Fax #: _____

Email Address: _____

RECEIVED

DEC 17 2015

**CITY OF TEMPLE
PLANNING & DEVELOPMENT**

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

COMMERCIAL; RESIDENTIAL; AUTOMOTIVE WINDOW FILM INSTALLATION

CHECKLIST--PER SUBMITTAL

City of Temple Universal Application

Rev. 06-04-15

(Incomplete applications will not be accepted)

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

*May be required depending on nature of Appeal/Variance

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

FEE SCHEDULE

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

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

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

APPLICANT SIGNATURE: _____

Print or Type Name: BRIAN McCLANAHAN

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

I (property owner) hereby authorize Chris McGregor of Temple TX

(name)

(company (if applicable))

to represent me in matters pertaining to this case.

Property owner's signature: _____

Property owner's name (print): Chris McGregorProperty owner's address: 2806 Wickersham Dr.Property owner's phone#: Temple, TX 76502Email address: mcclanahan05@gmail.com

For Department Use Only

Project #: _____

Project Manager: _____

Total Fee(s): _____

Fee Credit: _____

Payment Method: _____

Submittal Date: _____

Accepted By: _____

Accepted Date: _____

CLASSIC TINT

WINDOW FILM INSTALLATION
ON VEHICLES DONE ON SITE
INSIDE OF BUILDING.

NO OUTSIDE WORK ON CARS.

WE CATER TO NEW CAR
DEALERSHIPS WITH NO ACTUAL
CUSTOMER FOR ALTO.

STORAGE IS INSIDE ONLY
PRODUCTS TO INSTALL FILM
ARE TAP WATER, A CUP OR TWO
PLUS A FEW DROPS OF BABY
SHAMPOO PER VEHICLE.

RECEIVED

DEC 31 2015

CITY OF TEMPLE
PLANNING & DEVELOPMENT



900 sf Office



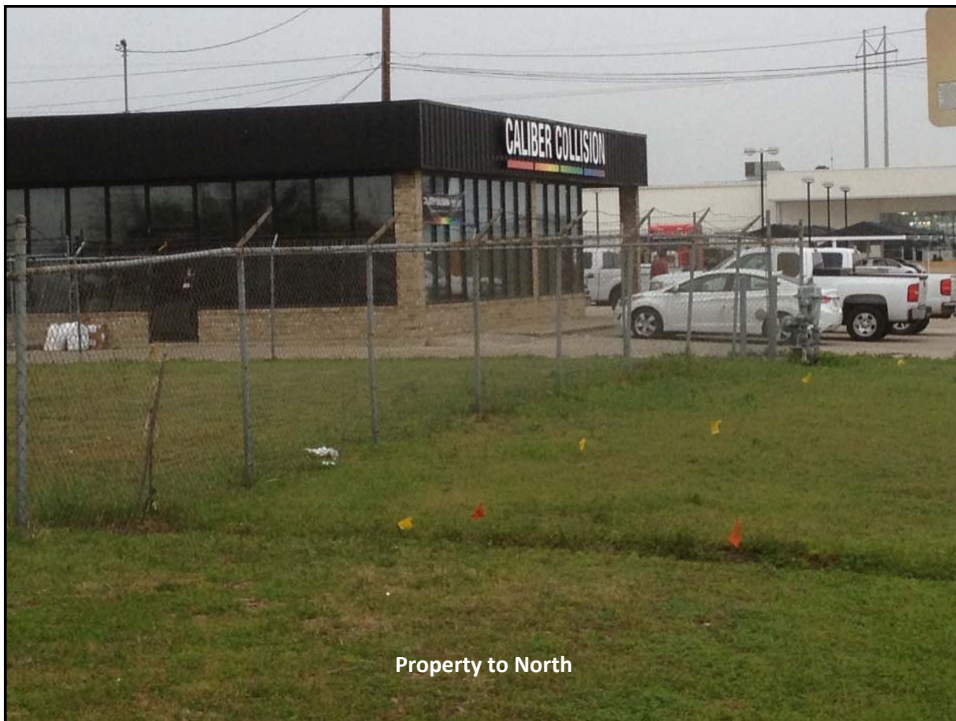
Site

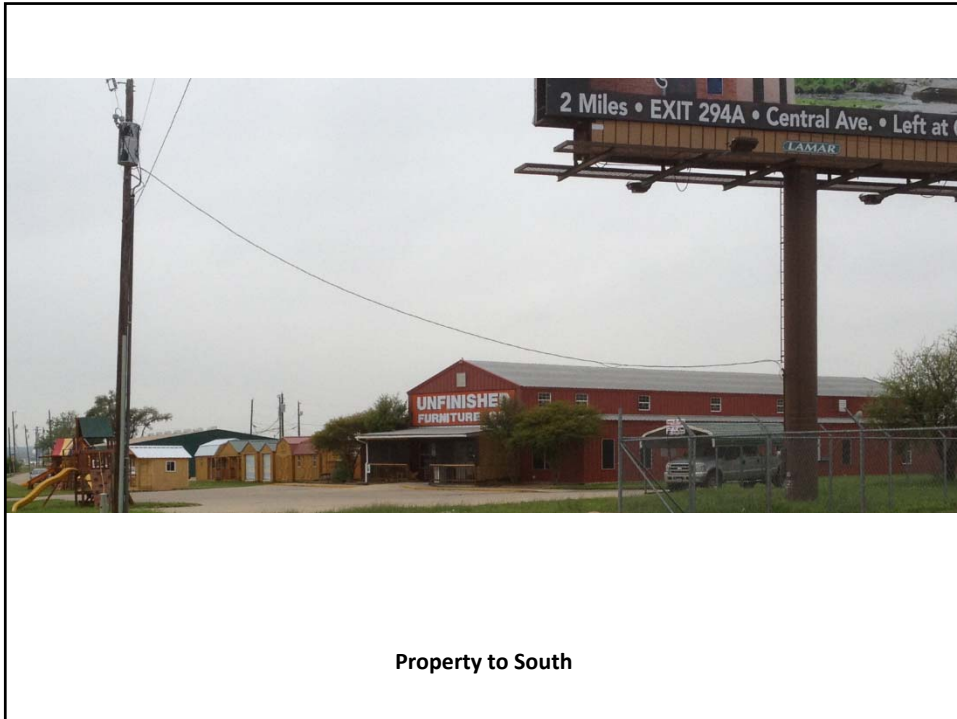


Customer Parking Area



Construction Trailers and Trucks





Property to South



Property to East





CUP 200' NOTIFICATION MAP

Zoning Case :
Z-FY-16-11

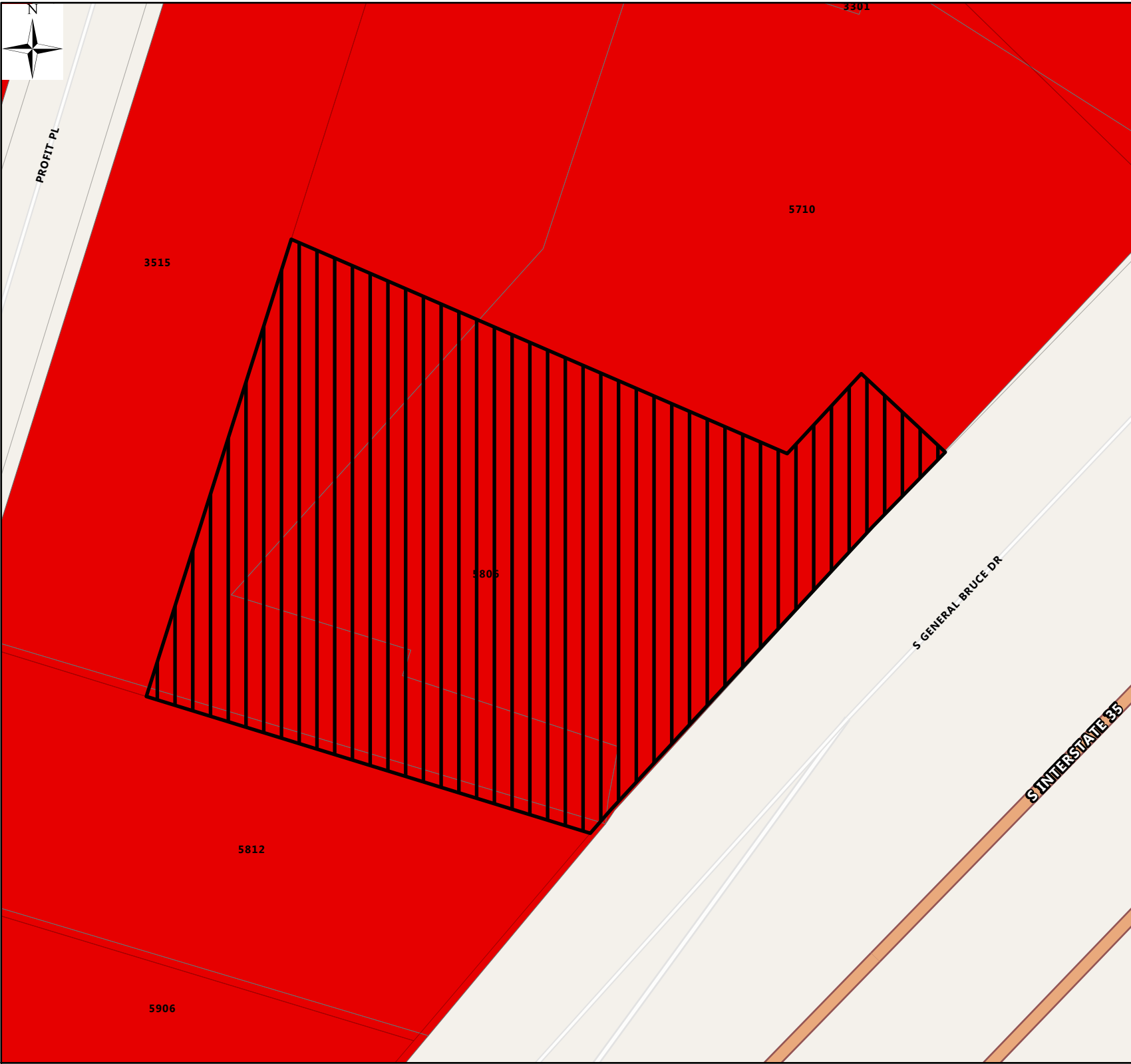
Address :
5806 S General Bruce Dr

CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
SFA-2 - PD	CA	T4 - PD
SFA-3	CA - CUP	T4 - CUP
SFA-3 - PD	CA - PD	T5-C
2F	C	T5-C - CUP
2F - CUP	C - CUP	T5-C - PD
2F - PD	C - PD	T5-E
MF-1	C - CUP, PD	T5-E - CUP
MF-1 - CUP	LI	T5-E - PD
MF-1 - PD	LI - CUP	NO BASE
MF-2	LI - PD	CUP
MF-2 - CUP	LI - CUP, PD	PD
MF-2 - PD	HI	CaseArea
MF-3 - PD	HI - PD	Buffer
	AG	

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.

dredmond
Date: 1/19/2016





CUP FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-11

Address :
5806 S General Bruce Dr

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
- CaseArea

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dredmond
Date: 1/19/2016



STORAGE & PARKING

CALIBER
COLLISION
STORAGE & PARKING



PROPERTY LINE

PROPERTY LINE

EXISTING
FENCE

PARKING
10' WIDE

LOCATION
SUBJECT TO CHANGE

PROP.

CLASSIC
TINT

5750 S. GEN
BRUCE DR.

45'x45'

ROLL
UP
DOOR

SHRUBS
(PER UDC)

DRAINAGE DITCH

64'

PROPERTY LINE
CALIBER COLLISION

MCS
ROOFING
30'x24'

SHRUBS

SHRUBS

24'

60'

36'

ENTRY
DOOR

43'

100'

DRAINAGE (BAR DITCH)

26'

INTERSTATE HIGHWAY 35
S. GENERAL BRUCE DRIVE

PROP. CLASSIC TINT

SCALE: 3/32

APPROVED BY:

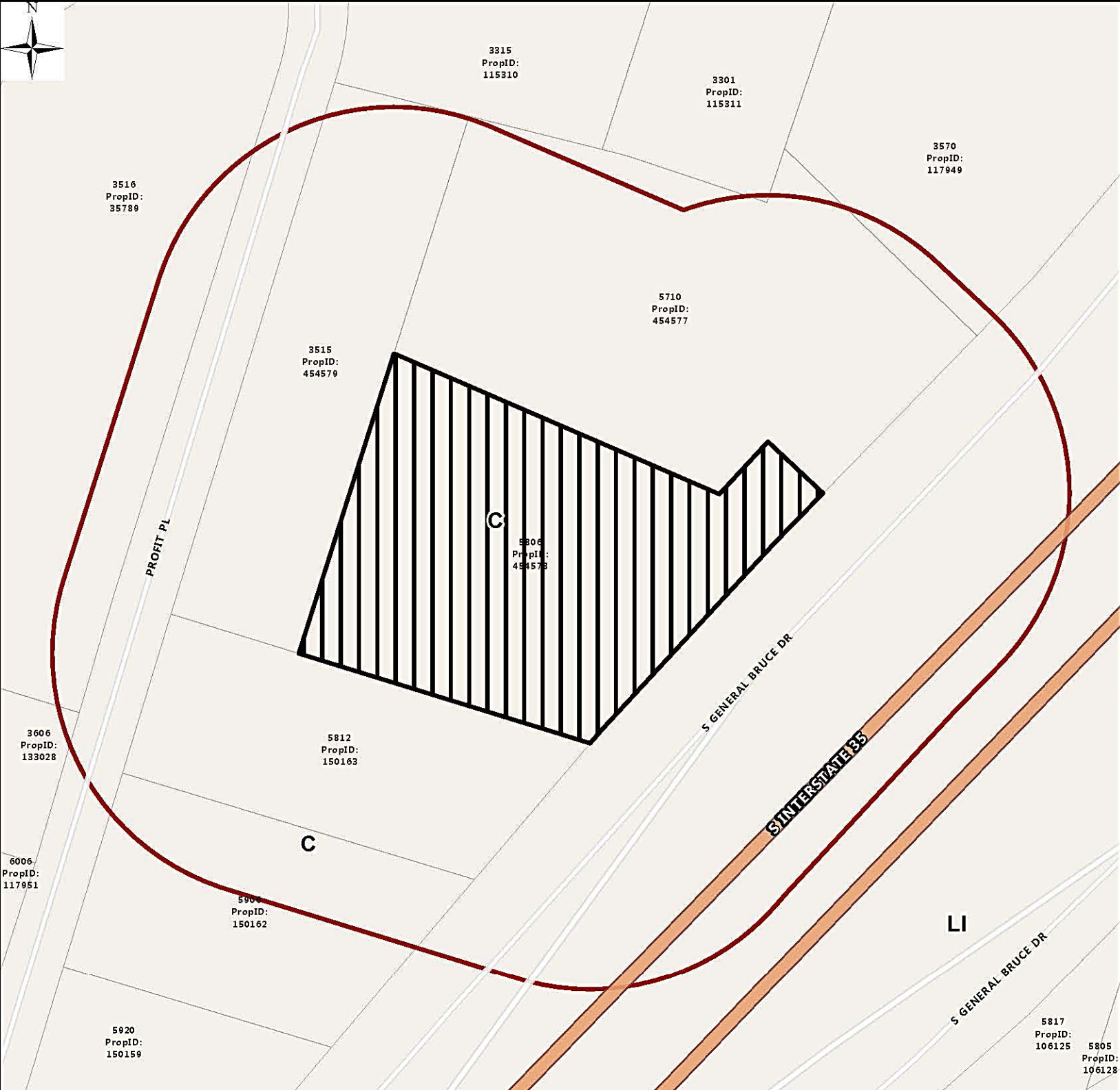
DRAWN BY BME

DATE: 12/29/15

REVISED

SITE PLAN

DRAWING NUMBER
1002



CUP
200'
NOTIFICATION MAP

Zoning Case :
Z-FY-16-11

Address :
5806 S General Bruce Dr

- CaseArea
- Buffer

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.

dredmond
Date: 1/19/2016



ORDINANCE NO. 2014-4669

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED on Second Reading on the 5th day of June, 2014.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

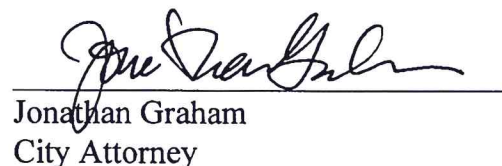
ATTEST:



Lacy Borgeson
City Secretary



APPROVED AS TO FORM:



Jonathan Graham
City Attorney

ORDINANCE NO. 2015-4713
(Z-FY-15-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING ORDINANCE NO. 2014-4669 AND APPROVING A CONDITIONAL USE PERMIT FOR A PAINT SHOP/GENERAL CONTRACTOR FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 5, 2014, City Council passed Ordinance No. 2014-4669 which approved a conditional use permit to allow a retail nursery/landscape facility located at 5806 South General Bruce Drive;

Whereas, the retail nursery/landscape company never occupied the space and staff recommends that Ordinance No. 2014-4669 be repealed since there is a new site plan for this space;

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

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

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

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

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

1. Painting is prohibited on-site;
2. Ordinance No. 2014-4669 which allowed a retail nursery/landscape facility on the property is repealed;
3. This CUP expires when the current tenant (the tenant occupying the property as of June 4, 2015) discontinues use of the property as a paint shop/general contractor facility;
4. Landscaping must be planted to screen a minimum of 40% of the existing I-35 facing chain-link fence;
5. Owner of the property must obtain a permit for and pave the remaining gravel area in the front of the property to ensure compliance with Unified Development Code parking, driveway and approach standards and as shown on the attached Site Plan; and
6. Vehicle parking is prohibited on any surface unless the surface is asphalt or concrete.

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

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

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

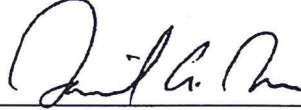
Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of May, 2015.

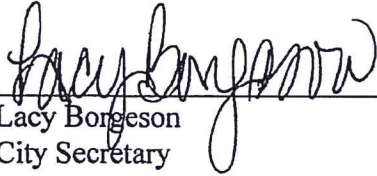
PASSED AND APPROVED on Second Reading on the 4th day of June, 2015.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

ATTEST:



Lacy Borgeson
City Secretary



APPROVED AS TO FORM:



Kayla Landeros
City Attorney

ORDINANCE NO. _____

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

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

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property described as lot 2, block 1, Trantum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for an indoor automotive window tinting facility; and

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

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

Part 1: The City Council approves a Conditional Use Permit for an indoor automotive window tinting facility on lot 2, block 1, Trantum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A (Site Plan), attached hereto and made a part hereof for all purposes subject to the following conditions (1) all window tinting operations must be fully enclosed within the existing 2,025 square foot warehouse building; and (2) no more than one employee is allowed to park outside of the warehouse building, all other employee parking must be within the existing warehouse building.

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

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

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

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

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance 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 **3rd** day of **March**, 2016.

PASSED AND APPROVED on Second Reading on the **17th** day of **March**, 2016.

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

03/03/16
Item #7
Regular Agenda
Page 1 of 10

DEPT. DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-12: Consider adopting an ordinance authorizing amendments to Ordinance No. 2006-4090, to allow indoor climate-controlled mini storage warehouses within a 4.801 +/- acre portion of a 10.202 +/- acre Planned Development – General Retail (PD-GR) District, subject to a Development Plan, with conceptual Development Plan for the remaining 5.401 +/- acres, being within the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 5015 South 31st Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their February 1, 2016 meeting, the Planning & Zoning Commission voted 5 (In Favor) to 4 (Against) to recommend approval of the proposed Planned Development amendment as presented by staff with the two following conditions:

1. That a substantial deviation to the site plan and/or the attached preliminary building elevations, to include a decrease in the percentage of landscaping or an increase to the number of buildings, review by the Planning & Zoning Commission will be required and,
2. Site plan improvements such as the full length of sidewalk and building-specific landscaping shall be completed in the initial phase of site development.

During the meeting, impacts to the residential character of the immediate area, including the single-family homes across Waters Dairy, were discussed which included the timing of development as well as the impacts of massing from the 3-story storage buildings along Waters Dairy Road. Additionally, the impacts associated with the eastern-most buildings of the facility relative to the height of the adjacent Echo Station apartments were discussed.

Specific discussion included options of screening and buffering through enhanced landscaping, exterior building materials such as replacing EIFS with hardi-plank and using mature and taller landscaping materials. While the site sits higher than the Echo Station Apartments, the apartment buildings are only 2-story and the 3-story buildings will be taller. While the applicant indicated publicly that the four buildings fronting Waters Dairy could be reduced from 3-story to 2-story, but needed to time to assess costs, no conditions to this were made by the Planning & Zoning Commission. Later, the applicant reiterated this willingness with Planning staff, following the Planning & Zoning Commission meeting, but needed to proceed with an internal cost-benefit analysis. At the time of staff report preparation, the applicant expressed the intent to proceed as originally presented with all buildings 3-story.

It should be noted that while signage was not discussed during the Planning & Zoning Commission meeting, the visual impacts of the use to the existing neighborhood character were noted by staff. As a result, additional analysis has been provided for the benefit of City Council relative to signage, since permitted signage has the potential to have visual impacts to the neighborhood. The discussion of signage has been added to the Planned Development analysis section of the report.

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

1. That the proposed Development Plan has demonstrated compliance with the provisions of the Planned Development Criteria as required by UDC Section 3.4.5;
2. The request is consistent with the underlying Suburban Commercial Future Land Use designation;
3. The proposed mini storage facility, will be adequately buffered and screened from adjacent residential uses;
4. The request is in compliance with the Thoroughfare Plan; and
5. Public facilities are available to serve the subject property.

Staff recommends approval of the requested amendment to Ordinance 2006-4090, subject to the following conditions:

1. As listed by Ordinance 2006-4090, all permitted uses and established dimensional standards within the Planned Development – General Retail (PD-GR) district are allowed, with the addition of a mini storage facility within the 4.801 +/- acres as further described by Exhibits A & B of the rezoning Ordinance;
2. That the remaining 5.401 +/- acres will require a separate public development plan review by the Planning & Zoning Commission and City Council in the future;
3. That a 6-foot sidewalk is provided along the entire property frontage of Waters Dairy Road, and reviewed at the time of permitting;
4. Exterior building facades related to the mini storage buildings within the 4.801 +/- acre site, shall have exterior elevations containing a combination of Exterior Insulation Finish Systems (EIFS), hardi-plank and rock veneer in substantial compliance to the attached elevations (Exhibit C), with the addition of metal awnings to provide additional architectural relief to the entrances of each of the buildings;
5. Per UDC Section 7.1.8, Performance Standards, exterior lighting shall not create light trespass;
6. Signage, on the north, east and south building facades, shall be externally illuminated to prevent glare and light trespass onto neighboring properties;
7. At the time of development consideration for future phasing, consisting of the southern 5.801 +/- acres, a Final Plat application is submitted for review and consideration by the Design Review Committee (DRC);
8. That the Director of Planning may be authorized discretion to approve minor modifications to the City Council-approved development plan for the 4.801 +/- acre tract, including but not limited to, screening, buffering, landscaping, signage, exterior building materials and minor modifications to the overall site layout.

In addition, since there had been significant discussion at the Planning & Zoning Commission meeting regarding building height along Waters Dairy Water and the impacts to residential character, the following condition could be considered and included as Condition No. 9 as follows:

9. That the four buildings fronting along and closest to Waters Dairy Road shall be restricted to two-stories.

ITEM SUMMARY: The applicant, Kevin McHale, on behalf of Echo Station Temple, LLC, requests a rezoning to amend Ordinance 2006-4090 to consider a new development plan to allow an “indoor climate-controlled” mini storage facility within 4.801 +/- acres and conceptual Planned Development consideration within the remaining 5.401 +/- acre-portion, of a larger 10.202 +/- acres. The amendment would allow for a secured-access, climate controlled mini storage facility which is not currently permitted by the Planned Development (PD) ordinance or the underlying PD-GR-base zoning. The amendment for the mini storage requires a rezoning from Planned Development – General Retail (PD-GR) to Planned Development – General Retail (PD-GR).

Site development of the 4.801 +/- acres for the mini storage is anticipated to provide for a maximum square footage under roof of 216,000 square feet. This is based on nine (9), three-story (3-story) buildings, further described as follows:

1. Six, 60' X 100', three-story buildings, providing 18,000 square feet for each building for a total of 108,000 total square feet of area and,
2. Three, 60' X 200', three-story buildings, providing 36,000 square feet for each building for a total of 108,000 total square feet of area.

Realistically, while the storage unit configuration, unit numbers and floor arrangements have not been finalized, it is understood that that actual storage space will be less than the calculated 216,000 square feet when walking aisles and other non-storage area is deducted from the overall footprint and floor area.

Although not being considered with the 4.801 +/- acreage for the mini storage, the southern 5.401 +/- acres will be part of future phasing which will require separate public site plan approval. It is anticipated that the future phases will include general office, medical office uses as well as a car wash facility. The future phasing will receive the same level of review as the current 4.801 +/- acre tract.

BACKGROUND: The original Planned Development approved by Ordinance 2006-4090 (attached), encompasses approximately 54.52 +/- acres of land located generally at the southeast corner of South 31st Street and Waters Dairy Road and rezoned from Agriculture (AG) to Planned Development General Retail (PD-GR) district, Planned Development Single-Family One (PD-SF-1) district, and Planned Development Two-Family (PD-2F) district. The rezoning ordinance became had an effective date of August 17, 2006.

The Planned Development was included in land partially platted by the Stone Gate III subdivision in 2007 and acreage associated with Echo Station, Phase II, which was platted in 2001 and is the 2F-portion of the Planned Development, developed as the 176- unit, Echo Station Apartment complex.

Along with the PD-2F portion, a significant number of single-family lots from the Stone Gate III subdivision, have been developed within the SF-1-portion of the Planned Development. The PD-GR-portion of the Planned Development, with the exception of the Stripes Convenience Store constructed in 2013-14, has remained undeveloped. The PD-GR-portion of the Planned Development is generally located at the south east corner of South 31st Street & Waters Dairy Road.

The General Retail base-zoning nor does the approved Ordinance (Ord. 2006-4090) for this property's adoption of a Planned Development, provide for a mini storage to be built at this location. As such, an amendment to the existing Planned Development is required and is incorporated into the attached Development Plan. This amendment, unless otherwise stated, includes by reference, the adopted standards, in place with Ord. 2006-4090.

The proposed mini storage facility is 4.801 +/- acres of a larger 10.202 +/- acre tract. Only the 4.801 +/- acres is being considered by this amendment. The remaining 5.401 +/- acres will be developed as part of future phasing and will require separate public site plan approval and is anticipated to include a car wash, general and medical office uses.

Lastly, drainage facilities will be addressed during the platting process.

Planned Development: UDC Section 3.4.1 defines a Planned Development as:

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

As a Planned Development, per UDC Sec.3.4.3A, a Development Plan (Exhibit A) is subject to review and approval by City Council as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The Development Plan that has been submitted, provides the boundaries and the layout for the proposed building footprints for the mini storage facility, parking and traffic circulation areas as well as future phasing and anticipated uses within the overall 10.202 +/- acre tract.

Enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request. While staff has worked closely with the applicant, enhancements for the 4.801 +/- acre tract are in the form of screening, buffering, landscaping, enhanced exterior building materials and provisions for a 6-foot sidewalk along Waters Dairy Road have been discussed and agreed upon with the applicant and are described as follows:

Screening / Buffering: Screening and buffering will be incorporated into the design by the combined use of fencing, landscaping and building location. Per UDC Section 7.7.4, enhanced landscaping as a vegetative buffer is an available option, when a residential use or district abuts a non-residential use or district, as a Planned Development, provides the flexibility of an increased landscape buffer with no fencing. The applicant has proposed this enhanced buffer and is shown on the attached development plan as a “vegetative buffer”. This is acceptable and has been agreed upon. It should be noted that there is an existing chain-link fence between the apartment complex and the subject property's eastern boundary. While this fence provides separation it does not meet the provisions of a buffer or means of screening.

Landscaping: The Development Plan shows extensive landscaping that makes good use of foundation planting opportunities as well as areas between buildings. A complete list of acceptable landscaping materials is provided by UDC Section 7.4.5, which requires a minimum 5%, will be confirmed during the building plan review. While the applicant is proposing 20% landscaping, the applicant indicated that in order to offset costs associated with square footage reduction, this may need to be reduced down to

a range of 15% to 20% landscaping. In addition, these changes may require additional flexibility at the plan review stage. In anticipation, a condition has been proposed to give the Director of Planning flexibility during the site plan evaluation of the building plans, so the development plan does not need to go back before the public review process.

Exterior Building Materials: Exterior building materials are proposed which provide 100% masonry. Materials consist of a combination of Exterior Insulation Finish Systems (EIFS), which meets the approved listing of standard building materials listed in UDC Sec. 7.8.3F, as well as a rock veneer accent. The applicant has provided staff with a selection of three elevations with varying amounts of rock veneer accent. Elevation Scheme C has the higher amount of rock veneer accent. While the elevations were provided for the climate-controlled storage facility only, future buildings are anticipated within the southern 5.401 +/- acre portion. In order to maintain a consistent architectural design throughout, a condition has been proposed for future buildings and structures to be provided with the same ratio and percentage of exterior building material finishes as used for the mini storage.

Additionally, since there is square footage proposed to exceed 10,000 square feet per building, those buildings will be required to provide additional articulation such as columns, canopies or awnings per UDC Section 7.8.3G, which will be confirmed during the plan review stage of the permitting process. It is noteworthy that after the Planning & Zoning Commission meeting, staff met with the applicant to discuss alternative building materials. It was discussed that hardi-plank may be a suitable alternative to the EIFS to defray the costs associated with the reduction of storage space as well as the unforeseen costs as a result of the reduction of building height along Waters Dairy Road, as described earlier in this report. Similar to the landscaping discussion, this has been included into a condition of approval. However, staff would want to review these elevations before commenting on their architectural appropriateness.

Sidewalk: While UDC Section 8.2.3 requires a 4' sidewalk, along Waters Dairy Road, which is a collector, the proposed sidewalk will be 6 feet in width. The 6-foot width will match the sidewalk in front of the Stipes Convenience Store's frontage along Waters Dairy Road. This sidewalk will provide connectivity between the Stipes Convenience Store and the apartment complex to the east, along with connectivity to the mini storage and the overall planned development vicinity. The sidewalk will be installed at the time of development.

While not enhancements proposed by the applicant, the following aspects are still noteworthy of discussion as follows:

Circulation: Access to the mini storage facility is proposed by a 26-foot wide driveway entrance which is offset from the intersection of Calle Nogal across Waters Dairy Road. The Development Plan shows a connection for future 26-foot wide private access drive connection on the south of this phase, which will provide connectivity to the southern 5.401 +/- acres and provide a connection to South 31st Street. This private access drive would not be added until future development of the southern 5.401 +/- acres.

The mini storage facility by itself is not expected to generate significant traffic impacts. Based on a trip rate of the worse-case scenario of 216,000 square feet of storage area, which is anticipated to generate 56.16 peak-hour trips. In comparison, the existing Echo Station apartment complex with 176 units, generates 102.08 peak-hour trips or just under twice as the mini storage facility. Although there are no single family homes proposed with the project, a peak-hour trip rate is shown for reference, which generates 1.00 trip per residence.

Hour Trip Rates Table (8th Ed. ITE Manual)		
Use	Trip Rate Calc. Factor	Calculated Peak Hour Trip Rate
Mini Warehousing	0.26 (Per 1,000 S.F.) @ 216,000	56.16 Trips
Apartments (Low Rise)	0.58 (Per Unit) @ 176	102.08 Trips
Single Family Detached Residence	1.00 (Per DU)	N/A

Further, the peak hour trip rate information supports the timing of the access drive being constructed with the later phases of the development.

Parking: Per UDC Section 7.5.4B, parking for mini storage is provided at the rate of 1 space per 2 employees or one space 5,000 square feet of gross floor area, whichever is greater. Based on 216,000 square feet of total floor area, 43 parking spaces are required. There are 50 parking spaces provided.

Signage: While not available for the benefit of the Planning & Zoning Commission, as a result of public discussion about visual impacts to the residential character to the neighborhood, the following analysis of signage is provided. UDC Sections 7.6.9 and 7.6.10 provides standards for freestanding (Pole) signage and wall mounted signage, respectively. While such signage is allowed by-right and not part of the planned development package, it should be noted that by providing signage that meets the minimum standards will increase visual impacts and reduce compatibility of the proposed storage facility. Therefore, alternative signage is necessary to reduce the associated impacts to the neighborhood caused by the signage. Since the Planning & Zoning Commission, staff has met with the applicants to discuss options. Although monument signage was not discussed in detail, it was agreed however, that wall signage will be externally illuminated with downward projecting fixtures. The only illuminated signage would be seen from the South 31st Street frontage and would not impact the surrounding residences along Waters Dairy or the apartments on the east. Staff however may need flexibility to address the monument signage at the time of building permits without the need to bring the overall development plan back before City Council.

The applicant has worked closely with Planning staff to reduce the visual impacts associated with signage and identify alternatives to the massing as well as reducing glare from illuminated signage, which the applicant has agreed to.

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

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

In conclusion, in accordance with UDC Section 3.4.5, in determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City

Council must consider specific criteria. While more detailed discussion can be found throughout this report, a synopsis entitled “Planned Development Criteria and Compliance Summary” is attached.

The Planned Development with an existing base-zoning of General Retail (GR) allows for a wide range of uses, both permitted by right and with an approved conditional use permit (CUP). As shown in the following table, per Ordinance 2006-4090 adopting the underlying base-zoning of General retail, the uses include but are not limited to:

Permitted & Conditional Use Table Planned Development PD-GR (Per Ord. 2006-4090)	
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home * Home for the Aged
Retail & Service Uses	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
Commercial Uses	* Plumbing Shop * Upholstery Shop * Kennel without Veterinary Hospital (CUP) * Indoor Flea Market
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location
Educational & Institutional	* Hospital * Halfway House (CUP) * Cemetery, crematorium or mausoleum (CUP) * Emergency Shelter (CUP)
Recreational Uses	* Park or Playground

Vehicle Service Uses	<ul style="list-style-type: none"> * Auto Leasing, Rental * Auto Sales - New & Used (outside Lot) * Car Wash * Boat Sales & Service * Vehicle Servicing (Minor)
Restaurant Uses	* With & Without Drive-In
Overnight Accommodations	* Hotel or Motel
Office Uses	* Offices
Transportation Uses	<ul style="list-style-type: none"> * Emergency Vehicle Service * Helistop

Prohibited uses include but not limited to: HUD-Code land lease communities, commercial trade school, cleaning, dyeing or laundry plant, laboratory manufacturing, storage warehouse or a commercial cleaning plant.

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:

Surrounding Property & Uses			
Direction	FLUP	Zoning	Current Land Use
Site	Suburban Commercial	PD-GR	Undeveloped
North	Suburban Commercial & Neighborhood Conservation	GR, 2F, & MF-2	SF Residential Uses
South	Suburban Residential	GR, 2F & SF-1	Vacant & SF Residential
East	Auto Urban Multi-Family	MF-1	Apartment Complex
West	Suburban Commercial	PD-GR, GR & AG	Vacant & Places of Worship on S. 31 st St.

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)

According to the City of Temple Comprehensive Plan / FLUP, the subject property, being a total 4.801 +/- acres, is within the Suburban Commercial designation of the Future Land Use Plan (FLUP) which is appropriate for office, retail and service uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as 'gateways' and high-profile corridor locations.

On the other hand, while there is a base zoning of GR and evaluated on a “case by case” basis for more intensive uses, a mini storage use is not permitted and requires a minimum Commercial (C) zoning. Commercial zoning is supported by the Auto-Urban Commercial Future Land Use Designation and there is no Auto-Urban Commercial designated land in the immediate area.

It should be noted however, that under the Planned Development concept, the project can be conditioned to be more compatible. Therefore, with enhanced buffering and screening standards applied, the proposed use is compliant with the Future Land Plan. See the Background Information section of this report for additional information related to the site’s integration into the neighborhood.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along Waters Dairy Road which is identified by the Thoroughfare Plan as a collector street. Primary access to the facility would be from an 85-foot-wide driveway that narrows to 26 feet once within the property. This driveway is approximately 190 feet east of an access driveway for the existing Stripes Convenience Store. Additional discussion related to interior circulation and anticipated peak-hour trip rates can be found in the “Circulation” section earlier in this report.

Availability of Public Facilities (CP Goal 4.1)

Availability for the entire 10.202 +/- acre tract for water is available through a 12-inch waterline on the north side of Waters Dairy Road and an 8-inch waterline in South 31st Street. Sewer is available in Waters Dairy Road through a 6-inch sewer line and is also available from an 8-inch sewer line within South 31st Street.

Temple Trails Master Plan Map and Sidewalks Ordinance

According to the Trails Master Plan Map, no trails have been identified along the fronting streets. A proposed Community-Wide Connector Trail is located in South 31st Street and will be addressed with the future phase. Since Waters Dairy Road is identified as a collector street, a minimum 4-foot sidewalk is required. However, the development of the Stripes Convenience Store resulted in a 6-foot sidewalk and a condition for a matching sidewalk is proposed with this project. The sidewalk will be required to be shown on the Building Plans and installed at the time of development.

DEVELOPMENT REVIEW COMMITTEE (DRC): As required by UDC Section 3.4.2B, the site plan for the proposed mini storage was reviewed by the DRC on January 19, 2016. Aspects of the phasing relative to the rezoning process and future platting were discussed.

DEVELOPMENT REGULATIONS: The following table shows the current dimensional standards and the proposed standards. Both current and proposed standards are reflective of the underlying Planned Development as well as the base-zoning of General Retail. Setbacks would be applicable to non-residential buildings within the Planned Development.

	Current	Proposed
	PD-GR (Ord. 2006-4090)	PD-GR
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	30 Feet from Centerline	30 Feet from Centerline
Side Setback	10 Feet (UDC Sec. 4.6)	10 Feet (UDC Sec. 4.6)
Side Setback (corner)	10 Feet	10 Feet
Rear Setback	10 Feet	10 Feet
Max Building Height	3 Stories (UDC Sec. 4.6)	3 Stories (UDC Sec. 4.6)

PUBLIC NOTICE: Owners of 43 properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday February 23, 2016 at 9:00 AM, one notice in agreement, four notices in disagreement and one notice returned as undeliverable have been received.

The newspaper printed notice of the public hearing on January 21, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site & Surrounding Photos](#)

[Narrative Letter](#)

[Planned Development Ordinance 2006-4090](#)

[Planned Development Criteria and Compliance Summary Table](#)

[Development Plan \(Exhibit A\) / Field Notes \(Exhibit B\)](#)

[Building Elevations \(Schemes A, B & C\) \(Exhibit C\)](#)

[Aerial Map / Zoning Map / Future Land Use Character Map](#)

[Utility Map / Thoroughfare Plan & Trails Plan](#)

[Notification Map / Returned Property Owner Notices](#)

[Ordinance](#)

Site & Surrounding Photos



Site: Vacant - Looking West (PD-GR)



Site: Vacant – Looking North from Southern Boundary of Site (PD-GR)



East – Existing Echo Station Apartments (MF-1)



East - Existing Chain-link Fence (Echo Station Apartments) (MF-1)



South – Stone Gate III Single Family Residential Subdivision (2F & SF-1)



West – Stripes Convenience Store (PD-GR)



**West: Stripes Convenience Store, South 31st Street & Places of Worship
(PD-GR, AG, GR)**



**North: Single-Family & Multi-Family Residential Uses across Waters Dairy Rd –
Spanish Southwest subdivision (GR, 2F & MF-2)**



North: Intersection of Calle Nogal & Waters Dairy Road (2F & MF-2)



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

MEMORANDUM

DATE: January 28, 2016

TO: Mark Baker, Planning Department

FROM: Victor D. Turley, P.E., R.P.L.S.
Turley Associates, Inc.

RE: 31st Street and Waters Dairy Road- Echo Station

RECEIVED

JAN 28 2016

City of Temple
Planning & Development

Please see the following comments:

The Echo Station retail planned development will be a campus style design with an aggregate land use enclosed storage buildings, medical office buildings, support medical services in separate offices, and a car wash facility. The enclosed story buildings will be the first phase of the campus. This plan has access off Waters Dairy Road with limited parking, security for building, and vegetative screening to the apartments and along Waters Dairy Road. A sidewalk will be placed along Waters Dairy Road.

A joint access easement will provide a paved roadway into the future phases and will ultimately be extended to 31st Street. Lighting will be limited to secure access points and wall packs pointed down to identify each building. The exterior of these buildings will appear as offices or businesses. A detailed site plan, grading plan, drainage plan, and utility plan will be provided for building permit submittal.

ORDINANCE NO. 2006-4090

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR), PLANNED DEVELOPMENT SINGLE FAMILY ONE DISTRICT (PD-SF1), AND PLANNED DEVELOPMENT TWO FAMILY DISTRICT (PD-2F) ON APPROXIMATELY 54.53 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCK 6060-B, CITY ADDITION, LOCATED AT THE SOUTHEAST CORNER OF SOUTH 31ST STREET AND WATERS DAIRY ROAD, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property consisting of approximately 54.53 acres out of land commonly known as Outblock 6060-B, City Addition, located at the southeast corner of South 31st Street and Waters Dairy Road, requested a zoning change from Agricultural District (A) to Planned Development General Retail District (PD-GR), Planned Development Single Family One District (PD-SF1), and Planned Development Two Family District (PD-2F); and

Whereas, the City Council, after notice and a public hearing, finds that it is 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 Council approves a zoning change from Agricultural District (A) to Planned Development General Retail District (PD-GR), Planned Development Single Family One District (PD-SF1), and Planned Development Two Family District (PD-2F), on approximately 54.53 acres of land commonly known as Outblock 6060-B, City Addition, located at the southeast corner of South 31st Street and Waters Dairy Road in the City of Temple, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development General Retail (PD-GR), Planned Development Single Family One District (PD-SF1), and Planned Development Two Family District (PD-2F), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all

local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) Development will be according to the Planned Development Site Plan, attached hereto as Exhibit B. The Stonegate III Preliminary Plat will suffice for the required planned development final site plan.
- (b) Block 1 of Stonegate III will be zoned PD-GR.
- (c) Block 2, Lots 1-21 will be zoned PD-2F for duplexes.
- (d) Block 2, Lots 22-58 will be zoned PD-SF1.
- (e) PD-GR zoning: 10 feet side and rear building setback lines are required where common boundary line meets a residential district. 10 feet side street building setback lines are required adjacent to a street. No front building setback line is required, except that no structure may be nearer than 30 feet to the centerline of any street on which such structure fronts.
- (f) PD-2F zoning: 20 feet front, 10 feet street side, 5 feet interior side, and 10 feet rear building setback lines are required.
- (g) PD-SF1 zoning: 20 feet front, 10 feet street side, 5 feet interior side, and 10 feet rear building setback lines are required.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance 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 3rd day of August, 2006.

PASSED AND APPROVED on Second Reading on the 17th day of August, 2006.

THE CITY OF TEMPLE, TEXAS



ATTEST:

Clydette Entzminger
Clydette Entzminger
City Secretary

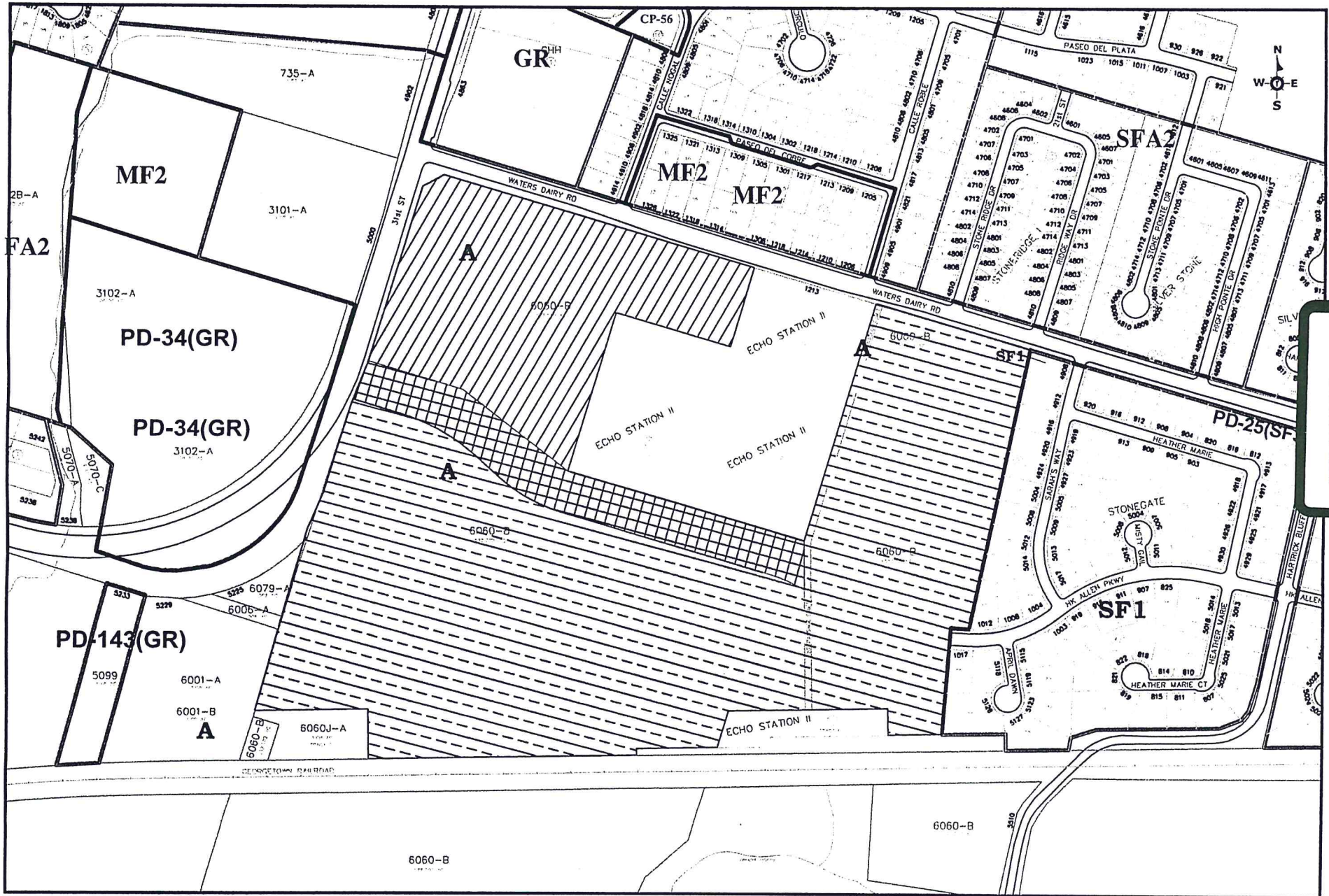
William A. Jones, III
WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Jonathan Graham
Jonathan Graham
City Attorney



Z-FY-06-37 : A to PD (GR, SF1, 2F)



Proposed Zone Change and Development Areas:

General Retail (PD-GR) Duplexes (PD-2F) Single Family Homes (PD-SF1)

T. Lyerly
07-05-06
Scale: 1"=400'

tabbles

EXHIBIT
A

Planned Development Criteria and Compliance Summary

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.	YES	It is fully anticipated that the site plan will conform to the UDC as well as to dimensional, developmental and design standards adopted by the City for any new building construction. In addition, the applicant has demonstrated an effort to upgrade exterior building materials which will meet the 100% masonry standard for exterior building materials being a combination of rock veneer and Exterior Insulation Finish Systems (EIFS).
B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding impacts and neighborhood is mitigated.	YES	While any anticipated environmental impacts such as drainage will be address with the submittal of construction drawing, any anticipated impacts are being addressed through proposed conditions of approval and/or being proposed by the applicant such as enhanced screening and buffering to reduce noise and the visual impacts of the use(s). No additional impacts to environment resources are anticipated by the development of this 4.801 +/- acre tract of land.
C. The development is in harmony with the character, use and design of the surrounding area.	YES	The project site is located at the southeast corner of South 31st Street and Water Dairy Road. This is an area that is transitioning from being undeveloped to retail, service and residential uses. There is currently a Stripes Convenience store on the immediate south east corner of South 31st Street and Waters Dairy Road and is within the overall 54 +/- acre site of the Planned Development boundary approved in 2006. To the east of the subject property is an existing apartment complex (Echo Station Apartments) and single family detached homes which are part of the Stone Gate III subdivision. The current phase as a proposed internally accessed, climate controlled mini storage facility is in harmony with the character, use and design of the surrounding area.
D. Safe and efficient vehicular and pedestrian circulation systems are provided.	YES	Although there is already an existing sidewalk on the north side of Waters Dairy Road, the applicant is proposing a 6-foot sidewalk, matching the existing sidewalk fronting the Stripes Convenience Store, along the south side of Waters Dairy Road. This sidewalk will provide connectivity between the Stripes Convenience Store and the apartment complex to the east. Internal circulation is being provided by interior two-way aisles which are acceptable to the Fire Marshal and meet minimum fire code requirements and meet UDC Section 7.5 (Parking & Loading). Full compliance with Code requirements will be made during the Construction Plan review. No additional issues related to circulation and traffic safety have been identified. See discussion Item #E for additional information.
E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.	YES	Parking and loading facilities are proposed and meet UDC Section 7.5 specific to the anticipated uses within the 4.801 +/- acre tract. See discussion Item #D for additional information.
F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.	YES	Streets are in developed and in place. No additional street construction is needed. Internal circulation and private two-way drive aisles are discussed in Items #D & #E.
G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.	YES	Compliance and consistency with the Thoroughfare Plan is met. See discussion for Items #D, #E & #F for additional information.
H. Landscaping and screening are integrated into the overall site design: 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings.	YES	While buffering and screening per UDC Section 7.7 are required, since this is a proposed Planned Development a higher standard of improvement is anticipated. The applicant has proposed enhanced landscaping for buffering and screening needs. In addition, exterior building materials composed of nearly 100% masonry materials such as rock and Exterior Insulation Finish Systems (EIFS) building materials are proposed for building facades. Since the final design for the 4.801 +/- acre tract may require unforeseen site plan adjustments, it is recommended that the Director of Planning be authorized discretion to require additional screening and/or landscaping if needed once the use has been established. There is currently as chain-link fence on the border of the adjacent apartment complex but no other landscaping is present.
I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.	YES	No parks are required as part of the proposed mini storage and site plan development proposal. No new park facilities are proposed as a result of the proposed mini storage and proposed 2nd phase of site plan development.
J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.	YES	Water, wastewater and drainage facilities as well as other utilities are established and in place along South 31st Street & Waters Dairy Road. While a future subdivision plat for the entire 10.202 +/- acre tract and Construction Plan review process will evaluate specific requirements related to these facilities, it is not anticipated that this will prove problematic for the public site plan approval of the 4.801 +/- acre tract to proceed.



NOTE:

Future Phases are required to be submitted for Public Development Plan Approval. (Planning & Zoning Commission and City Council review.)

Curve Table			
Curve #	Length	Radius	Chord
C1	4.39'	868.51'	N16°57'57"E 4.39'

TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
301 N. 3rd St. Temple, Texas 76501
254.773.2400
www.turley-inc.com
fax 254.773.3998
SURVEY FIRM NO. 10056000 • ENGINEERING FIRM NO. 1658

© TURLEY ASSOCIATES, INC.
THIS DRAWING IS THE PROPERTY OF TURLEY ASSOCIATES INC. AND MUST BE SURRENDERED UPON REQUEST. THE INFORMATION THEREON MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF TURLEY ASSOCIATES INC.

SHEET TITLE:
4.801 ACRES
S. 31st STREET & WATERS DAIRY ROAD
5015 S. 31st STREET
TEMPLE, TEXAS 76504

DEVELOPED BY:
ECHO STATION TEMPLE, LLC
4102 GALAJA DRIVE
AUSTIN, TEXAS 78759

LEGEND

- GRASS 20% MINIMUM IRRIGATED GRASS COVERAGE
- MIX OF HARDWOOD TREES 2-4" IN DIAMETER
- VEGETATIVE BUFFER MIX OF HEDGES BUSHES & TREES

REVISIONS

DATE	DESCRIPTION	DFTR

DRAFTSMAN:
TJJ

DATE:
January 14, 2016

COMPUTER FILE NAME:
151028.CP.DWG

REFERENCE DRAWING NUMBERS:
12831-D

JOB NUMBER:
15-1028

DRAWING NUMBER:
13127-D

PAGE#
02

BEING a 10.202 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of that certain 10.202 acre tract of land described in a Warranty Deed dated August 11, 2015 from Irvin McCreary Allen and Raye Virginia Allen Cucolo to Echo Station, LLC and being of record in Document No. 2015-00031533, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the northeast corner of the said 10.202 acre tract and being in the south right-of-way line of Waters Dairy Road as monumented, fenced and further evidenced on the ground and being the southeast corner of that certain 0.4939 acre tract of land (TRACT "A") described in a Warranty Deed dated January 28, 2002 from H. K. Allen to the City of Temple and being of record in Volume 4606, Page 803, Official Public Records of Bell County, Texas and being the northwest corner of that certain 10.478 acre tract of land described as Lot 1, Block 1, Echo Station Phase 2 according to the map or plat of record in Cabinet C, Slide 277-C, Plat Records of Bell County, Texas for corner;

THENCE departing the said 0.4939 acre tract and the said south right-of-way line and with the westerly boundary line of the said 10.478 acre tract with the east and south boundary lines of the said 10.202 acre tract the following three (3) calls:

- 1) S. $16^{\circ} 25' 57''$ W., 246.00 feet (calls S. $16^{\circ} 25' 57''$ W., 246.00 feet) to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the most easterly southeast corner of the said 10.202 acre tract for corner;
- 2) N. $73^{\circ} 34' 03''$ W., 356.06 feet (calls N. $73^{\circ} 34' 03''$ W., 356.06 feet to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found for corner:
- 3) S. $16^{\circ} 25' 57''$ W., 495.17 feet (calls S. $16^{\circ} 25' 57''$ W., 495.17 feet) to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the most southerly southeast corner of the said 10.202 acre tract and being the southwest corner of the said 10.478 acre tract and being in the north boundary line of that certain 42.931 acre tract of land described as Stonegate III according to the map or plat of record in Cabinet D, Slide 188-A, Plat Records of Bell County, Texas for corner;

THENCE departing the said 10.478 acre tract and with the said north boundary line and with the south boundary line of the said 10.202 acre tract the following two (2) calls:

- 1) N. $51^{\circ} 58' 18''$ W., 397.14 feet (calls N. $51^{\circ} 58' 18''$ W., 397.14 feet) to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found for corner;
- 2) N. $73^{\circ} 06' 12''$ W., 292.72 feet (calls S. $73^{\circ} 06' 12''$ E., 292.72 feet) to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the northwest corner of the said 42.931 acre tract and being the southwest corner of the said 10.202 acre tract and being in the east right-of-way line of Farm-to Market Highway No. 1741 (also known as South 31st Street) as monumented, fenced and further evidenced on the ground and as described as a 0.157 acre tract in a Deed dated September 23, 1997 from Irvin McCreary Allen, Raye Virginia McCreary Allen, H. K. Allen, and Henry Kiper Allen, Jr. and Raye Virginia Allen Cucolo to the State of Texas and being of record in Volume 4032, Page 290, Official Public Records of Bell County, Texas and being at the beginning of a non-tangent curve to the left having a radius equals 868.51 feet, chord bearing equals N. $16^{\circ} 57' 57''$ E., 4.39 feet, central angle equals $00^{\circ} 17' 23''$ for corner;

THENCE departing the said 42.931 acre tract and with the said east right-of-way line and the east boundary line of the said 0.157 acre tract and with the west boundary line of the said 10.202 acre tract the following two (2) calls:

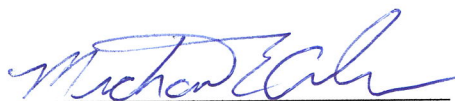
- 1) 4.39 feet along the arc of said curve to the left to a Texas Department of Transportation brass cap right-of-way monument found for corner;
- 2) N. 16° 53' 48" E., 353.22 feet (calls S. 16° 53' 48" W., 538.25 feet) to a ½" iron rod found being the most westerly northwest corner of the said 10.202 acre tract and being the southwest corner of that certain 1.401 acre tract of land described as Lot 1, Block 1, Waters Dairy Addition according to the map or plat of record in Cabinet D, Slide, 385-B, Plat Records of Bell County, Texas for corner;

THENCE departing the said east right-of-way line and the said west boundary line and with the south and east boundary lines of the said Lot 1, Block 1, Waters Dairy Addition and with a north and west boundary line of the said 10.202 acre tract the following two (2) calls:

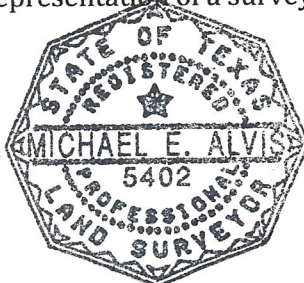
- 1) S. 73° 34' 05" E., 265.14 feet (calls N. 73° 34' 05" W., 265.00 feet) to a 1/2" iron rod found being the southeast corner of the said Lot 1, Block 1, Waters Dairy Addition for corner;
- 2) N. 16° 51' 07" E., 235.03 feet (calls S. 16° 51' 07" W., 235.01 feet) to the a ½" iron rod found being the northeast corner of the said Lot 1, Block 1, Waters Dairy Addition and being the most northerly northwest corner of the said 10.202 acre tract and being in the aforementioned south right-of-way line of Waters Dairy Road for corner;

THENCE S. 73° 34' 03" E., 748.28 feet departing the said Lot 1, Block 1, Waters Dairy Addition and with the north boundary line of the said 10.202 acre tract (calls S. 73° 34' 03" E., 748.28 feet) and with the said south right-of-way line to the Point of BEGINNING and containing 10.202 acres of land.

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



Michael E. Alvis, R.P.L.S. #5402
January 13, 2016



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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 539.

THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 31' 23"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999853

PUBLISHED CITY COORDINATES ARE N = 10,352,186.13 E = 3,222,622.54

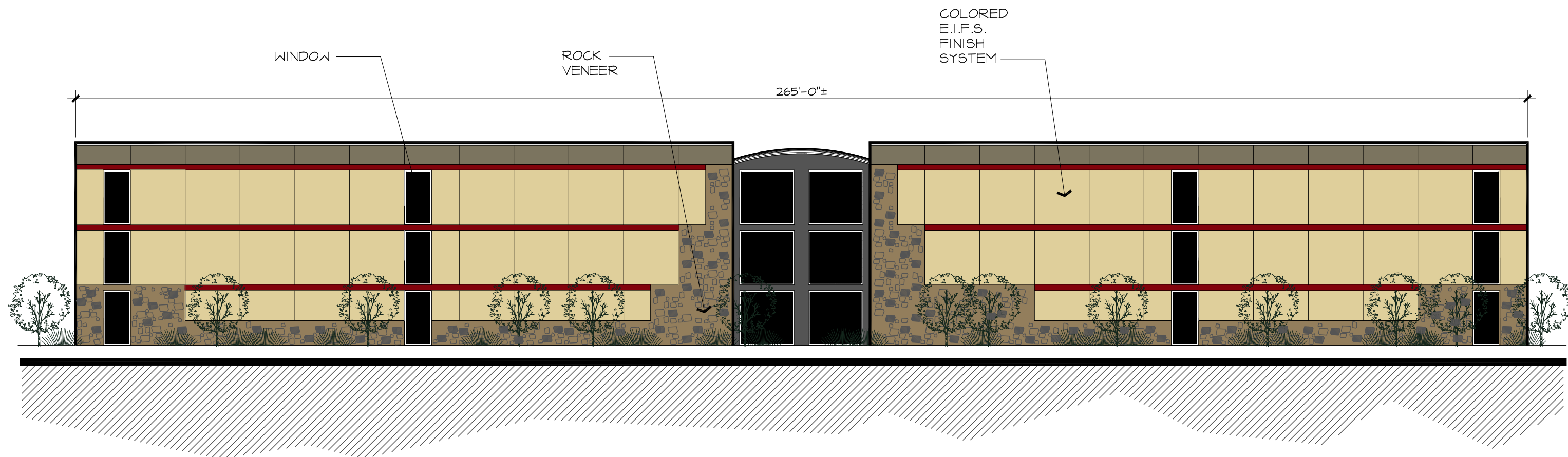
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POB OF THE 41.941 ACRE TRACT IS

N. 08° 37' 14" E., 6802.99 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

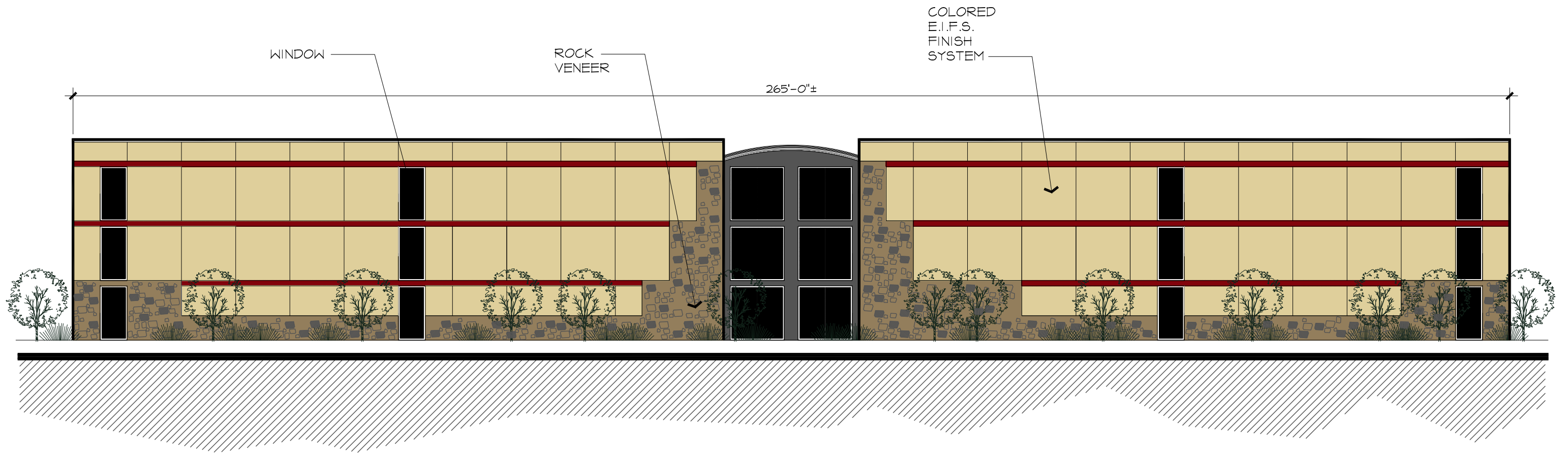
GEODETIC NORTH = GRID NORTH + THETA ANGL





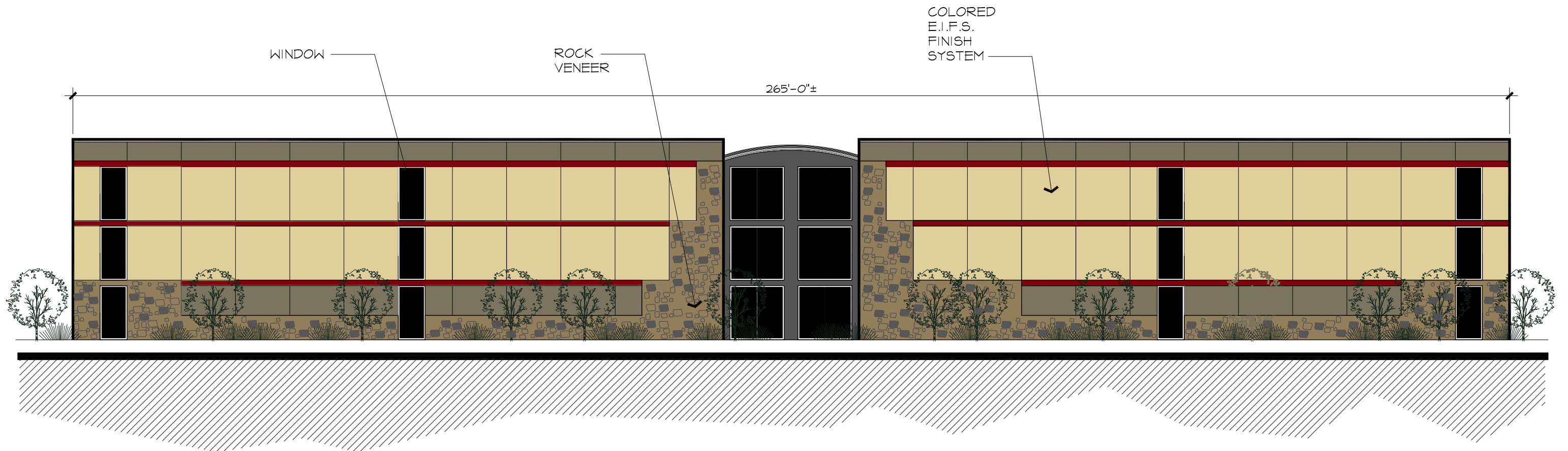
BUILDING STREET ELEVATION

ECHO STATION • TEMPLE • SCHEME A • 11/19/15



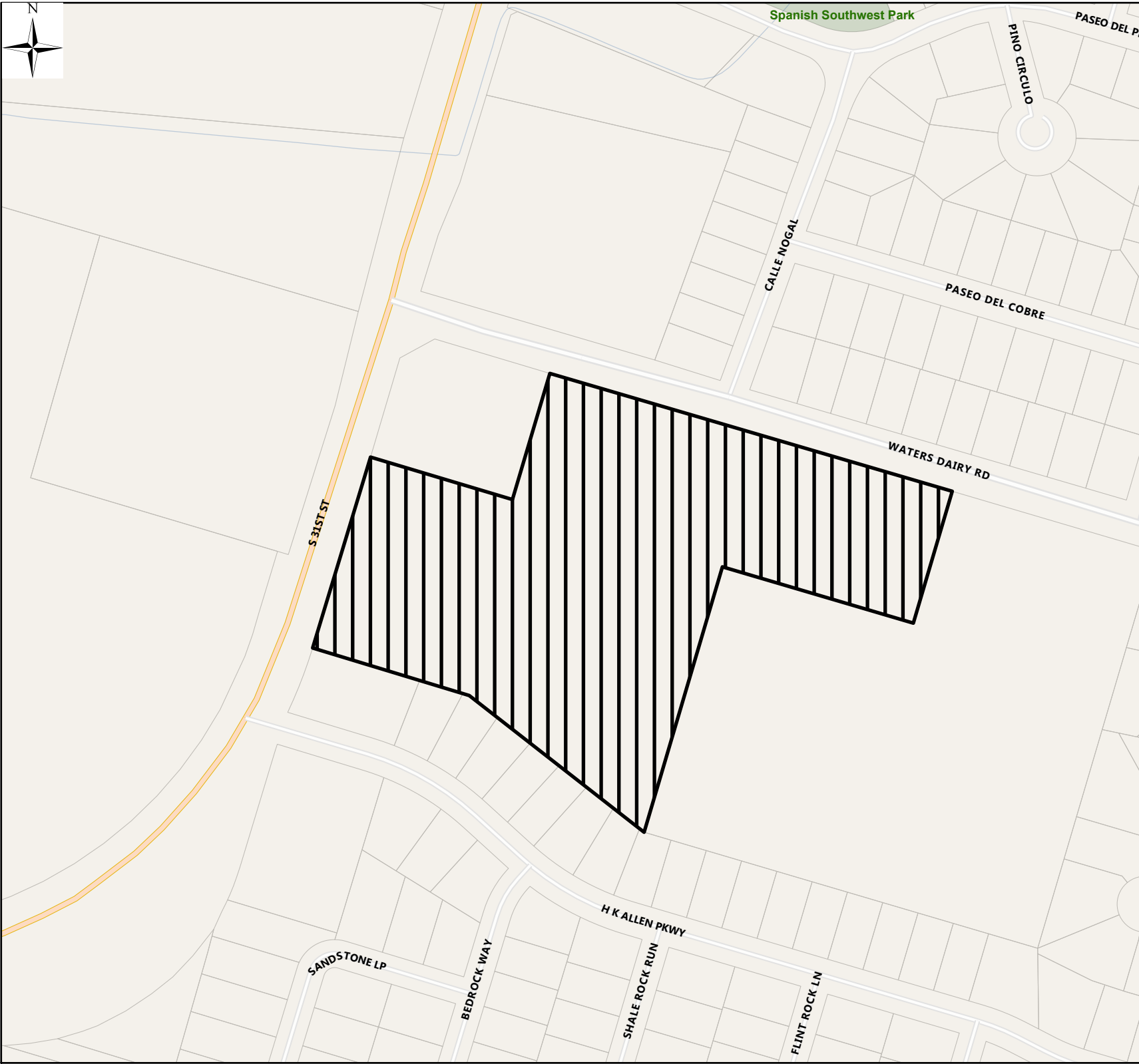
BUILDING STREET ELEVATION

ECHO STATION • TEMPLE • SCHEME B • 11/19/15



BUILDING STREET ELEVATION

ECHO STATION - TEMPLE - SCHEME C - 11/19/15















PD-GR to PD-GR

LOCATION MAP

Zoning Case :
Z-FY-16-12

Address :
5015 S. 31st Street

Streets

-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  CaseArea

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.

mbaker
Date: 1/7/2016

















PD-GR to PD-GR

AERIAL MAP

Zoning Case :
Z-FY-16-12

Address :
5015 S. 31st Street

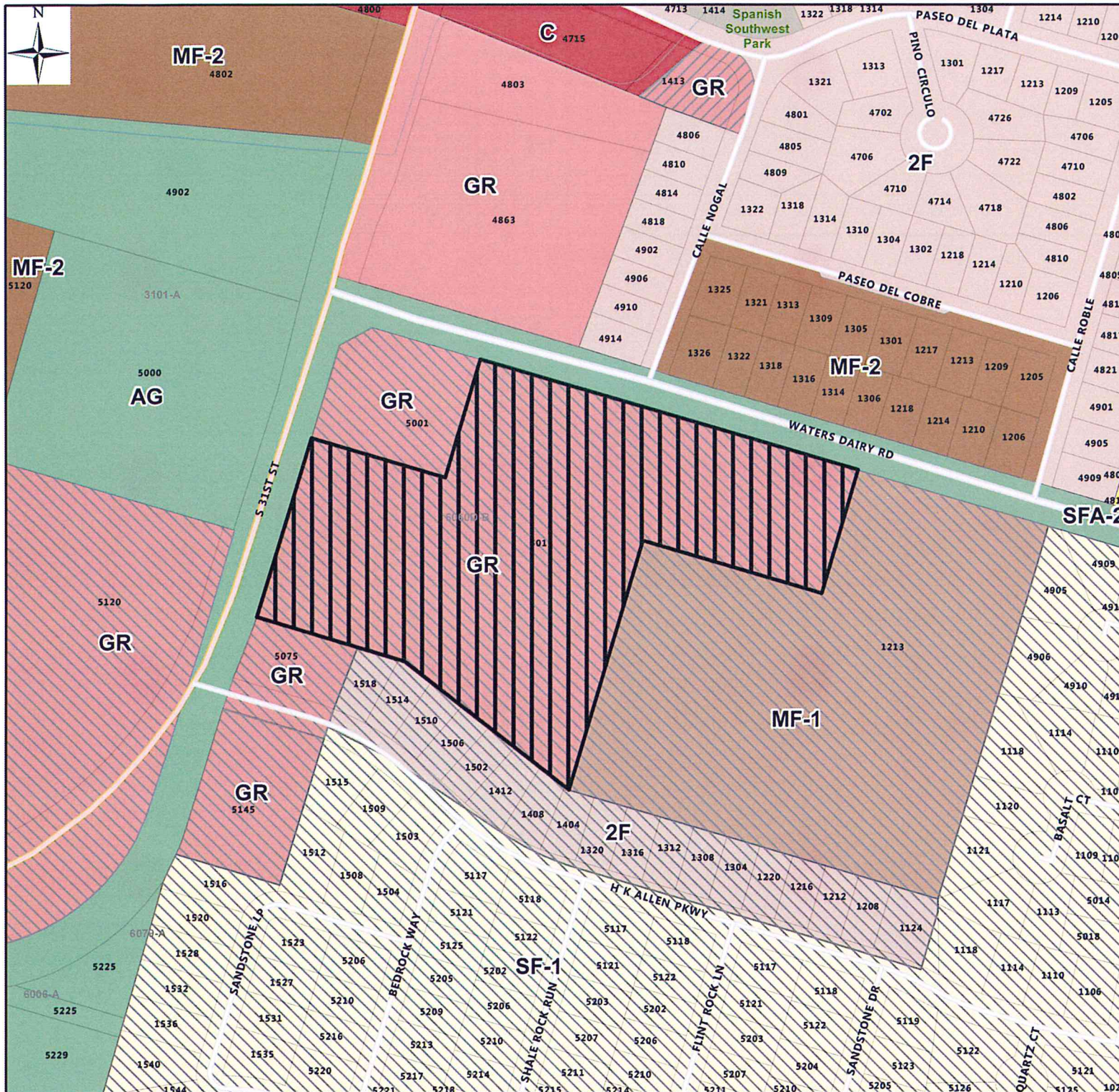
Streets

-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  CaseArea

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mbaker
Date: 1/7/2016





PD-GR to PD-GR

ZONING MAP

Zoning Case :
Z-FY-16-12

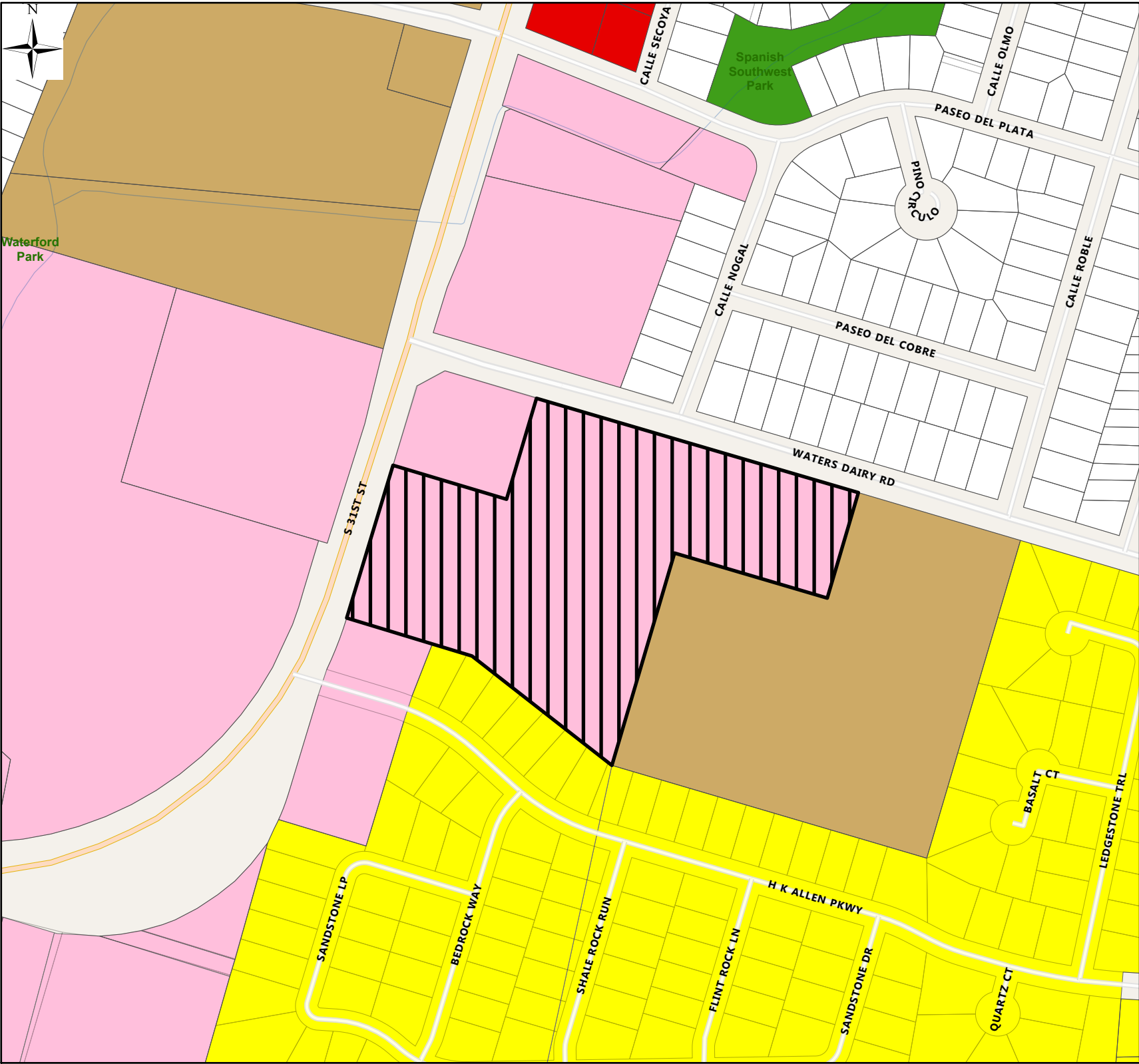
Address :
5015 S. 31st Street

CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	CaseArea
MF-2 - PD	HI - PD	Buffer
MF-3 - PD	AG	

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mbaker
Date: 1/7/2016





PD-GR to PD-GR

FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-12

Address :
5015 S. 31st Street

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
- CaseArea

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mbaker

Date: 1/7/2016





PD-GR to PD-GR

UTILITY MAP

Zoning Case :
Z-FY-16-12

Address :
5015 S. 31st Street

- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▨ CaseArea

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.













mbaker
Date: 1/7/2016





THOROUGHFARE AND TRAILS MAP

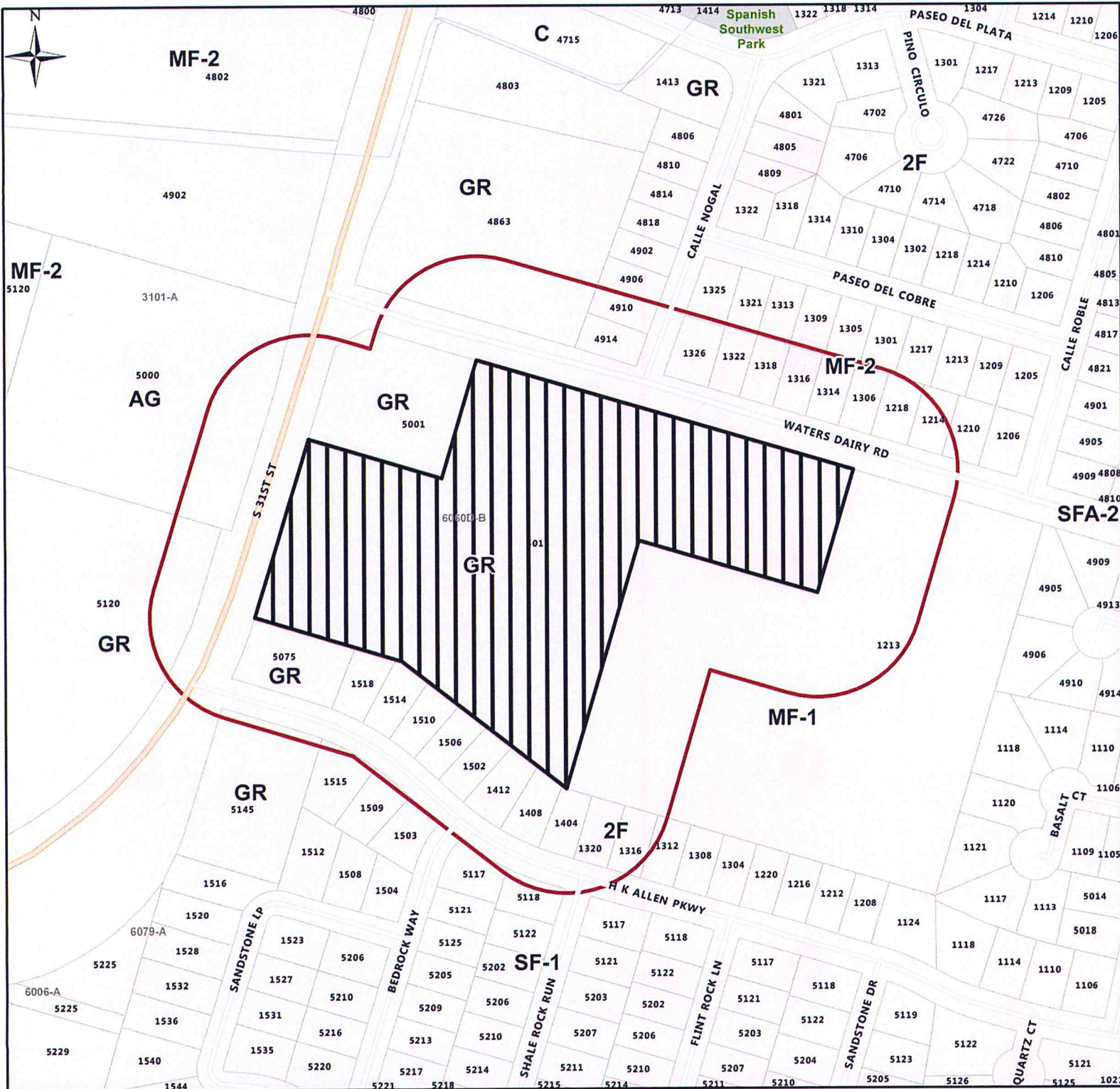
Address :
5015 S. 31st Street

-  Parcels
 Thoroughfare Plan
 Expressway
 Major Arterial
 Proposed Major Arterial
 Minor Arterial
 Proposed Minor Arterial
 Collector
 Proposed Collector
 Trails Master Plan
 — EXISTING, CITY WIDE SPINE
 — EXISTING, COMMUNITY WIDE CONNECTOR
 — EXISTING, LOCAL CONNECTOR
 — PROPOSED, CITY WIDE SPINE

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.

mbaker
Date: 1/7/2016





PD-GR to PD-GR
200'
NOTIFICATION MAP

Zoning Case :
Z-FY-16-12
Address :
5015 S. 31st Street

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.

mbaker
Date: 1/7/2016





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

DUNN, GEORGE E ETUX YUVONNE V
1322 WATERS DAIRY RD
TEMPLE, TX76502-3463

Zoning Application Number: Z-FY-16-12

Project Manager: Mark Baker

Location: 5015 S. 31st Street

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

I recommend () approval

☒ denial of this request.

Comments:

We feel this would bring undesirables into the neighborhood, potential for drugs and activities that would put our neighborhood at risk for problems! please do not do this.

RECEIVED

JAN 27 2016

City of Temple

Planning & Development

George E. Dunn
Signature *Bonnie Dunn*

George Dunn
Print Name *Bonnie Dunn*

Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.

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

Number of Notices Mailed: 43

Date Mailed: January 21, 2016



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

STRASBURGER ENTERPRISES INC
PO BOX 6117
TEMPLE, TX 76503-6117

Zoning Application Number: Z-FY-16-12

Project Manager: Mark Baker

Location: 5015 S. 31st Street

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:

Penny Scott
Signature

Penny Scott
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.

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

RECEIVED

JAN 28 2016

City of Temple
Planning & Development

Number of Notices Mailed: 43.

Date Mailed: January 21, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

PINA-HERNANDEZ, VIRGINIA J ETVIR JUAN
1318 WATERS DAIRY RD
TEMPLE, TX76502-3463

Zoning Application Number: Z-FY-16-12

Project Manager: Mark Baker

Location: 5015 S. 31st Street

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:

There will be criminal activity, lotteries, trash & a big eye sore. We already have lots of trash thrown in our yards. Bullets are behind the Echo Apts where it won't be seen.

Big Eye Sore

Virginia J. Piña
Signature

Virginia J. Piña
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.

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

RECEIVED

FEB - 1 2016

City of Temple
Planning & Development

Number of Notices Mailed: 43

Date Mailed: January 21, 2016



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

PATSCHKE, LARRY E
1218 WATERS DAIRY RD
TEMPLE, TX76502-3441

Zoning Application Number: Z-FY-16-12

Project Manager: Mark Baker

Location: 5015 S. 31st Street

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:

RECEIVED

FEB - 1 2016

City of Temple
Planning & Development

NO

Larry E. Patschke
Signature

LARRY E. PATSCHKE
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.

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

Number of Notices Mailed: 43

Date Mailed: January 21, 2016



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

MENDEZ, LIA R
1326 WATERS DAIRY RD
TEMPLE, TX 76502-3463

Zoning Application Number: Z-FY-16-12

Project Manager: Mark Baker

Location: 5015 S. 31st Street

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

I recommend () approval ☒ denial of this request.

Comments:

This is ridiculous! There are 2 storage facilities within 2 blocks! On the corner of Calle Nogal and Paseo de Plata & Winchester and 31st.

Lia Rodriguez, UBSN
Signature

Lia Rodriguez, UBSN
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.

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

RECEIVED
FEB - 1 2016
City of Temple
Planning & Development

Number of Notices Mailed: 43

Date Mailed: January 21, 2016

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-12)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2006-4090 TO ALLOW CLIMATE-CONTROLLED MINI-STORAGE WAREHOUSES, SUBJECT TO A DEVELOPMENT PLAN, ON 4.801 ACRES ZONED PD-GR, AND TO APPROVE A CONCEPTUAL DEVELOPMENT PLAN ON 5.401 ACRES ZONED PD-GR, BOTH TRACTS BEING LOCATED WITHIN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14 AND ADDRESSED 5015 SOUTH 31ST STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the requested amendments affect 10.202 acres out of approximately 54.52 acres located generally at the southeast corner of South 31st Street and Waters Dairy Road and being part of the Planned Development approved by City Council on August 17, 2006, in Ordinance No. 2006-4090; and

Whereas, the Planning and Zoning Commission recommended on February 1, 2016, that Ordinance No. 2006-4090, be amended to:

- (1) add climate-controlled mini-storage warehouses as an allowed land use, subject to a Development Plan, on approximately 4.801 acres zoned PD-GR, and
- (2) approve a Conceptual Development Plan, subject to the requirement for a public hearing and approval of a Development Plan, on approximately 5.401 acres zoned PD-GR;

both tracts being located within the Maximo Moreno Survey, Abstract No. 14, and being addressed 5015 South 31st Street; 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 Council amends Ordinance No. 2006-4090, to add climate-controlled mini-storage warehouses as an allowed land use, subject to a Development Plan, on approximately 4.801 acres zoned Planned Development-General Retail (PD-GR), being located within the Maximo Moreno Survey, Abstract No. 14, and being part of the 10.202 acre tract that is more particularly described in field notes attached as Exhibit A to this Ordinance.

Part 2: The City Council approves the 4.801-acre Development Plan depicted in Exhibit B to this Ordinance, subject to the following conditions:

1. Construction of a six-foot-wide sidewalk along the entire property frontage on Waters Dairy Road;
2. Exterior elevations on mini-storage buildings that consist of a combination of (a) Exterior Insulation Finish Systems (EIFS), (b) fibrous masonry product that simulates a wood or stucco material to appear being laid up unit-by-unit and (c) rock veneer, in substantial compliance with the elevations shown in Exhibit C to this Ordinance;
3. Metal awnings to provide additional architectural relief to the entrances of each building;
4. Compliance with UDC Section 7.1.8, Performance Standards, to assure that exterior lighting will not create light trespass;
5. Signage on the north, east and south building facades, externally illuminated to prevent glare and light trespass onto neighboring properties; and
6. Not more than two stories in the four mini-storage buildings fronting along and closes to Waters Dairy Road.

The Planning Director is authorized to approve minor changes to the elements of the Development Plan, including but not limited to screening, buffering, landscaping, signage, exterior building materials and modification of the overall site layout. Substantial changes require approval by City Council.

Part 3: The City Council amends Ordinance No. 2006-4090, to approve the Conceptual Development Plan depicted in Exhibit B to this Ordinance, subject to the requirement for a public hearing and approval of a Development Plan, on approximately 5.401 acres zoned Planned Development-General Retail (PD-GR), being located within the Maximo Moreno Survey, Abstract No. 14, and being part of the 10.202 acre tract that is more particularly described in field notes attached as Exhibit A to this Ordinance.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

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 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 **3rd** day of **March**, 2016.

PASSED AND APPROVED on Second Reading on the **17th** day of **March**, 2016.

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

03/03/16
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement for the preparation of the Bend of the River Botanical Garden master plan and cleanup plan.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 29, 2016, City Staff released a Request for Proposal for the Bend of the River Botanical Garden master plan and cleanup plan. On February 16, six proposals were received in response to the request. A Proposal Evaluation Committee was assembled to review the proposals and evaluate the qualifications of the responding firms.

After an initial meeting to discuss the proposals, the Committee felt it would be beneficial to schedule interviews with the four top-rated firms. Interviews have been scheduled for Monday, February 29. After the interviews, the Committee will rate the four firms and decide on a recommendation to the City Council which will be presented at the March 3, 2016, City Council meeting. The firms to be interviewed are listed below:

- Asakura Robinson, Austin, Texas
- Burditt Consultants, LLC, Conroe, Texas
- Studio Outside, Dallas, Texas
- SWA Group, Houston, Texas

On June 18, 2016 Council authorized the submission of an application to the Center for Disease Control and Prevention for the Community Health Projects Related to Contamination at Brownfield/Land Reuse Sites program. The City was successful in its application and was awarded \$150,000 in reimbursable funds to complete a master plan and cleanup plan for the Bend of the River Botanical Gardens. The program is intended to address potential contamination issues, public health impacts, and redevelopment concerns related to land reuse sites, with a strategy to promote healthy, safe environments while preventing harmful exposures. The mission is to prevent harmful exposures and promote healthy and safe environments. The selected firm will be reviewed/approved by the CDC and will meet all requirements of the grant.

FISCAL IMPACT: Funding for the award of the professional services agreement for preparation of the Bend of the River Botanical Garden master plan and cleanup plan and cleanup plan is appropriated in account 260-3500-552-2623, project #101465.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH _____ OF _____, _____, IN THE AMOUNT OF \$_____, FOR THE PREPARATION OF THE BEND OF THE RIVER BOTANICAL GARDEN MASTER PLAN AND CLEANUP PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 29, 2016, Staff released a Request for Proposal for the Bend of the River Botanical Garden master plan and cleanup plan and on February 16, 2016, six proposals were received in response to the request;

Whereas, a Proposal Evaluation Committee was assembled to review the proposals and evaluate the qualifications of the responding firms – the Committee recommends awarding a Professional Services Agreement to _____ for the preparation of the Bend of the River Botanical Garden Master Plan and Cleanup Plan;

Whereas, on June 18, 2016, Council authorized the submission of an application to the Center for Disease Control and Prevention for the Community Health Projects Related to Contamination at Brownfield/Land Reuse Sites program;

Whereas, the City was successful in its application and was awarded \$150,000 in reimbursable funds to complete a master plan and cleanup plan for the Bend of the River Botanical Garden which is intended to address potential contamination issues, public health impacts, and redevelopment concerns related to land reuse sites, with a strategy to promote healthy, safe environments while preventing harmful exposures;

Whereas, funding is available for this professional services agreement in Account No. 260-3500-552-2623, Project No. 101465; 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 professional services agreement with _____, in the amount of _____, for the preparation of the Bend of the River Botanical Garden Master Plan and Cleanup Plan.

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 3rd day of **March**, 2016.

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

03/03/16
Item #9
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Building and Standards Commission – one alternate member to fill an expiring term through March 1, 2018; one alternate member to fill an unexpired term through March 1, 2017; three members to fill expiring terms through March 1, 2018; and one member to fill an unexpired term through March 1, 2017
- (B) Development Standards Advisory Board –three members to fill expiring terms through March 1, 2019; two members to fill an expired term through March 1, 2018
- (C) Parks and Leisure Services Advisory Board – three members to fill expiring terms through March 1, 2019
- (D) Zoning Board of Adjustment – three members to fill expiring terms through March 1, 2018; and two alternate members to fill expiring terms through March 1, 2018
- (E) [2015-7967-R](#): Library Board -two members to the Library Board to fill expired terms through September 1, 2018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of March 1, 2014.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received by the City Secretary.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Summary Forms- to be provided
Board Applications – to be provided