



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, MAY 4, 2017
3:00 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 4, 2017.
2. Receive an I-35 update from TXDOT.
3. Receive a presentation on the Temple Housing Authority's down payment assistance program.
4. Receive a presentation on street re-naming requests.
5. Receive an update on the City's emergency medical services contract.

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. National Bike Month May 2017
4. National Infant Immunization Month May 2017
5. Recognize Temple and Belton Firefighters for their efforts during the recent weather event.

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.

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

Minutes

- (A) [April 20, 2017 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2017-8623-R](#): Consider adopting a resolution authorizing the purchase of Automated Fingerprint Identification System update in the amount of \$36,300 from NEC Corporation of America located in Irving.

- (C) [2017-8624-R](#): Consider adopting a resolution authorizing the purchase of one easement necessary for the construction of the Little Elm Wastewater project and authorizing closing costs associated with the purchase, in an estimated amount of \$11,000.
- (D) [2017-8625-R](#): Consider adopting a resolution authorizing the purchase of five easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$30,000.
- (E) [2017-8626-R](#): Consider adopting a resolution authorizing the purchase of Fire Department radios in the amount of \$29,579 from Motorola Solutions, Inc. of Chicago, IL.
- (F) [2017-8627-R](#): Consider adopting a resolution authorizing a construction contract with Prime Spec Construction, LLC, of Liberty Hill for a lump sum price of \$229,400 for construction of the Membrane Water Treatment Facility Reverse Filtration Header Replacement Project.
- (G) [2017-8628-R](#): Consider adopting a resolution authorizing a construction contract with Red & White Greenery Inc. of Georgetown, in the amount of \$81,040.10 for the installation of landscaping and irrigation improvements for Jaycee Neighborhood Park.
- (H) [2017-8629-R](#): Consider adopting a resolution authorizing the Interim City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity, and if in the best interest of the City, enter into a contract with the lowest responsible bidder for a period of 24 to 60 months beginning for electrical meter reads after May 2019.
- (I) [2017-8630-R](#): Consider adopting a resolution authorizing an interlocal agreement with Bell County for the use of the election equipment necessary for the June 24, 2017 Special Election.
- (J) [2017-8631-R](#): Consider adopting a resolution ratifying the engagement of Fisher, Boyd, Johnson, & Huguenard, LLP and Jackson Walker, LLP for legal representation.
- (K) [2017-8632-R](#): Consider adopting a resolution:
 - (1) authorizing the 2017 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation; and
 - (2) authorizing certain amendments to the Temple Economic Development Corporation's Amended and Restated Bylaws.

Ordinances – Second & Final Reading

- (L) [2017-4839](#): SECOND READING – FY-17-17: Consider adopting an ordinance authorizing amendments to the City of Temple's Unified Development Code: Article 4 (Sec. 4.5.4) related to Residential Dimensional Standards and Article 5 (Sec. 5.3) related to Specific Use Standards to allow two-family residential dwellings (duplexes) in a Two-Family Dwelling Zoning District for existing platted lots with a width of not less than 50 feet subject to additional compatibility design standards primarily related to parking, landscaping and architecture.

- (M) [2017-4840](#): SECOND READING – Z-FY-17-22: Consider adopting an ordinance authorizing a rezoning request from the Agricultural zoning district to the Single Family-One zoning district, on 10.666 +/- acres, of the Maximo Moreno Survey, Abstract No. 14, being a part of a 10.00 acre tract of land and a part of a 42.13 acre tract described in a deed to Stellar Improvement Corporation, Bell County, located at 1610 West FM 93, Temple, Texas.

Misc.

- (N) [2017-8633-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

V. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

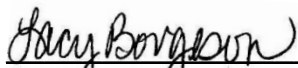
7. [2017-4841](#): FIRST READING – PUBLIC HEARING: Z-FY-17-23: Consider adopting an ordinance authorizing a rezoning from the General Retail zoning district to the Multi-Family Two zoning district on 12.33 +/- acres, situated in the C.S. Masters Survey, Abstract 550, Bell County, which is part of a 49.13 acre tract, located at 3000 West Adams Avenue, Temple, Texas.
8. [2017-4842](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing a number of economic development incentives for neighborhood revitalization in the East Temple area and repealing Ordinance No. 2015-4716.

RESOLUTIONS

9. [2017-8634-R](#): Consider adopting a resolution authorizing the following agreements with Strategic Government Resources, Inc., Keller, for the following services:
- (A) the search and recruitment of the City Manager position in an amount not to exceed \$27,000;
 - (B) a pre-hire team building and healthy governance workshop in an amount not to exceed \$13,000, and;
 - (C) a post-hire team follow-up workshop in an amount not to exceed \$13,000.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 12:00 PM, on Friday, April 28, 2017.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

05/04/17
Item #6(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) April 20, 2017 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:

[April 20, 2017 Special and Regular Meeting](#)



COUNCIL AGENDA ITEM MEMORANDUM

05/04/17
Item #6(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd O. Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of Automated Fingerprint Identification System update in the amount of \$36,300 from NEC Corporation of America located in Irving.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department seeks approval to purchase an AFIS update, which will include a workstation licensing software upgrade, new required peripherals, along with installation. This is a required update to the State's fingerprint system. The AFIS system gives investigators direct access to the states database of fingerprints, which allows Police staff to enter and search fingerprints without having the delay of sending fingerprints collected at crimes scenes to the Department of Public Safety (DPS) for analysis.

NEC Corporation of America (NEC) is the sole source vendor of the AFIS system due to the highly confidential and proprietary hardware and software that is required. NEC has been the provider of this system to Texas DPS for over 25 years. Without the updates the Police Department will lose access to the system in December, 2017.

FISCAL IMPACT: Funding is available for the purchase of the AFIS update in the amount of \$36,300 in account 110-2041-521-6221, project 101641, as follows:

Project Budget	\$	36,300
Encumbered/Committed to Date		-
NEC Corporation of America		(36,300)
Remaining Project Funds	\$	-

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8623-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM UPDATE IN THE AMOUNT OF \$36,300, FROM NEC CORPORATION OF AMERICA OF IRVING, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Automated Fingerprint Identification System (AFIS) gives investigators direct access to the State's database of fingerprints, which allows Police to enter and search fingerprints without having the delay of sending fingerprints collected at crime scenes to the Department of Public Safety (DPS) for analysis;

Whereas, an update to the State's fingerprint system is required and the Police Department recommends Council authorize this purchase, which will include a workstation licensing software upgrade, new required peripherals, along with installation in the amount of \$36,300;

Whereas, NEC Corporation of America (NEC) has been the provider of this system to Texas DPS for over 25 years and is the sole source vendor of the AFIS system due to the highly confidential and proprietary hardware and software;

Whereas, funding is available for this purchase in Account No. 110-2041-521-6221, Project No. 101641; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of an Automated Fingerprint Identification System update in the amount of \$36,300, from NEC Corporation of America of Irving, Texas.

Part 3: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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 **4th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of one easement necessary for the construction of the Little Elm Wastewater project and authorizing closing costs associated with the purchase, in an estimated amount of \$11,000.

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 as presented in item description.

ITEM SUMMARY: The Little Elm Wastewater project will service future development in the northern Industrial Park area along the future Research Parkway. This extension of gravity sewer will allow the abandonment of two lift stations.

The City is currently in the design phase for the project and the design requires the acquisition of twelve easements. Three easements have been acquired via plat. The City is seeking the donation of two easements. Appraisals have been performed on the remaining seven needed easements and offers made to those property owners.

With the assistance of Lone Star Right of Way Services (Lone Star), the City has reached an agreement with one property owner. At this time, Staff is asking for authorization to purchase the easement necessary for the Little Elm Wastewater Project, authorizing closing costs associated with the purchase, in an estimated amount of \$11,000.

The address and Bell County Appraisal District ID Number of the property is 5358 North General Bruce Drive—Bell CAD ID #15278

FISCAL IMPACT: Funding is available for the costs associated with easement acquisition expenses for the above listed property which is necessary for the construction of the Little Elm Wastewater Line, in an amount of \$11,000 in account 795-9800-531-6863, project 101000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8624-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE EASEMENT NECESSARY FOR THE CONSTRUCTION OF THE LITTLE ELM WASTEWATER PROJECT; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE, IN AN ESTIMATED AMOUNT OF \$11,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Little Elm Wastewater project will service future development in the northern Industrial Park area along the future Research Parkway and will allow the abandonment of two lift stations;

Whereas, the City is currently in the design phase for the project and the design requires the acquisition of twelve easements – three of these easements have been acquired via plat and the City is seeking the donation of two easements;

Whereas, appraisals have been performed on the remaining seven needed easements and offers have been made to those property owners – and an agreement has been reached with one of the property owners with the assistance of Lone Star Right of Way Services (Lone Star);

Whereas, Staff recommends Council authorize the purchase of one easement necessary for the Little Elm Wastewater Project and authorize closing costs associated with the purchase, in an estimated amount of \$11,000;

Whereas, the address associated with this property is 5358 N. General Bruce Drive (Bell CAD ID #15278);

Whereas, funding is available for this easement purchase in Account No. 795-9800-531-6863, Project No. 101000; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of one easement necessary for the construction of the Little Elm Wastewater project and authorizes closing costs associated with the purchase, in an estimated amount of \$11,000.

Part 3: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the purchase of this easement.

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 **4th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of five easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$30,000.

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 as presented in item description.

ITEM SUMMARY: The City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive. The project is necessary to replace deteriorating existing facilities and improve service to properties along the route. Phase One of the project is currently under construction and required the acquisition of easements from four property owners.

The design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners. Appraisals have been completed for eighteen of the properties, and offers based on the appraisals have been made to most of the property owners. The City has acquired eleven of these easements and will close on one easement in the coming weeks.

Staff is now seeking authorization to purchase five easements needed for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$30,000.

The address and Bell County Appraisal District ID Number of the properties are:

3922 Tem-Bel Lane—Bell CAD ID #73994
3905 Tem-Bel Lane—Bell CAD ID #72327
3209 Tem-Bel Lane—Bell CAD ID #64888
3251 Kegley Road—Bell CAD ID #68027
4508 S. General Bruce Drive—Bell CAD ID #105057

FISCAL IMPACT: Funding is available for the costs associated with easement acquisition expenses for the above listed properties which are necessary for the construction of the Charter Oak Water Line, in an amount of \$30,000 in account 520-5900-535-6110, project #100608.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2017-8625-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FIVE EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE CHARTER OAK WATER LINE; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN ESTIMATED AMOUNT OF \$30,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive that is necessary to replace deteriorating existing facilities and improve service to properties along the route - Phase One of the project is currently under construction and required the acquisition of easements from four property owners;

Whereas, the design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners - appraisals have been completed for eighteen of the properties, and offers have been made to most of the property owners, based on the appraisals;

Whereas, the City has acquired eleven of these easements and will close on one easement in the coming weeks;

Whereas, Staff requests Council authorize the purchase five easements needed for the construction of the Charter Oak Water Line and authorize closing costs associated with the purchases, in an estimated amount of \$30,000;

Whereas, the addresses associated with the five easements are as follows:

3922 Tem-Bel Lane	3905 Tem-Bel Lane	3209 Tem-Bel Lane
3251 Kegley Road	4508 S. General Bruce Drive	

Whereas, funding is available for the purchase of five easements in Account No. 520-5900-535-6110, Project No. 101608; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of five easements necessary for the construction of the Charter Oak Water Line and authorizes closing costs associated with the purchases, in an estimated amount of \$30,000.

Part 3: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for these purchases.

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 4th day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of Fire Department radios in the amount of \$29,579 from Motorola Solutions, Inc. of Chicago, IL.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Fire Department previously procured two portable replacement radios at a total cost of \$5,084. Authorization of this resolution will allow for the purchase of twelve mobile apparatus-mounted Motorola radios at a total cost of \$24,494.04, making a total FY2017 cumulative purchase of \$29,578.

The Fire Department uses an 800 MHz radio system to communicate with Bell County Communications. Bell County Communications is upgrading the 800 MHz system to be compliant with the FCC project 25 interoperable communications requirements. During the planning process to comply with this system change, several of the Fire Department's radios were found to be incompatible with this new system and will become inoperable at the time of the upgrade. This proposed purchase will upgrade the obsolete radios so communication with Bell County Communications will not be compromised.

Motorola Solutions, Inc. has been awarded contract #RA05-15 by Houston-Galveston Area Cooperative (H-GAC), which this purchase is being recommended for award under. Contracts awarded through H-GAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding is appropriated for the purchase of the mobile apparatus mounted radios in the amount of \$29,579 as follows:

	110-5900-522-6224	110-2210-522-2516	Total
	101520	n/a	
Budget	\$ 24,500	\$ 5,084	\$ 29,584
Encumbered/Committed to Date	-	(5,084)	(5,084)
Motorola Solutions, Inc.	(24,494)	-	(24,494)
Remaining Project Funds	\$ 6	\$ -	\$ 6

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8626-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RADIOS FOR THE FIRE DEPARTMENT IN THE AMOUNT OF \$29,579, FROM MOTOROLA SOLUTIONS, INC. OF CHICAGO, ILLINOIS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Fire Department uses an 800 MHz radio system to communicate with Bell County Communications and Bell County Communications is upgrading the 800 MHz system to be compliant with the FCC Project 25 interoperable communications requirements;

Whereas, during the planning process and to comply with this system change, several of the City's Fire Department radios were found to be incompatible with this new system and will become inoperable at the time of Bell County Communications upgrade;

Whereas, Motorola Solutions, Inc. has been awarded a Houston-Galveston Area Cooperative (H-GAC) Contract No. RA05-15, which Staff recommends be utilized for this purchase - contracts awarded through H-GAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, Staff recommends Council authorize the purchase of twelve additional mobile apparatus-mounted Motorola radios for the Fire Department, in the amount of \$29,579 from Motorola Solutions, Inc. of Chicago, Illinois utilizing an H-GAC Contract;

Whereas, funding is available for this purchase in Account No. 110-5900-522-6224, Project No. 101520 and account No. 110-2210-522-2516; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of twelve mobile apparatus-mounted Motorola radios for the Fire Department in the amount of \$29,579, from Motorola Solutions, Inc. of Chicago, Illinois utilizing a Houston-Galveston Area Cooperative Contract No. RA05-15.

Part 3: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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 **4th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Prime Spec Construction, LLC, of Liberty Hill for a lump sum price of \$229,400 for construction of the Membrane Water Treatment Facility Reverse Filtration Header Replacement Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The existing MWTF was placed into initial operation in 2004. The RF system consists of a 10-inch PVC suction piping, two 40-HP pumps, and a 10-inch PVC discharge header that includes 8-inch connections to each of the 11 membrane racks. The 10-inch PVC discharge header is Schedule-80 solvent-weld piping that has experienced breaks in the tees due to age, stress, and water hammer. This project will replace the existing discharge header with HDPE pipe and fittings which will better withstand high pressures and water hammers.

On April 20, two bids were received. Per the attached Recommendation Letter & Bid Tabulation, Prime Spec submitted the low bid in the amount of \$229,400. The opinion of probable construction cost was \$225,000.

City Staff and the Engineer agree that Prime is qualified to complete this project and recommend award of a construction contract for the total bid amount of \$229,400. Time allotted for construction is 90 calendar days.

FISCAL IMPACT: Funding for the construction contract with Prime Spec Construction in the amount of \$229,400 is appropriated in account 561-5100-535-6959, project 101616, as follows:

Project Budget	\$	249,983
Encumbered/Committed to Date		(20,583)
Prime Spec Construction		(229,400)
Remaining Funds Available	\$	-

ATTACHMENTS:

[Recommendation Letter](#)
[Bid Tabulation](#)
[Project Map](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

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

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., CFM
THOMAS D. VALLE, P.E.
GINGER R. TOLBERT, P.E.
ALVIN R. ATRAE SUTTON, III, P.E., CFM
JOHN A. SIMCIK, P.E., CFM

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

April 21, 2017

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

Re: City of Temple, Texas
Membrane Reverse Filtration Header Replacement

Dear Mr. Billeck:

On April 20, 2016, the City of Temple received competitive bids from two (2) contractors for the Membrane Reverse Filtration Header Replacement, including replacement of a Chemical Clean In Place Drain Pump at the Membrane Water Treatment Facility. The attached Bid Tabulation shows PrimeSpec Construction, LLC of Liberty Hill, Texas, as the low bidder at \$229,400.00 for the Total Bid. The bids ranged from the low bid to \$333,100.00. Our final opinion of probable construction cost was \$175,000 prior to the addition of the replacement of the CIP Drain Pump and upgrades to the check valves being added to the project by addendum during the bid process. Our preliminary OPC for this additional work was \$50,000, for a total OPC of \$225,000. This project is relatively small and specialized and has limited working hours and requirements for having the system operational at the end of each day. As such, we advised staff that the bids would most likely be higher than any of the components would on a normal project. The low bid values are within the range of expected costs.

PrimeSpec has completed similar projects in Georgetown and surrounding communities. Additionally, we contacted references and PrimeSpec received positive comments from each. Therefore, we recommend that a contract be awarded to PrimeSpec Construction, LLC. for the Membrane Reverse Filtration Header Replacement in the amount of \$229,400.00.

Sincerely,

Thomas D. Valle, P.E.
TDV/

xc:

2017-107-40

**BID TABULATION
CITY OF TEMPLE
MEMBRANE REVERSE FILTRATION HEADER REPLACEMENT
April 20, 2017; 2:00 PM**

BIDDER INFORMATION				
PrimeSpec Construction, LLC 4750 RR 1869 Liberty Hill, Texas 78642		Austin Engineering, Inc. P.O. Box 342349 Austin, Texas 78734		
Bid No.	Estimated Quantity	Unit	Bid Data Description	Extended Amount
BASE BID				
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 10,000.00 \$ 17,000.00 \$ 17,000.00
2	100%	LS	Removal and Disposal of Existing PVC Reverse Filtration Header Piping	2,000.00 25,000.00 25,000.00
3	100%	LS	Preparation of Pipe Installation Plan, including Piping Layout (with Laying Lengths confirmed with field measurements, etc.), Daily Construction Plan (limits of piping to be placed) and Temporary Connection Locations and Details	4,000.00 15,000.00 15,000.00
4	100%	LS	Furnish and Install HDPE Reverse Filtration Header from Flexible Couplings at RF Pumps 1 and 2 to Flexible Couplings at Racks 1-11, including necessary fittings and securing pipeline to existing pipe	136,200.00 205,500.00 205,500.00
5	2	EA	Remove and Replace Check Valves at RF Pumps	19,000.00 * 38,000.00 30,000.00
6	100%	LS	Furnish and Install new flange bolts, gaskets and nuts for each flanged connection (including those to remain)	11,000.00 8,500.00 8,500.00
7	100%	LS	Furnish and Install new stainless steel all threads and nuts at Flexible Couplings, including painted carbon steel bolt extensions as necessary to offset allthread alignment	2,000.00 6,500.00 6,500.00
8	1	EA	Furnish and Install Retractable Injection Quill suitable for Sodium Hypochlorite Application	1,000.00 1,500.00 1,500.00
9	100%	LS	Provide services of an Electrical or VFD Representative knowledgeable with the RF Pump VFDs to adjust VFD settings, coordination to be provided by Engineer of Record and their sub-consultant	1,000.00 2,100.00 2,100.00
10	100%	LS	All necessary labor, material and programming (by Pall) to replace existing Pneumatic CIP Drain Pump and install Centrifugal CIP Drain Pump, including piping modifications, mounting pump to floor and electrical and control modifications as detailed on Sheet 04 and in Addendum No. 1	24,000.00 19,500.00 19,500.00
11	100%	LS	Provide Project Record Drawings	200.00 2,500.00 2,500.00
TOTAL BASE BID AMOUNT - (Items 1 - 11)				** \$ 229,400.00 \$ 333,100.00

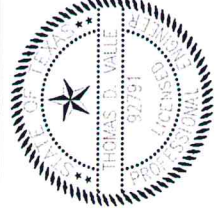
Did Bidder Acknowledge Addendum No. 1?	YES	YES
Did Bidder provide Bid Security?	YES	YES
Did Bidder provide required documents?	YES	YES

I hereby certify that this is a correct & true tabulation of all bids received

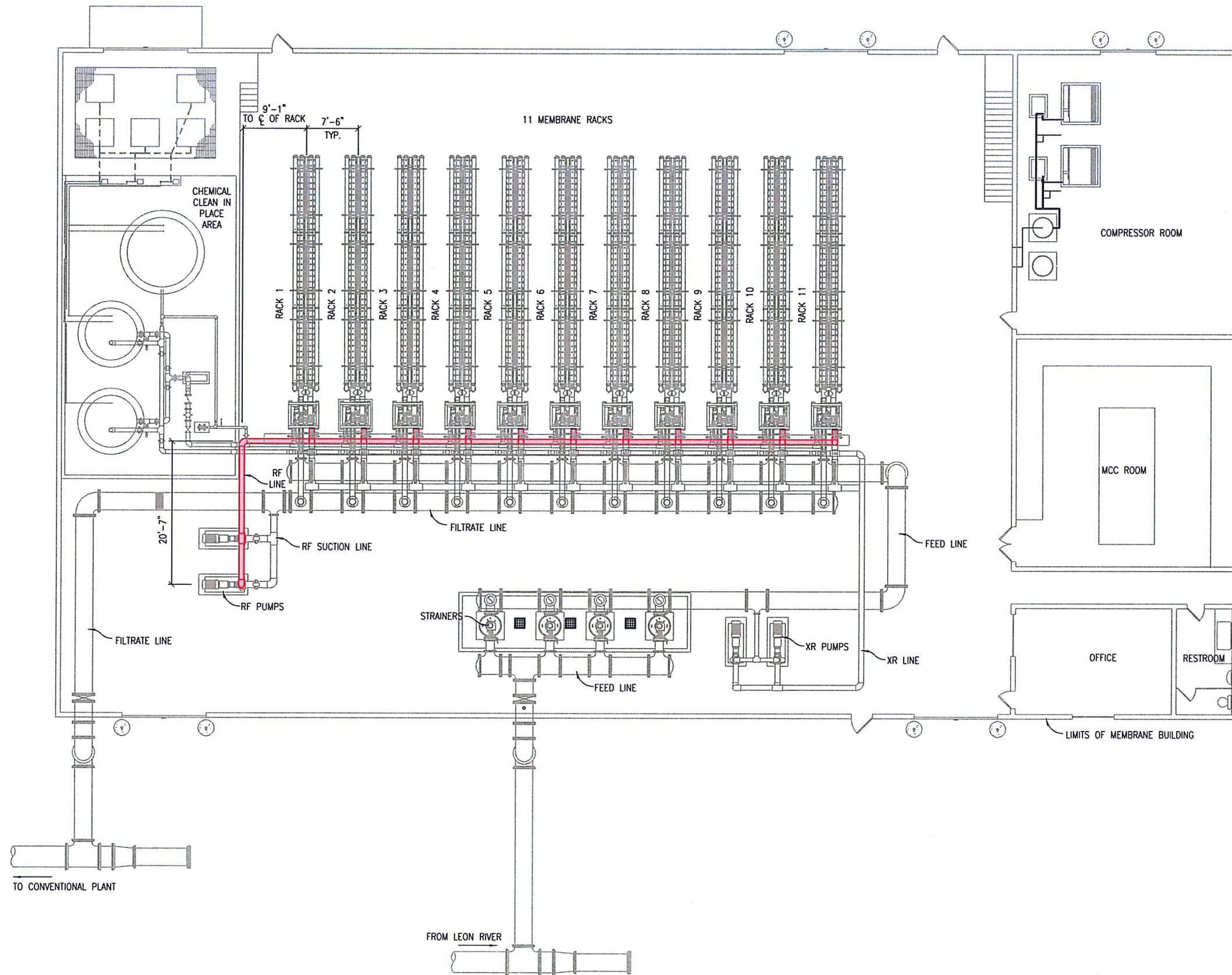
Thomas D. Valle
Thomas D. Valle, PE

Kasberg, Patrick & Associates, LP

April 21, 2017
Date



* Extended amount has been corrected.
** Total Amount has been corrected.

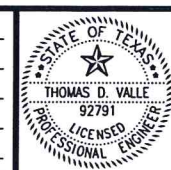


- NOTES:
- THE SCOPE OF THIS PROJECT IS AS FOLLOWS.
- REMOVE EXISTING PVC RF DISCHARGE AND HEADER PIPING FROM FLEXIBLE COUPLING AT RF PUMPS TO FLEXIBLE COUPLINGS AT EACH OF THE 11 MEMBRANE RACKS.
 - INSTALL NEW 10" PE 4710 DR PIPING AND FITTINGS TO REPLACE EXISTING PVC PIPING.
 - REMOVE AND REPLACE EXISTING CHECK VALVES AT RF PUMP DISCHARGE. CHECK VALVES SHALL BE DUAL DISC WAFER CHECKS AS MANUFACTURED BY VAL-MATIC.
 - PREPARE AND FOLLOW AN INSTALLATION PLAN THAT ALLOWS FOR TEN (10) HOURS OF DOWNTIME FOR INSTALLATION PER DAY. CONTRACTOR SHALL PROVIDE TEMPORARY CONNECTIONS BETWEEN NEW AND EXISTING PIPING AT THE END OF EACH DAY TO ALLOW OPERATION OVERNIGHT.
 - UTILIZE EXISTING PIPE SUPPORTS AND PROVIDE U-BOLT ASSEMBLIES W/NEOPRENE CUSHIONING TO SECURE NEW PIPING TO SUPPORTS IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS.
 - PROVIDE THE SERVICES OF AN ELECTRICAL OR VARIABLE FREQUENCY DRIVE REPRESENTATIVE TO ADJUST THE EXISTING RF PUMP VFDs TO LESSEN THE WATER HAMMER AS THE PUMPS TURN OFF.
 - EXISTING FLOW METERS, VALVES AND OTHER APPURTENANCES WILL REMAIN. THE LOCATION OF THESE ITEMS CAN MOVE SLIGHTLY, AS LONG AS THE EXISTING ELECTRICAL AND/OR CONTROL WIRES ALLOW.
 - ALL FLANGE BOLTS (EVEN FOR ITEMS TO REMAIN) SHALL BE PROVIDED NEW. ADDITIONALLY, ALL THREADS AND NUTS SHALL BE REPLACED AT THE FLEXIBLE COUPLINGS WITH NEW 304SS ALL THREADS, RESTRAINTS AND NUTS.

P:\Temple\2017\Membrane RF Header\DETAIL SHEETS.dwg - SHEET 1

NO.	DATE	REVISION	BY

PROJECT NO. **2017-104**
 DRAWN BY **BVB**
 DESIGNED BY **Thomas D. Valle, P.E.**
 APPROVED BY *Thomas D. Valle*
 DATE **March 22, 2017**



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501

CITY OF TEMPLE, TEXAS
MEMBRANE REVERSE FILTRATION
HEADER REPLACEMENT
PLAN VIEW
MEMBRANE PLANT

SHEET NO. **01**
 OF **03**

RESOLUTION NO. 2017-8627-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH PRIME SPEC CONSTRUCTION, LLC OF LIBERTY HILL, TEXAS IN THE AMOUNT OF \$229,400, FOR CONSTRUCTION OF THE MEMBRANE WATER TREATMENT FACILITY REVERSE FILTRATION HEADER REPLACEMENT PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the existing Membrane Water Treatment Facility (“MWTF”) was initially placed into operation in 2004 along with the reverse filtration header system, which consists of 10-inch PVC suction piping, two 40-HP pumps, and a 10-inch PVC discharge header that includes 8-inch connections to each of the 11 membrane racks;

Whereas, the 10-inch PVC discharge header is Schedule-80 solvent-weld piping that has experienced breaks in the tees due to age, stress, and water hammer – this construction project will replace the existing discharge header with HDPE pipe and fittings which will better withstand high pressures and water hammers;

Whereas, on April 20, 2017, two bids were received with Prime Spec Construction, LLC of Liberty Hill, Texas submitting the low bid in the amount of \$229,400;

Whereas, Staff and the City’s Engineer agree that Prime Spec Construction is qualified to complete this project and recommend Council authorize a construction contract in the amount of \$229,400;

Whereas, funding for this contract is available in Account No. 561-5100-535-6959, Project No. 101616; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Prime Spec Construction, LLC of Liberty Hill, Texas, in the amount of \$229,400, for construction of the Membrane Water Treatment Facility Reverse Filtration Header Replacement Project.

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 **4th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Red & White Greenery Inc. of Georgetown, in the amount of \$81,040.10 for the installation of landscaping and irrigation improvements for Jaycee Neighborhood Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond was renovating the facilities located in Jaycee Neighborhood Park located at 2302 West Avenue Z.

This portion of the overall project includes installing trees, landscaping for planter beds, and seeding grass throughout the park. Also, an irrigation system will be installed for all new trees and planter beds.

On April 20, 2017 the City of Temple received one bid for this project in the amount of \$81,040.10 for the base bid and \$9,502.62 for the add alternate that we are rejecting.

This resolution also provides for the waving of construction permit fees.

The Parks and Recreation Department has not worked with Red & White Greenery before, however many reference checks has shown that this company has a good reputation throughout the area for completing projects on time and within budget.

FISCAL IMPACT: Funding is appropriated for the construction contract with Red & White Greenery for landscaping and irrigation at Jaycee Neighborhood Park in account 362-3500-552-6403, project 101312, as follows:

Project Budget	\$	1,098,730
Encumbered/Committed to		
Date		(959,722)
Red & White Greenery		(81,040)
Remaining Funds Available	\$	<u>57,968</u>

ATTACHMENTS:

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

**Tabulation of Bids Received
on April 20, 2017 at 2:30 p.m.
Jaycee Park Landscape & Irrigation
Bid# 35-03-17**

		Bidders
		Red & White Greenery, Inc. Georgetown, TX
Description		
Installation of Landscaping	\$55,953.74	
Design and Construction of Irrigation System	\$25,086.36	
Total Base Bid	\$81,040.10	
Add Alt: Addition of 7 Berms	\$9,502.62	
Local Preference	No	
Bid Bond	Yes	
Bond Requirement Affidavit	Yes	
Credit Check Authorization	Yes	

RESOLUTION NO. 2017-8628-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH RED & WHITE GREENERY, INC. OF GEORGETOWN, TEXAS IN THE AMOUNT OF \$81,040.10, FOR INSTALLATION OF LANDSCAPING AND IRRIGATION IMPROVEMENTS FOR JAYCEE NEIGHBORHOOD PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond was the renovation of facilities located in Jaycee Neighborhood Park located at 2302 West Avenue Z;

Whereas, the project includes the installation of trees, landscaping for planter beds, seeding grass throughout the park, as well as the installation of an irrigation system for all new trees and planter beds;

Whereas, on April 20, 2017, the City received 1 bid for this project in the amount of \$81,040.10 from Red & White Greenery, Inc. of Georgetown, Texas;

Whereas, Staff has not worked with Red & White Greenery before, however many references were checked and feedback has shown this company to have a reputation throughout the area for completing projects on time and within budget;

Whereas, Staff recommends Council authorize a construction contract with Red & White Greenery, Inc. in the amount of \$81,040.10;

Whereas, funding for this contract is available in Account No. 362-3500-552-6403, Project No. 101312; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Red & White Greenery, Inc. of Georgetown, Texas in the amount of \$81,040.10, for the installation of landscaping and irrigation improvements for Jaycee Neighborhood Park.

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 **4th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the Interim City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity, and if in the best interest of the City, enter into a contract with the lowest responsible bidder for a period of 24 to 60 months beginning for electrical meter reads after May 2019.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Adoption of this resolution will enable staff to review and reap cost savings from the historic low electric rates currently being offered in the open market. The City is currently under a three year contract with Hudson Energy for the purchase of electricity through May 2019 at an energy rate of \$.0445-\$.04820 per kilowatt hour (kwh). Adoption of this resolution will enable staff to review pricing with the goal of locking in an energy rate below \$.035 per kwh, which ultimately could save the City over \$400,000 per year, beginning in June 2019, in electricity cost over the City's current rates.

Staff has used the consulting services of Texas Energy Aggregation (TEA), now a subsidiary of a larger company, EMEX Company. Staff is recommending to continuing using the services of TEA to assist with the procurement of a new retail energy service agreement. TEA will also continue to provide administrative services during the term of the contract. TEA's fee to provide these services is \$.00025/kwh, which based on the City's annual kwh usage of 38 million kwh per year, totals approximately \$9,500 per year. This fee will be embedded in the awarded price per kwh that is quoted by the retail electric providers.

With guidance from TEA with respect to timing of the bidding, staff is requesting that Council authorize the bidding process to secure pricing for City procured electricity for meter reads beginning after May 31, 2019. Bids will be requested for periods ranging from as low as 24 to 60 months. Based on the bidding results, staff is requesting that Council give the Interim City Manager or the Director of Finance the flexibility to negotiate a price and term that is most advantageous to the City.

The rates for this commodity are typically only valid for a few hours after the bids close. Accordingly, it is necessary to obtain pre-authorization from the City Council to enter into a contract with a vendor.

Per the Local Government Code 252.022(a)(15), electricity is exempt from the competitive sealed bidding rules. This is relevant based on the fact that TEA will only solicit pricing from REP's that they deem to be reputable and competitive energy providers.

FISCAL IMPACT: There is not a fiscal impact for FY 2017. For informational purposes, the adopted FY 2017 budget includes the following for electric utilities:

General Fund	\$ 1,675,944
Hotel/Motel Tax Fund	125,100
Water & Wastewater Fund	<u>1,825,000</u>
Total FY 2017 Budget	<u><u>\$ 3,626,044</u></u>

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2017-8629-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER OR THE DIRECTOR OF FINANCE TO ACT ON BEHALF OF THE CITY TO REVIEW PRICING OFFERS SUBMITTED FOR THE SUPPLY OF ELECTRICITY, AND IF IN THE BEST INTERESTS OF THE CITY, ENTER INTO A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER FOR A PERIOD OF 24 TO 60 MONTHS BEGINNING FOR ELECTRICAL METER READS AFTER MAY 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently under a 3-year contract with Hudson Energy for the purchase of electricity through May 2019 at an energy rate of \$.0445-\$.04820 per kilowatt hour (kwh);

Whereas, Staff recommends Council authorize the Interim City Manager or the Director of Finance the ability to review pricing with the goal of locking in an energy rate below \$.035 per kwh, which could save the City over \$400,000 per year in electricity cost over the City's current rates;

Whereas, Staff has utilized the consulting services of Texas Energy Aggregation (TEA), now a subsidiary of a larger company, EMEX Company and Staff recommends Council authorize the City to continue to use the services of TEA to assist with the procurement of a new retail energy service agreement;

Whereas, TEA will continue to provide administrative services during the term of the contract with TEA's fee to provide these services being \$.00025/kwh, which is based on the City's annual kwh usage of 38 million kwh per year, which totals approximately \$9,500 per year – TEA's fees are embedded in the awarded price per kwh which is quoted by the retail electric providers;

Whereas, with guidance from TEA with respect to timing of the bidding, Staff recommends Council authorize the bidding process to secure pricing for City procured electricity for meter reads beginning after May 31, 2019 - bids will be requested for periods ranging from as low as 24 to 60 months;

Whereas, based on the bidding results, Staff recommends Council authorize the Interim City Manager or the Director of Finance the flexibility to negotiate a price and term that is most advantageous to the City;

Whereas, the rates for this commodity are typically only valid for a few hours after the bids close and therefore it is necessary to obtain pre-authorization from Council to enter into a contract with a vendor;

Whereas, per the Local Government Code 252.022(a)(15), electricity is exempt from the competitive sealed bidding rules - this is relevant based on the fact that TEA will only solicit pricing from REP's that they deem to be reputable and competitive energy providers; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Interim City Manager or the Director of Finance to act on behalf of the City of Temple in reviewing pricing offers submitted for the supply of electricity, and if in the best interests of the City, enter into a contract with the lowest responsible bidder for a period of 24-60 months beginning for electrical meter reads after May 2019.

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

PASSED AND APPROVED this the 4th day of May, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with Bell County for the use of the election equipment necessary for the June 24, 2017 Special Election.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement will allow for the City to procure all necessary voting machines and equipment, transport machines and equipment to and from the polling places, and prepare the voting machines and equipment for use at the polling places. Bell County will also prepare the ballots necessary for the June 2017 Special Election.

Equipment includes:

1. ES&S AutoMark Voter Assist Terminal version 1.1 (\$210 each)
2. ES&S Model 100 Optical Scan Voting Systems version 5.2.1.0. (\$230 each)
3. Delivery Fee (\$70.00)

At this time, the City anticipates needing two AutoMarks and two M100's for the Special Election in June 2017.

Bell County will also perform any necessary maintenance or repair on the furnished machines and equipment.

We recommend approval of this interlocal agreement with Bell County for a period of one year.

FISCAL IMPACT: Funds are appropriated in the FY2017 Operating Budget in account 110-1400-511-2517, election expense, in an amount of \$11,439.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8630-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELL COUNTY FOR
THE USE OF ELECTION EQUIPMENT NECESSARY FOR THE JUNE 24, 2017
SPECIAL ELECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 24, 2017, the City of Temple will conduct a Special Election and Bell County has authorized the use of its election equipment;

Whereas, this interlocal agreement will allow the City to utilize all necessary voting machines and equipment, to transport machines and equipment to and from polling places, and to prepare the voting machines and equipment for use at the polling places;

Whereas, Bell County will be responsible for any necessary maintenance or repair on the machines and equipment;

Whereas, Staff has utilized the services of Bell County and its election equipment in the past and therefore recommends Council approve a one-year interlocal agreement for these services;

Whereas, funding is available for this agreement in the fiscal year 2017 Operating Budget, Account No. 110-1400-511-2517; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to enter into an interlocal agreement with Bell County for the use of election equipment necessary for the June 24, 2017 Special Election.

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 4th day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution ratifying the engagement of Fisher, Boyd, Johnson, & Huguenard, LLP and Jackson Walker, LLP for legal representation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On April 17, 2017, Panda Temple Power, LLC, filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the District of Delaware. Panda Temple Power is the owner of one of the natural gas power plants located within the City of Temple. The City has active agreements with Panda Temple Power and for this reason, Staff believes it is necessary for the City to participate in the bankruptcy proceedings in order to ensure that the City's interests are protected.

Because of the specialized nature of bankruptcy law and the fact that the bankruptcy proceedings are pending in the District of Delaware, Staff sought the assistance of outside counsel with expertise in similar matters. Staff met with attorneys from two law firms, Fisher, Boyd, Johnson & Huguenard, LLP and Jackson Walker, LLP. Both firms have recent experience handling similar legal matters and Staff has confidence in their knowledge of this area of the law.

Panda Temple Power's bankruptcy case is moving forward quickly and it was necessary to engage outside counsel as soon as possible. The proposed resolution asks Council to ratify the engagement of Fisher, Boyd, Johnson & Huguenard, LLP and Jackson Walker, LLP. Both firms will assist with this matter.

FISCAL IMPACT: The City must pay a \$25,000 retainer fee to Jackson Walker, LLP and all legal services will be billed on an hourly basis. Funding for the legal services will be allocated between the Reinvestment Zone No. 1, account 795-9500-531-2616, and the Water & Sewer Fund, account 520-5000-535-2616.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8631-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE ENGAGEMENT OF FISHER, BOYD, JOHNSON & HUGUENARD, LLP AND JACKSON WALKER, LLP FOR LEGAL REPRESENTATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 17, 2017, Panda Temple Power, LLC, filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the District of Delaware - Panda Temple Power is the owner of one of the natural gas power plants located within the City of Temple;

Whereas, the City has active agreements with Panda Temple Power and for this reason, Staff believes it is necessary for the City to participate in the bankruptcy proceedings in order to ensure that the City's interests are protected;

Whereas, based on the specialized nature of bankruptcy laws and the fact that the bankruptcy proceedings are pending in the District of Delaware, Staff sought the assistance of outside counsel with expertise in similar matters;

Whereas, Staff met with attorneys from two law firms, Fisher, Boyd, Johnson & Huguenard, LLP and Jackson Walker, LLP - both firms have recent experience handling similar legal matters and Staff has confidence in their knowledge of this area of the law;

Whereas, Staff recommends Council ratify the engagement of Fisher, Boyd, Johnson & Huguenard, LLP and Jackson Walker, LLP for legal representation as Panda Temple Power's bankruptcy case is moving forward quickly and it was necessary to engage outside counsel as soon as possible;

Whereas, the City must retain Jackson Walker, LLP with a \$25,000 retainer payment and all legal services will be billed on an hourly basis;

Whereas, funding for this retainer payment will be allocated between the Reinvestment Zone No. 1 Account No. 795-9500-531-2616 and the Water & Sewer Fund, Account No. 520-5000-535-2616; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council ratifies the engagement of Fisher, Boyd, Johnson, & Huguenard, LLP and Jackson Walker, LLP for legal representation.

Part 3: The Interim City Manager, or her designee, after approval as to form by the City Attorney, is authorized to execute any documents which may be necessary to ratify the engagement of this law firm.

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 **4th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Acting City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution:

- (1) authorizing the 2017 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation; and
- (2) authorizing certain amendments to the Temple Economic Development Corporation's Amended and Restated Bylaws.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: (A) The Temple Economic Development Corporation ("TEDC") has worked with the City of Temple for decades to promote economic development in Temple. The City currently provides funding to TEDC under a Funding and Operating Agreement that became effective in 2012 and expires on September 30, 2017. The City and TEDC would like to renew the Funding and Operating Agreement ("Agreement") for another five year term with the ability to renew for additional terms, if agreed to by both parties.

Under the proposed Agreement, the City will agree to annually budget and contribute to TEDC monetary funding to be used to promote economic development. TEDC will agree to use its best efforts to promote economic development within the City in the following ways:

- Growing sales tax revenue;
- Growing the net number of jobs;
- Growing per capita personal income; and
- Increasing taxable real and personal property

TEDC will also be required to provide an annual report to the City Council. The report must, among other things, (1) address TEDC's efforts to promote economic development, (2) summarize incentives provided by TEDC in the prior year; and (3) document TEDC's success in promoting the factors listed above.

The City will provide funding to TEDC made up of two components – the Operating Expense Component and the Incentive Matrix Component. Funding in the Operating Expense Component may be used for expenses incurred in the normal course of business, including, but not limited to, debt payments, payroll, insurance payments, general office supplies, and capital expenses. Funding in the Incentive Matrix Component may be used to incentivize economic development projects.

The two components will be adjusted each year by a percentage equal to the average percentage increase or decrease in sales tax revenue over the last five fiscal years. The proposed Agreement also addresses outside funding that TEDC may receive during the term of the Agreement. If TEDC does receive any outside funding in any fiscal year, the City's contribution to TEDC will be offset by the amount of outside funding received.

The Agreement would also change the structure of TEDC's Board of Directors. TEDC has a 15-member Board and currently, the City appoints all 15 members. Because TEDC anticipates receiving additional outside funding, TEDC would prefer that those entities providing the funding be allowed to appoint some of TEDC's Board members. The proposed agreement would set the City's Board appointments at 8 seats:

- The Mayor;
- A Councilmember;
- Chair of the City's Tax Increment Financing Reinvestment Zone #1 Board of Directors;
- A member of the City's Tax Increment Financing Reinvestment Zone #1 Board of Directors;
- The City Manager; and
- 3 at-large members.

As is the case in the current agreement, the proposed Agreement would require an annual audit and separate accounting of funds by TEDC. The City has the ability to recapture funds if they are misused in violation of the Agreement. Both parties will have the ability to terminate the Agreement with 90 days' notice. The City will also have the ability to terminate the Agreement if it does not appropriate the necessary funds in any fiscal year.

Staff recommends approval of the proposed Agreement which, if authorized, will become effective on October 1, 2017.

(B) Currently, any amendments to TEDC's Bylaws must be approved by the City Council. TEDC is requesting approval of certain amendments to its current Amended and Restated Bylaws. First, the Bylaws should be amended to address the proposed changes to the Board's structure, as outlined above. Second, TEDC is requesting that the Bylaws be amended to remove the requirement that any future amendments be approved by the City Council. If the proposed amendment is authorized by Council, all future amendments of the Bylaws will only require approval of TEDC's Board of Directors.

FISCAL IMPACT: Funding for the current agreement with TEDC is included in the FY 2017 budget. The total amount budgeted is \$1,981,753 which is comprised of the operating expense component of \$1,398,236 and the incentive matrix component of \$583,517. The FY 2018 Proposed budget will include funding for both the operating expense and incentive matrix components as outlined in the agreement when filed on June 23, 2017.

ATTACHMENTS:

[TEDC's Amended Bylaws
Resolution](#)

**AMENDED AND RESTATED BYLAWS OF
TEMPLE ECONOMIC DEVELOPMENT CORPORATION**

September 3, 2015

ARTICLE I

POWERS AND PURPOSES

- Section 1.1. Nonprofit Corporation.** Temple Economic Development Corporation (the “Corporation”) shall be a nonprofit corporation, and no part of its earnings remaining after payment of its expenses or other obligations shall ever inure to the benefit of any individual, private association or corporation.
- Section 1.2. Effect of Articles.** The affairs of the Corporation shall be conducted at all times in a manner subject to and in compliance with the Articles of Incorporation (the “Articles”), [as amended from time to time.](#)
- Section 1.3. Rights of Sponsoring Entity.** The Sponsoring Entity named in the Articles (the “Sponsoring Entity”) may review the financial affairs, programs and activities of the Corporation at any time and from time to time, and the Sponsoring Entity shall have all other rights reserved to it in the Articles.
- Section 1.4. Books and Records.** The Corporation shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of its board of directors (the “Board of Directors”) and any committees having any of the authority of the Board of Directors. All books and records of the Corporation may be inspected by any Director or his agent or attorney for any proper purpose at any reasonable time; and at all times the Sponsoring Entity and its representatives shall have access to the books and records of the Corporation. All funding received by the Corporation from the Sponsoring Entity shall be accounted for separately.
- Section 1.5. Annual Audit.** The Board of Directors will cause an audit of the books and accounts of the Corporation to be made annually by a certified public accountant and will furnish a copy of the annual audit report to the Sponsoring Entity within three months following the end of its fiscal year. The Corporation shall furnish to the Sponsoring Entity not less than quarter-annually, statements of its financial condition including Statements of Income and Expenses and a Balance Sheet.

ARTICLE II

BOARD OF DIRECTORS

Section 2.1 Powers, Number, and Term of Office.

- (a) The property and affairs of the Corporation shall be managed and controlled by the Board of Directors, and, subject to the restrictions imposed by contract law, the Articles, and these Bylaws, the Board of Directors shall exercise all of the powers of the Corporation.
- (b) The Board of Directors shall consist of fifteen (15) voting directors appointed by the Board of Directors and by the Temple City Council of the City of Temple, Texas (the "City Council"). ~~Sponsoring Entity acting through its City Council.~~ The City Council shall appoint ~~eight (8)~~ **two (2)** voting directors. The directors appointed by the City Council (the "City Appointees") shall include: the Mayor, or his/her designee; a Councilmember, of the Council's choosing as designated by the City Council; the Chair of the Board of Directors of the Reinvestment Zone; a director of the Reinvestment Zone-member, as designated by the City Council; three (3) public at-large members of the City Council's choosing as designated by the City Council; and the City Manager. The remainder of the Board of Directors will be appointed by the Board (the "Board Appointees"). ~~from the membership of Board of Directors of the Temple Chamber of Commerce, one (1) director from the Board of Directors or the advisory board of the Temple Health and Bioscience Economic Development District (the "Bioscience District"), one (1) director (in addition to the Chairman) of the City of Temple Tax Increment Financing Reinvestment Zone Number One (the "Zone"), seven (7) persons from the general public (such eleven directors being sometimes called the "Public Directors"), and the remaining four voting directors shall be as follows:~~
- ~~1. The City Manager of the City of Temple;~~
 - ~~2. Two council members of the City Council of the City of Temple (one of whom may be the Mayor);~~
 - ~~3. The Chairman of the Zone.~~

In addition, the Immediate Past Chairman of the Corporation's Board (if such person's term on the Corporation's Board has expired), shall be an ex officio (non-voting) member of the Board of Directors with the right to have notice of, to attend, and to speak at meetings of the Board of Directors and

Executive Committee of the Corporation. The Board of Directors in its discretion may invite other guests to attend meetings of the Board from time to time.

- (c) Any scheduled vacancies on the Board, such as by term expiration, City Council appointments Public Directors shall be filled by appointments made by the City Council and the Board, respectively, -appointed by the City of Temple in to be effective October 1 of each year, or as soon thereafter as practical.
- (d) Each Director City Council appointment Public Director shall serve until October of the third year following appointment or until his or her successor is appointed, whichever is later. Directors whose terms are to expire may be reappointed to the Board of Directors, unless otherwise ineligible.
- (de) Any Director, including a City Appointee, City Council appointment Public Director may be removed from office at any time by the majority vote of the other Directors. The City of Temple, acting through its City Council, will fill any vacancies created on the Board of Directors among the City Appointees. The Board will fill any vacancies created on the Board of Directors among the Board Appointees. ; however, if the Director being replaced was named by the City Council from the membership of the Board of Directors of the Temple Chamber of Commerce the Zone, or the Bioscience District, such Director's replacement shall likewise be appointed from the membership of the applicable Board of Directors of the Temple Chamber of Commerce, the Zone, or the Bioscience District.
- (e) In June of each year and at such other times as needed, the respective Boards of Directors of the Temple Chamber of Commerce, the Bioscience District, or the Zone may make recommendations to the Mayor of the City of Temple as to whom the City Council should appoint to fill the vacancy or vacancies of Directors originally appointed from the membership of such Boards. The City Council may appoint whomever it chooses so long as such person is then serving on the applicable Board of Directors of the Temple Chamber of Commerce, the Bioscience District, or the Zone. Once appointed, a Public Director shall serve his or her entire term on the Corporation's board even though such person's term on the Board of Directors of the Temple Chamber of Commerce, the Zone, or the Bioscience District shall expire or be terminated. For those directors serving from the Temple Chamber of Commerce's Board, no more than two such directors' terms shall expire in any one year. All Directors City Council appointments Public Directors shall serve a term of three (3) -years-terms. Notwithstanding the foregoing, the

City Appointees serving by virtue of their status as elected officials ~~The two elected official appointments from the City Council~~ City Councilmembers shall serve until the expiration of their respective terms of office, or until changed by the City Council. All other Directors shall serve for so long as they hold the office ~~that entitled~~ entitling them to a position on the Board of Directors.

Section 2.2. Regular Meetings. Regular meetings of the Board of Directors shall be held at least quarterly without necessity of notice of such times and places as shall be designated, from time to time, by resolution of the Board of Directors.

Section 2.3. Special Meetings.

- (a) Special Meetings of the Board of Directors shall be held whenever called by the Chairman, the President, the Secretary, or any three of the Directors. The person or person authorized to call special meetings of the Board may fix any place, within or without the State of Texas, as the place for holding any special meetings of the Board called by them.
- (b) The Corporation shall give notice to each Director of each special meeting in person, or by mail, telephone, or telegraph, at least two days before the meeting. However, such notice to the Directors is not required for any special meeting at which all Directors then in office are present.
- (c) Any matter that may be considered and acted upon at a regular meeting of the Board of Directors may be considered and acted upon at a special meeting unless otherwise indicated at the notice of the special meeting.

Section 2.4. Quorum. A majority of the number of voting Directors constituting the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the voting Directors is present at such meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice. The act of a majority of the voting Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors, unless the act of the greater number is required by law or by these Bylaws.

Section 2.5. Conduct of Business.

- (a) At the meetings of the Board of Directors, the business to be transacted shall be considered in such order as from time to time the Board of Directors may determine.

- (b) At all meetings of the Board of Directors, the Chairman shall preside; in the absence of the Chairman, the Vice Chairman shall preside; and in the absence of the Chairman and the Vice Chairman, the Vice Presidents in order of their election shall preside.
- (c) The Secretary shall act as secretary of all meetings of the Board of Directors, but in the absence of the Secretary, the presiding officer, may appoint any person to act as secretary of the meeting.

Section 2.6. Compensation of Directors. Directors as such shall not receive any salary or other compensation for their services as Directors, except that they may be reimbursed for their actual expenses incurred in performing such services, and they may be compensated in reasonable amounts for other services or products provided to the Corporation.

Section 2.7. Conflict of Interest. No Director shall ever be pecuniarily interested, directly or indirectly, in any transaction involving the Corporation, unless such Director discloses such interest to the Board of Directors of the Corporation, and such Director does not vote on the decision, or involve himself or herself in the discussion, as to whether the Corporation will enter into such transaction. The Corporation's Board of Directors shall be the sole and final judge of whether a conflict of interest exists with respect to a Director. A Director with a conflict of interest shall be counted for the purpose of determining whether a quorum exists at any meeting. The transaction shall be approved by the affirmative vote of a majority of the disinterested Directors.

Section 2.8. Attendance. Directors, exclusive of Temple City Council members, shall automatically forfeit their position on the Board for unexcused absences in excess of 50% of all scheduled meetings during a twelve month period or for missing three or more consecutive meetings. The Temple EDC Executive Committee shall be responsible for determinations of any excused or unexcused absence of any non-Temple City Council member. If a member of the Temple City Council violates the above attendance requirements, the City Council shall take such action as the City Council deems appropriate. The Secretary of the Corporation shall notify the City Secretary if any director violates these attendance requirements, and the City Secretary shall send appropriate notice.

Section 2.9 Confidentiality. All directors shall execute and deliver to the Corporation a confidentiality agreement in a form prescribed by the Board of Directors from time to time.

ARTICLE III

OFFICERS

- Section 3.1. Officers.** The officers of the Corporation shall be a Chairman of the Board (the “Chairman”), Vice Chairman, a President, one or more Vice Presidents (the number thereof to be determined by the Board of Directors), a Secretary, a Treasurer, and such other officers as may be elected in accordance with the provisions of this Article. The Board of Directors may elect or appoint such other officers, including one or more Assistant Secretaries and one or more Assistant Treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person, except the offices of President and Secretary. All offices except the President shall be members of the Board of Directors.
- Section 3.2. Election and Term of Office.** The officers of the Corporation shall be elected by the Board of Directors at the annual meeting of the Board of Directors held in October of each year, or the meeting following appointment of new Directors, whichever is later. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Board of Directors. The Chairman, Vice Chairman, Treasurer and Secretary of the Corporation shall each hold such office for a term of two (2) years, or until his or her successor shall have been duly elected and shall have qualified. All other officers of the Corporation shall hold such office for a term of one (1) year, or until his or her successor shall have been duly elected and shall have qualified.
- Section 3.3. Removal.** Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation would be served thereby.
- Section 3.4. Vacancies.** A vacancy in any office because of death, resignation, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.
- Section 3.5. Chairman.** The Chairman shall preside at all meetings of the Board of Directors and he or she shall have such other duties as are assigned to the Chairman from time to time by the Board of Directors.
- Section 3.6. Vice Chairman.** The Vice Chairman shall exercise the powers and perform the duties of the Chairman in the Chairman’s absence or inability or refusal to act. The

Vice Chairman shall perform such other duties as may be assigned by the Chairman or the Board of Directors.

Section 3.7. President. The President shall be the chief executive officer of the Corporation, and subject to the control of the Board of Directors. The President shall be in general charge of the properties and affairs of the Corporation. The President may sign and execute contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments in the name of the Corporation; provided, however, any disbursement or obligation involving \$750.00 or more shall require the signature of the President or another designated employee of the Corporation and the co-signature of another officer of the Corporation unless the Directors resolve otherwise. Furthermore, any contracts or agreements between the Corporation and any third party vendors in excess of \$25,000.00 shall require the prior written consent and authorization of the Board.

Section 3.8. Vice Presidents. The Vice President (or in the event there be more than one Vice President, the Vice Presidents in order of their election or such order as the Board of Directors may determine) shall exercise the powers and perform the duties of the President during the President's absence or inability or refusal to act. The Vice President shall perform such other duties as may be assigned by the Chairman or the Board of Directors.

Section 3.9. Secretary. The Secretary shall keep the minutes of all meetings of the Board of Directors in books provided for the purpose and shall attend to the giving and serving of all notices for or on behalf of the Corporation. In furtherance of the purposes of the Corporation, the Secretary may sign with the President in the name of the Corporation and/or attest the signature of the President on contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation. The Secretary shall have charge of the Corporation's corporate books and records and such other property of the Corporation as the Board of Directors may direct. The Secretary shall perform all duties incident to the office of Secretary, subject to the control of the Board of Directors.

Section 3.10. Treasurer. If required by the Board of Directors, the Treasurer shall give bond for the faithful discharge of his duties in such sum and with such sureties as the Board of Directors shall determine. The Treasurer shall be the custodian of all the funds and securities of the Corporation that come into the Treasurer's hands. When necessary or proper, the Treasurer or other employee of the Corporation designated by the Board may endorse, on behalf of the Corporation, for collection or payment, checks, notes, and other obligations and shall deposit the same to the credit of the Corporation in such depository or depositories as have been designated in the manner prescribed by the Board of Directors. The Treasurer may sign all receipts and

vouchers for payment made to the Corporation, either alone or jointly with such other officer or employee of the Corporation as is designated by the Board of Directors. Whenever required by the Board of Directors, the Treasurer shall render a statement of the Corporation's cash account, and the Treasurer shall enter or cause to be entered regularly in the books of the Corporation to be kept of that purpose full and accurate amounts of all monies received and paid out on account of the Corporation. The Treasurer shall perform all acts incident to the position of Treasurer, subject to the control of the Board of Directors.

Section 3.11. Assistant Secretaries and Assistant Treasurers. The Assistant Secretaries and Assistant Treasurers in general shall perform such duties as shall be assigned to them by the Treasurer or the Secretary or by the Chairman. If required by the Board of Directors, the Assistant Treasurers shall give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board of Directors shall determine.

ARTICLE IV

COMMITTEES

Section 4.1. Committee of Directors. The Board of Directors or the Chairman may designate and appoint one or more committees to perform such duties and functions and to exercise such authority as may be delegated to it by the Board of Directors, provided however, that the designation and appointment of any such committee or the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual director, of any responsibility imposed upon it, him or her by law or by the Articles of Incorporation or Bylaws of the Corporation.

Section 4.2. Term of Office. Each member of a committee shall continue as such until the next election of officers of the Corporation and until his or her successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.

Section 4.3. Chairman. One member of each committee shall be appointed Chairman by the person or persons authorized to appoint the members thereof.

Section 4.4. Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

Section 4.5. Quorum. Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a

quorum and the act or a majority of the members present at the meeting at which a quorum is present shall be the act of the committee.

Section 4.6. Rules. Each Committee may adopt rules for its own government not inconsistent with these bylaws or with rules adopted by the Board of Directors.

Section 4.7. Executive Committee. The Corporation shall have an Executive Committee composed of six (6) members, as follows:

1. The Chairman, Vice Chairman, and Treasurer of the Corporation;
2. The Mayor or the City Manager of the City of Temple, and
3. The Chairman of the [Reinvestment](#) Zone.
4. The immediate past Chairman of the Corporation, who shall be an ex officio member.

The Executive Committee shall meet at least monthly at a date and time determined by the members of the Executive Committee or at such other times as may be determined by the Chairman of the Corporation or any two members of the Executive Committee. The Executive Committee shall have the power to act for and on behalf of the Corporation in the same manner as may the Board of Directors.

ARTICLE V

CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

Section 5.1. Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation. Such authority may be general or confined to specific instances.

Section 5.2. Checks and Drafts. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation as herein provide or in such manner as shall from time to time be determined by resolution of the Board of Directors.

Section 5.3. Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 5.4. Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the Corporation.

ARTICLE VI

PROVISIONS REGARDING ARTICLES OF INCORPORATION AND BYLAWS

Section 6.1. When Bylaws Take Effect. These Bylaws shall become effective upon the approval of these Bylaws ~~by the Sponsoring Entity~~ and the adoption of these Bylaws by the Board of Directors.

Section 6.2. Amendments to Articles and Bylaws.

- (a) The Articles may be amended as prescribed therein.
- (b) These Bylaws may be amended at any time and from time to time by the Board of Directors ~~_, with approval of the Sponsoring Entity.~~

ARTICLE VII

INDEMNIFICATION

Section 7.1. Each person who serves as Director or officers of the Corporation shall be indemnified by the Corporation against liabilities imposed upon him or her and expenses reasonably incurred by him or her in connection with any claim made against him or her on any action, suit, or proceeding to which he or she may be a party by reason of his or her being, or having been, such Director or officer, including such sums as independent counsel selected by the Board of Directors shall deem reasonable payment made in further including payments in settlement to avoid expenses of litigation; provided, however, that no Director or officer shall be indemnified with respect to matters as to which he or she shall be adjudged in such action, suit or proceeding to be liable for willful negligence or misconduct in the performance of duty or with respect to any matters which performance of duty or with respect to any matters which shall be settled by the payment of sums which counsel selected by the Board of Directors shall not deem reasonable payment for avoiding expenses of litigation, or with respect to matters for which such indemnification shall be in addition to any other rights to which Directors or officers may be entitled. The Board of Directors may, at the expense of the Corporation, obtain directors' and officers' liability insurance policies.

ARTICLE VIII

GENERAL PROVISIONS

- Section 8.1. Principal Office.** The principal office of the Corporation shall be located in the City of Temple, Bell County, Texas. The Corporation may have such other offices, within or without the State of Texas, as the Board of Directors may determine or the affairs of the Corporation may require from time to time.
- Section 8.2. Fiscal Year.** The fiscal year of the Corporation shall be as determined by the Board of Directors.
- Section 8.3. Seal.** The seal of the Corporation shall be the same as that used by the City of Temple.
- Section 8.4. Resignations.** Any Director or officer may resign at any time. Such resignation shall be made in writing directed to the Board of Directors. A resignation shall take effect at the time specified therein, or, if no time is so specified, at the time of its receipt by the President. The acceptance of the resignation is not necessary to make it effective, unless expressly so provided in the resignation.
- Section 8.5. Action Without a Meeting of Directors or Committee.** Any action that may be taken at a meeting of the Board of Directors or any committee may be taken without a meeting if consent in writing, setting forth the action to be taken, is signed by all of the directors then in office, or all of the members of the committee, as the case may be. Such consent shall have the same force and effect as a unanimous vote of the Board of Directors.

ADOPTED this _____ day of _____, 2017⁵.

Secretary

RESOLUTION NO. 2017-8632-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A 2017 FUNDING AND OPERATING AGREEMENT BETWEEN THE CITY OF TEMPLE AND THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION; AUTHORIZING CERTAIN AMENDMENTS TO THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION'S AMENDED AND RESTATED BYLAWS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation ("TEDC") has worked with the City of Temple for decades to promote economic development in Temple;

Whereas, the City currently provides funding to TEDC under a Funding and Operating Agreement that became effective in 2012 and expires on September 30, 2017 - the City and TEDC would like to renew the Funding and Operating Agreement ("Agreement") for another 5-year term with the ability to renew for additional terms, if agreed to by both parties;

Whereas, under the proposed Agreement, the City will agree to annually budget and contribute to TEDC monetary funding to be used to promote economic development and TEDC will agree to use its best efforts to promote economic development within the City in the following ways:

- Growing sales tax revenue;
- Growing the net number of jobs;
- Growing per capita personal income; and
- Increasing taxable real and personal property;

Whereas, TEDC will also be required to provide an annual report to the City Council that will outline, among other things, TEDC's efforts to promote economic development, summarize incentives provided by TEDC in the prior year, and document TEDC's success in promoting the factors listed above;

Whereas, the City will provide funding to TEDC made up of two components – the Operating Expense Component and the Incentive Matrix Component - funding in the Operating Expense Component may be used for expenses incurred in the normal course of business, including, but not limited to, debt payments, payroll, insurance payments, general office supplies, and capital expenses;

Whereas, funding in the Incentive Matrix Component may be used to incentivize economic development projects;

Whereas, the two components will be adjusted each year by a percentage equal to the average percentage increase or decrease in sales tax revenue over the last 5 fiscal years;

Whereas, the proposed Agreement will also address outside funding that TEDC may receive during the term of the Agreement - if TEDC receives any outside funding in any fiscal year, the City's contribution to TEDC will be offset by the amount of outside funding received;

Whereas, the Agreement will also change the structure of TEDC's Board of Directors - TEDC has a 15-member Board and currently, the City appoints all 15 members;

Whereas, because TEDC anticipates receiving additional outside funding, TEDC would prefer that those entities providing the funding be allowed to appoint some of TEDC's Board members - the proposed agreement would set the City's Board appointments at 8 seats as outlined below:

- The Mayor;
- A Councilmember;
- Chair of the City's Tax Increment Financing Reinvestment Zone #1 Board of Directors;
- A member of the City's Tax Increment Financing Reinvestment Zone #1 Board of Directors;
- The City Manager; and
- 3 at-large members.

Whereas, as is the case in the current agreement, the proposed Agreement would require an annual audit and separate accounting of funds by TEDC and the City has the ability to recapture funds if they are misused in violation of the Agreement;

Whereas, both parties will have the ability to terminate the Agreement with 90 days' notice and the City will also have the ability to terminate the Agreement if it does not appropriate the necessary funds in any fiscal year;

Whereas, Staff recommends Council authorize the 2017 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation, effective October 1, 2017;

Whereas, at the present time, any amendments to TEDC's Bylaws must be approved by the City Council and TEDC is requesting approval of certain amendments to its current Amended and Restated Bylaws;

Whereas, the Bylaws are amended to address the proposed changes to the Board's structure, as outlined above;

Whereas, TEDC requests that the Bylaws be amended to remove the requirement that any future amendments be approved by Council - if the proposed amendment is authorized by Council, all future amendments of the Bylaws will only require approval of TEDC's Board of Directors;

Whereas, funding for the current agreement with TEDC is included in the fiscal year 2017 budget – the fiscal year 2018 proposed budget will include funding for both the operating expenses and incentive matrix components as outlined in the agreement when filed on June 23, 2017; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute the 2017 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation and authorizes certain amendments to the Temple Economic Development Corporation's Amended and Restated Bylaws as outlined above. A copy of the proposed amendments is attached hereto as Exhibit A and incorporated herein for all purposes.

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 **4th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/04/17
Item #6(L)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-17-17: Consider adopting an ordinance authorizing amendments to the City of Temple's Unified Development Code: Article 4 (Sec. 4.5.4) related to Residential Dimensional Standards and Article 5 (Sec. 5.3) related to Specific Use Standards to allow two-family residential dwellings (duplexes) in a Two-Family Dwelling Zoning District for existing platted lots with a width of not less than 50 feet subject to additional compatibility design standards primarily related to parking, landscaping and architecture.

STAFF RECOMMENDATION: Staff recommends approval to allow duplexes on 50' to 59.99' lots in 2F zoning districts with accompanying compatibility design standards for landscaping and architecture (previously presented to City Council at their November 17, 2016 Workshop and found in the draft code amendments attachment) as follows per concerns brought up by P&Z:

- Vacant lots at the time of Code Amendment adoption (estimated 234 eligible lots today)
- Limit to 20% duplexes in each subdivision (final plat)

Parking

- If located between two single-family homes **and** if a majority of homes on block utilize parking on the side or rear, parking must be either located:
 - **In rear**
 - Would then require compliance with only three of the seven compatibility standards for landscaping and architecture
 - Could be accommodated on 10-foot driveways/ribbon drives on either side of duplex
 - **On side**
 - Would then require compliance with only three of the seven compatibility standards for landscaping and architecture
 - Could be accommodated on 10-foot driveways/ribbon drives on either side of duplex
- Revisit standards in a year to evaluate within the context of East Temple revitalization plans/efforts

P&Z COMMISSION RECOMMENDATION: At their March 20, 2017 meeting, the Planning and Zoning Commission recommended unanimous approval per staff recommendation.

MEETINGS SUMMARY: Staff has had the following meetings since these proposed Code amendments were discussed at the November 17, 2016 City Council workshop:

1. June 1, 2016 – TABA (Temple Area Builders Association) presentation
2. February 16, 2017 – TABA
3. February 21, 2017 – P&Z (tabled until 3/3/17 meeting per request for additional data by P&Z)
 - a. Of the 6,200+ 2F-zoned lots, it was difficult to estimate how many of those lots were:
 - i. 50' to 59.99' wide; and
 - ii. Vacant
 - iii. City's IT (Information Technology) Department was asked to develop maps showing number of eligible lots
 1. Due to discrepancies with Bell County Appraisal District (BellCAD) information, IT created their own data layer, which resulted in about 2/3 of the same properties identified by BellCAD
4. March 6, 2017 – P&Z (tabled until 3/20/17 meeting per staff recommendation to allow additional time to analyze data provided by IT on 3/3)
 - a. Due to the data discrepancies, IT was not able to provide the map data until 3/3
 - b. Staff needed more time to analyze the lot width data and to request additional mapping related to vacant properties
 - c. Per P&Z direction, Staff did some research on the Cities of Austin, Bryan, College Station, Georgetown, Killeen, San Marcos and Waco related to their duplex standards
 - d. Research by Staff was also done on upcoming East Temple revitalization efforts
 - e. Pat and David Patterson also provided a list of properties they owned for which they wanted to build duplexes
 - i. Staff provided analysis of the proposed Code amendments related to these properties, as well
 - ii. Findings were presented to P&Z on 3/20/17
5. March 20, 2017 – P&Z recommended approval per staff recommendation

ADDITIONAL BACKGROUND

- Two-Family Zoning Districts (2F) allow duplexes only on a minimum of 60-foot wide lots despite the fact that:
 - “Two-family” suggests that it is a district primarily for duplexes even though these 2F neighborhoods are still primarily characterized by single-family homes
 - A significant number of the lots in these neighborhoods are less than 60-feet wide and many are vacant
- There are a number of examples where local duplex builders have successfully built duplexes on 50-foot lots in 2F districts
 - However, to be able to build on these lots in the past, builders have had to rely on either variances or administrative approval that current Planning staff does not have the authority to grant
 - Many of these duplexes have also utilized some landscaping and/or architectural features that make them more compatible with nearby single-family homes than the 2F zoning standards would require
 - Single-family builders have not historically been interested in building single-family homes in these locations, thereby, leaving vacant lots in areas that often are in need of quality housing

- Staff has been working with local duplex builders, TABA (Temple Area Builders Association) and City Council to develop standards that would allow duplexes by right with a menu of landscaping and architecture options to make them more compatible with surrounding single-family homes

PROPOSED COMPATIBILITY STANDARDS

Proposed amendments include the following standard categories:

1. Driveways
2. Architecture
3. Landscaping
4. Parking
5. Sidewalks

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on February 2, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[UDC Draft Code Amendments](#)
[3-20-17 P&Z Presentation](#)
[TABA Support Letter](#)
[Ordinance](#)

Section 4.5.4 Two-Family Dwelling

Add footnote to Minimum Lot Width (ft.) for 2F Dwelling in 2F District:

60**

** = See Sec. 5.3.28 allowing minimum lot width of 50 feet for a Two-Family Dwelling built on a lot platted before *[fill in date of amendment]*, subject to standards for compatibility with Single-Family Dwellings.

Add footnote to Minimum Front Yard Setback (ft.) for 2F Dwelling in 2F District:

25**

** = See Sec. 5.3.28 allowing minimum front yard setback of 18 feet for a Two-Family Dwelling built on a lot platted before *[fill in date of amendment]*, subject to standards for compatibility with Single-Family Dwellings.

DRAFT

Section 5.3.28 Two-Family Dwelling with Single-Family Lot Width

- A Purpose. The intent of the following standards is to encourage residential infill development on vacant lots while also ensuring that new Two-Family Dwellings are compatible with surrounding single-family homes. These standards do not apply to 60-foot or wider lots in a 2F district.
- B Applicability. The provisions in this Section apply to:
- 1) A Two-Family Dwelling in a Two-Family District when the dwelling is built on a lot that is zoned 2F and platted before *[fill in date of amendment]*, if the development meets the standards established in this Section for compatibility with Single-Family Dwellings.
 - 2) Vacant lots prior to *[fill in date of amendment]*
- C Minimum lot width. The minimum lot width is 50 feet.
- D Minimum front yard setback.
- 1) Dwellings with front parking areas.
 - i The minimum front yard setback is the greater of 18 feet or 5 feet **less** than the average of the estimated setbacks observed by dwelling on each side of the Two-Family Dwelling.
 - i Dwellings with side or rear parking areas. The minimum front yard setback is the average of the estimated setbacks observed by dwelling on each side of the Two-Family Dwelling.
- E Maximum front yard setback. The maximum front yard setback is the greater of 18 feet or 5 feet **greater** than the average of the estimated setbacks observed by dwellings on each side of the Two-Family Dwelling.
- F Limit on the percentage of two-family dwellings. A maximum of 20 percent of the lots within a subdivision platted prior to *[fill in date of amendment]* can be built with a two-family dwelling.
- G Revisit standards within a year. The Planning Department is responsible for returning to Planning and Zoning Commission and City Council within a year of adoption of these code amendments to evaluate their effectiveness and determine whether Sections H through M below should be modified.

Example: If homes on either side of a proposed duplex have average front yard setbacks of 17 feet, a duplex with parking in the front can have a front yard setback of 18 to 22 feet or a front yard setback of 17 to 22 feet with parking along the side or rear.

- H Driveways. Driveways shall meet the standards in one of the categories listed as follows:
- 1) Concrete ribbon driveways
 - i Maximum of two driveways, one for each dwelling unit
 - ii 2-foot-wide, parallel, concrete strips
 - iii 3-foot-wide strip of grass, groundcover, rock, brick, gravel or pavers between strips
 - iv No closer than 3 feet to a wall, fence or other structure
 - v Concrete approach at least 14 feet in width
 - vi Can be used for parking
 - 2) Solid concrete or asphalt driveways
 - i Maximum of two driveways, one for each dwelling unit
 - ii Solid concrete or asphalt no wider than 10 feet
 - iii Concrete approach that is at least 14 feet in width
 - iv Can be used for parking
- I Two-family dwellings located between two single-family dwellings and if a majority of the dwellings on the block (both sides) utilize parking on the rear or side must utilize parking along the side or rear yards.

- J Dwellings with front parking areas. Parking is permitted only on driveways and on optional concrete parking pads, if provided, limited to two 9 by 18 foot parking spaces per dwelling unit. Development of a Two-Family Dwelling utilizing the front parking option must include 5 of the 8 landscaping and architectural options listed below, one of which may be waived in writing by the planning director on grounds that unique conditions on the lot prevent compliance.
- 1) Architectural offsets in front wall
 - i Two offset, attached and covered porches, or
 - ii One attached and covered porch that is equal to or longer than 50 percent of the width of the front wall of the dwelling, or
 - iii An offset at least 4 feet deep in front wall of dwelling
 - 2) Building materials for front façade
 - ii Stone or brick masonry, or
 - iii Cementitious siding—if more than half of the residential structures on the street block (both sides of the street) have a form of siding as the primary exterior material
 - 3) Front-facing roof gable
 - i Single gable, or
 - ii Two gables with different sizes, or
 - iii Two gables of the same size, if one is oriented to accentuate a front porch
 - 4) Trees planted in front yard
 - i Minimum of 2 trees
 - ii Medium or large canopy species from Approved Tree List in Sec. 7.4.5.B
 - iii Minimum 2-inch diameter at breast height (dbh), which is 4' 5"
 - iv Preservation of tree(s) in the front yard listed in Sec. 7.4.5.B meets the tree planting requirement
 - 5) Landscape beds in front yard
 - i One landscape bed along the entire front of each dwelling unit façade or porches, with the exception of sidewalks
 - ii Minimum of 3 feet in depth
 - iii Covered with mulch or 2-inch (minimum) river rock and planted with one or more types of plantings from the Approved Shrub List in Sec. 7.4.5.C or Approved Groundcover List in Sec. 7.4.5.D
 - 6) Contiguous lawn grass front yard
 - i Covering front yard from parking pad to front wall, porches and landscape bed
 - ii Minimum of 100 square feet
 - iii With species from Approved Lawn Grass List in Sec. 7.4.5.E
 - 7) Lawn grass in front and side yards
 - i With species from Approved Lawn Grass List in Sec. 7.4.5.E
 - 8) Landscaping between parking pads
 - i With minimum width of 2 feet
 - ii Planted with one or more types of plantings from the Approved Shrub List in Sec. 7.4.5.C, Approved Groundcover List in Sec. 7.4.5.D, or Approved Lawn Grass List in Sec. 7.4.5.E
- K Dwellings with side or rear parking areas. Development of a Two-Family Dwelling with side or rear parking spaces must include 3 of the 7 landscaping and architectural options listed below:.
- 1) Architectural offsets in front wall
 - i Two offset, attached and covered porches that are offset, or
 - ii One attached and covered porch that is equal to or longer than 50 percent of the width of the front wall of the dwelling, or

- iii An offset at least 4 feet deep in front wall of dwelling
- 2) Building materials for front façade
 - i Stone or brick masonry, or
 - ii Cementitious siding—if more than half of the residential structures on the street block (both sides of the street) have a form of siding as the primary exterior material
- 3) Front-facing roof gable
 - i Single gable, or
 - ii Two gables with different sizes, or
 - iii Two gables of the same size, if one is oriented to accentuate a front porch
- 4) Trees planted in front yard
 - i Minimum of 2 trees
 - ii Medium or large canopy species from Approved Tree List in Sec. 7.4.5.B.
 - iii Minimum 2-inch diameter at breast height (dbh), which is 4' 5"
 - iv Preservation of tree(s) in the front yard listed in Sec. 7.4.5.B meets the tree planting requirement
- 5) Landscape beds in front yard
 - i One landscape bed along the entire front of each dwelling unit façade or porches, with the exception of sidewalks
 - ii Minimum of 3 feet in depth
 - iii Covered with mulch or 2-inch river rock (minimum) and planted with one or more types of plantings from the Approved Shrub List in Sec. 7.4.5.C or Approved Groundcover List in Sec. 7.4.5.D
- 6) Contiguous lawn grass front yard
 - i Covering front yard from parking pad to front wall, porches and landscape bed
 - ii Minimum of 100 square feet
 - iii May be bisected by a private sidewalk connecting the front doors to the public street
 - iv With species from Approved Lawn Grass List in Sec. 7.4.5.E
- 7) Lawn grass in front and side yards
 - i With species from Approved Lawn Grass List in Sec. 7.4.5.E
- L Public sidewalks. Public sidewalks in adjoining right-of-way must be preserved or replaced.
- M Private sidewalks. If side or rear parking spaces are utilized, and the majority of properties on the block have a sidewalk connecting the front doors to the public street, the builder must construct a single shared sidewalk for access from front doors to the public street.

Proposed UDC Amendments

Duplex Compatibility Standards in 2F on 50-foot+ Lots

Planning & Zoning Commission	February 21, 2017
Planning & Zoning Commission	March 6, 2017
Planning & Zoning Commission	March 20, 2017
City Council – 1 st Reading	April 20, 2017

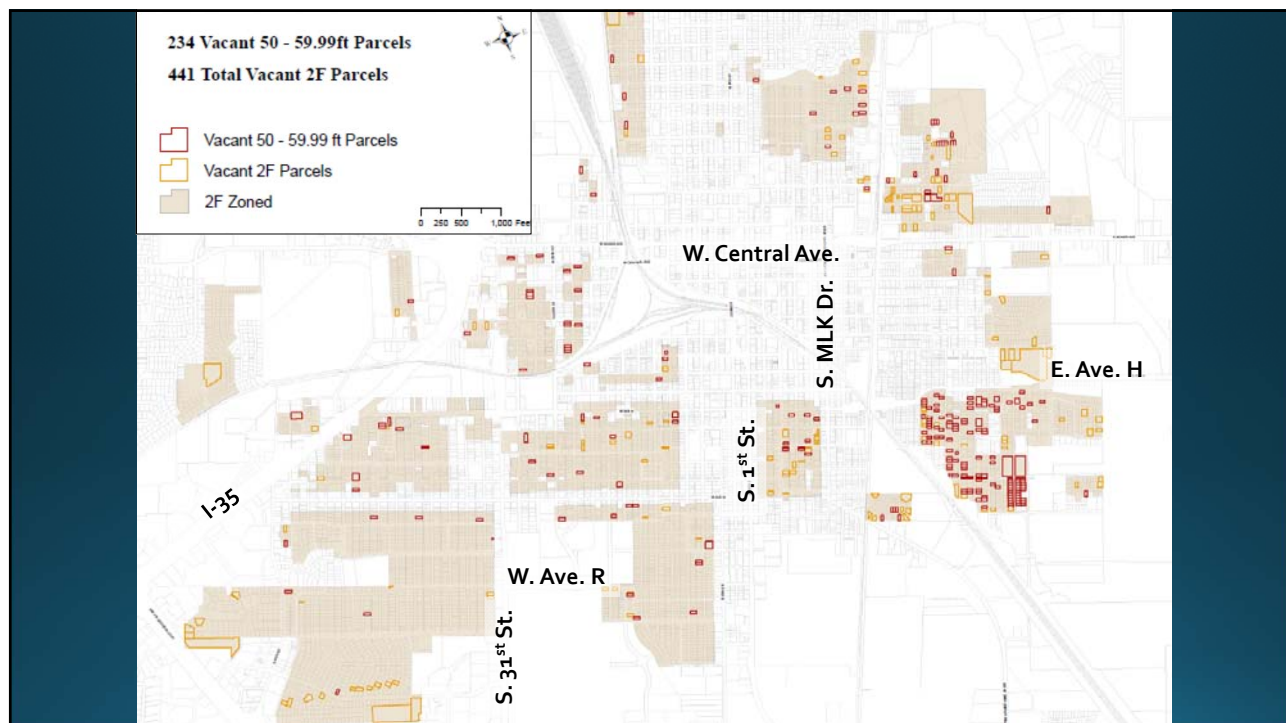
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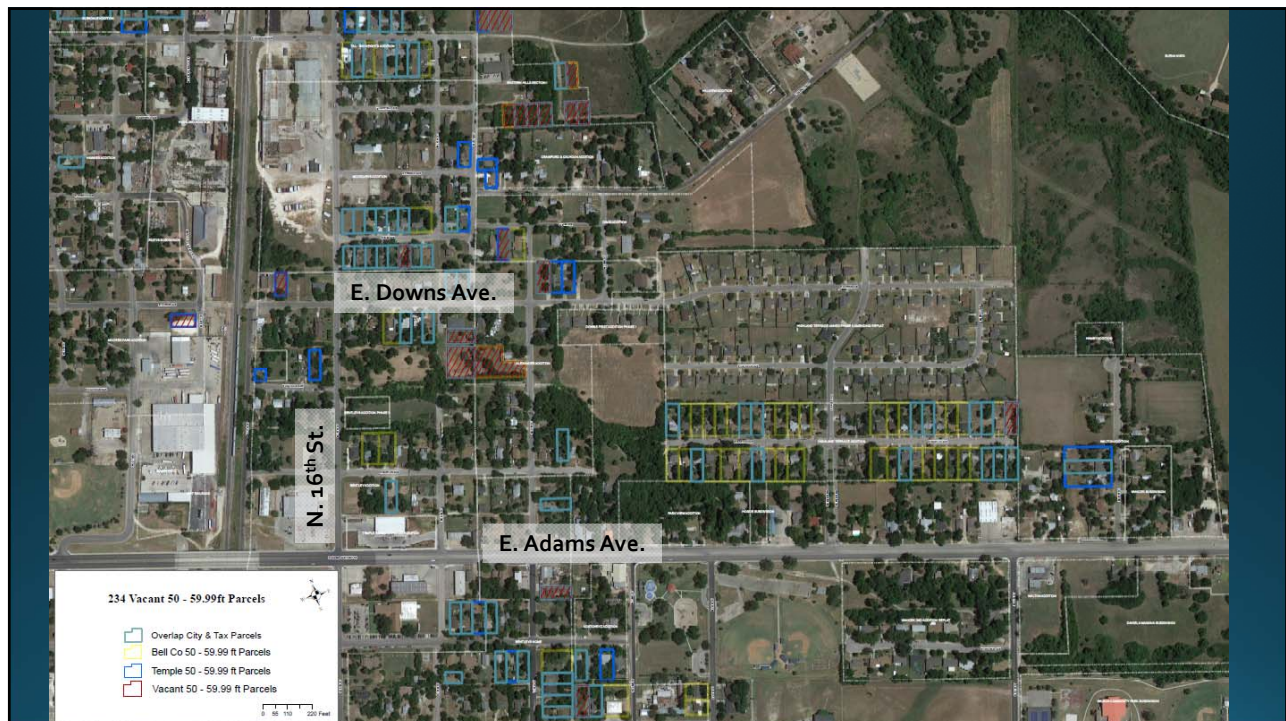
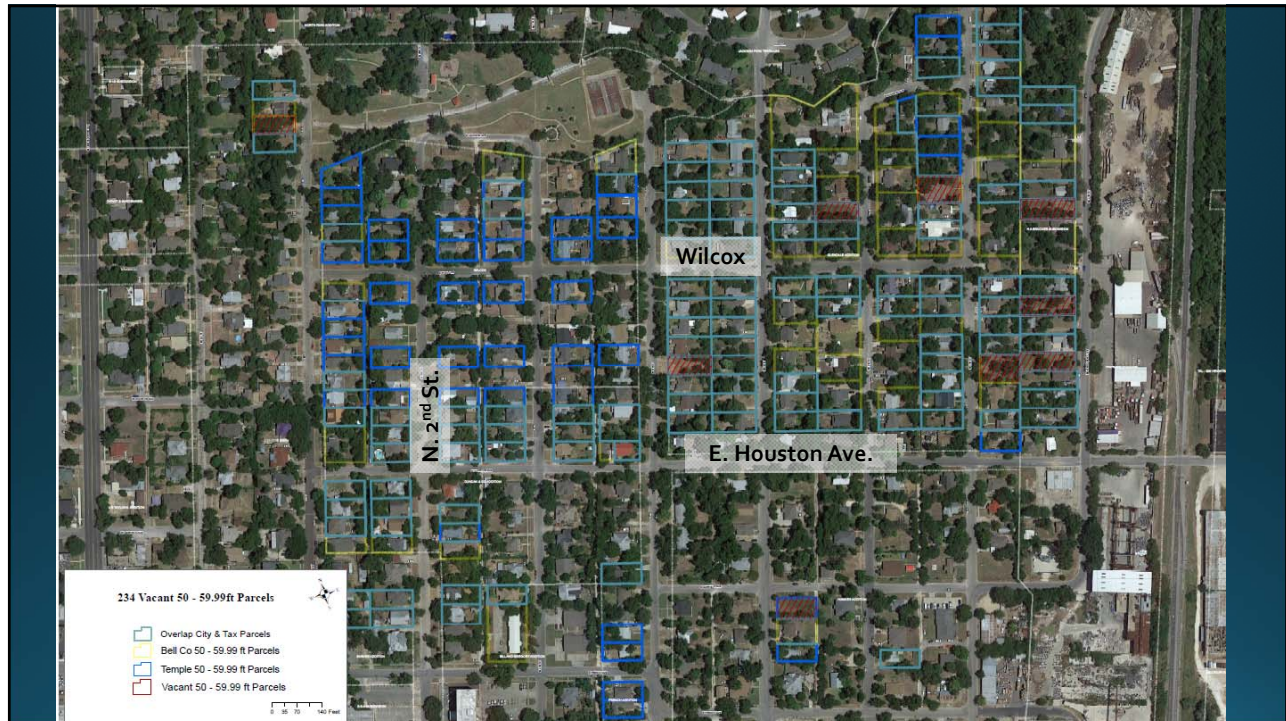
Code Amendment Objectives

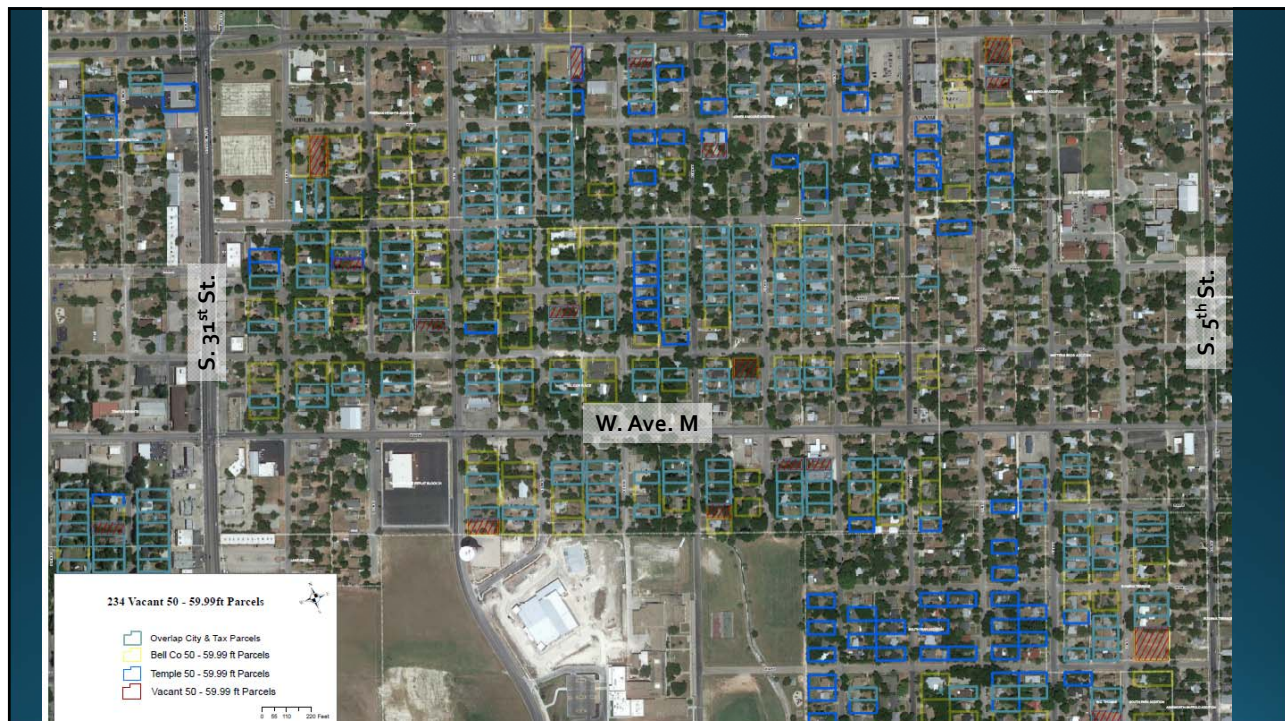
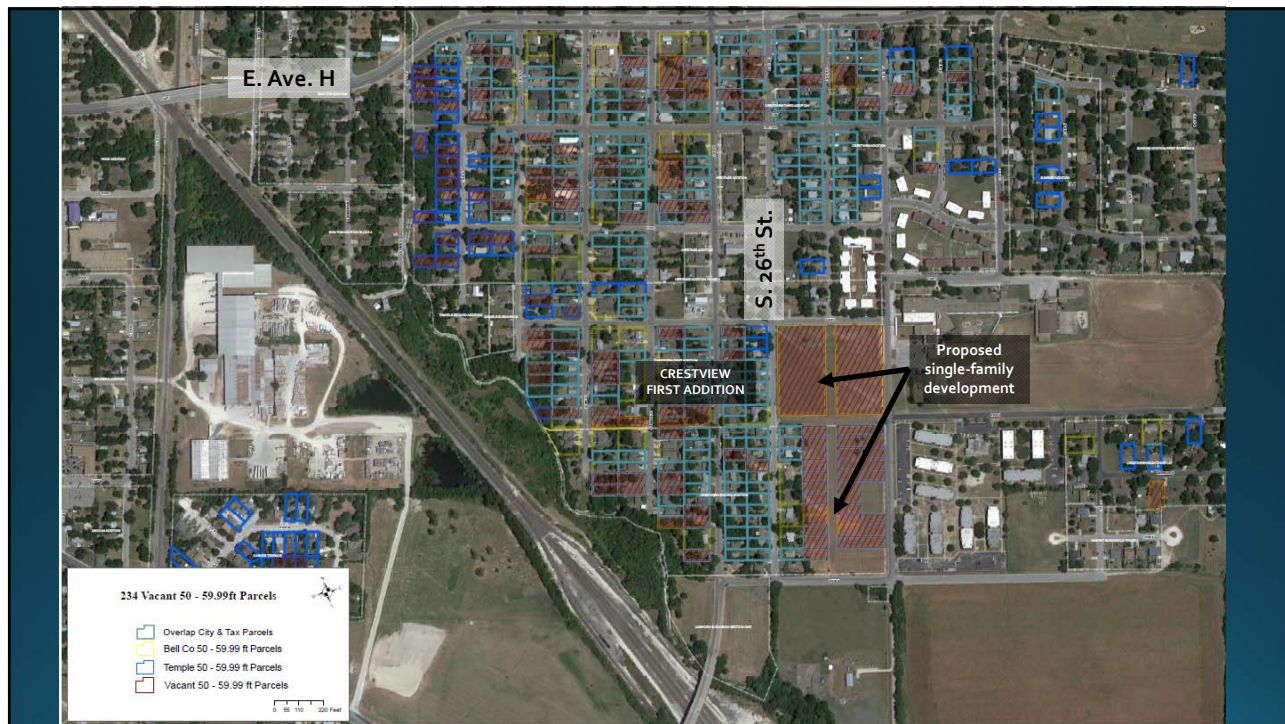
1. Proposed Design Standards for duplexes on 50-foot lots in 2F would:
 - a) Address basic compatibility with surrounding single-family uses
 - b) Allow duplexes by right at those locations in need of reinvestment
 - c) Still provide some flexibility
2. A Planned Development District (PD) is currently an option to address proposed duplexes on a case-by-case basis

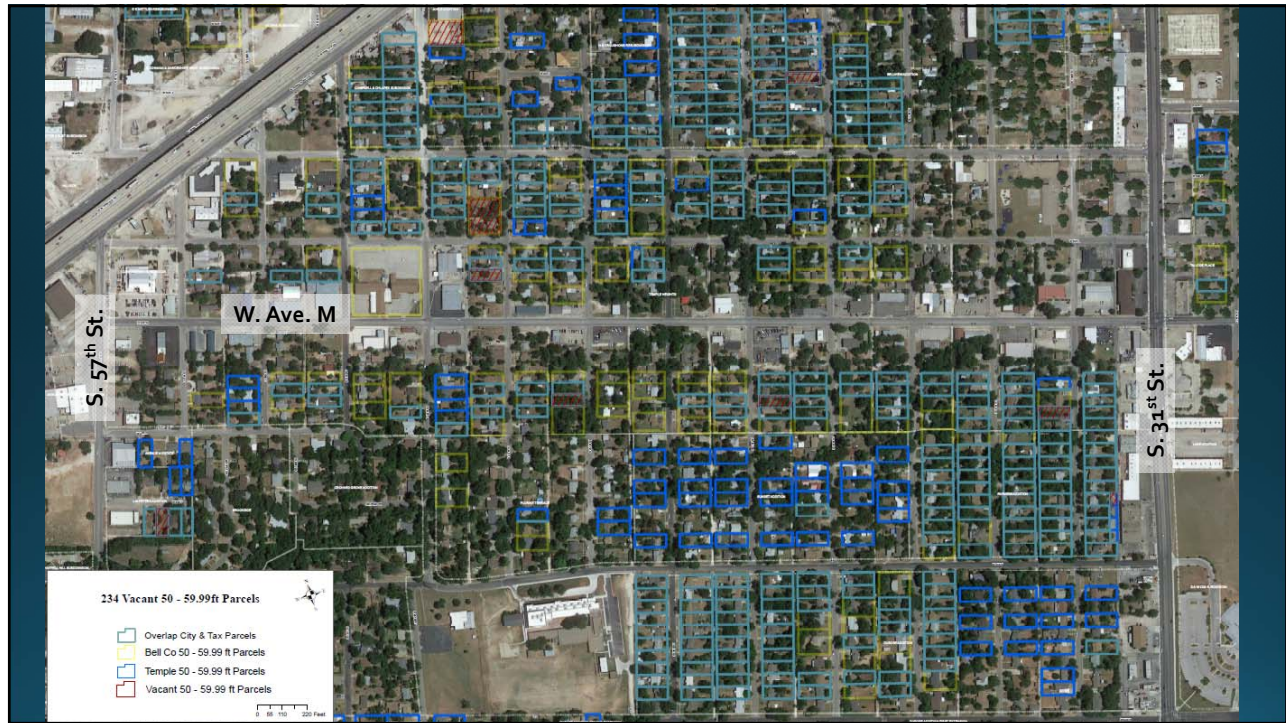
Friday 3/20 Update

- Estimated 234 vacant lots zoned 2F between 50' and 59.99' wide (see map on following slide)
- 107 others
 - Most of which are 60' + wide and could be built on today
- Lots tend to be fairly evenly distributed throughout the City's 2F zoned subdivisions
 - Exception being area bound by E. Ave. H on north, railroad on west, E. Ave. N on the south and S. 30th on the east









List of Potential Duplex Locations (provided by a local duplex builder)

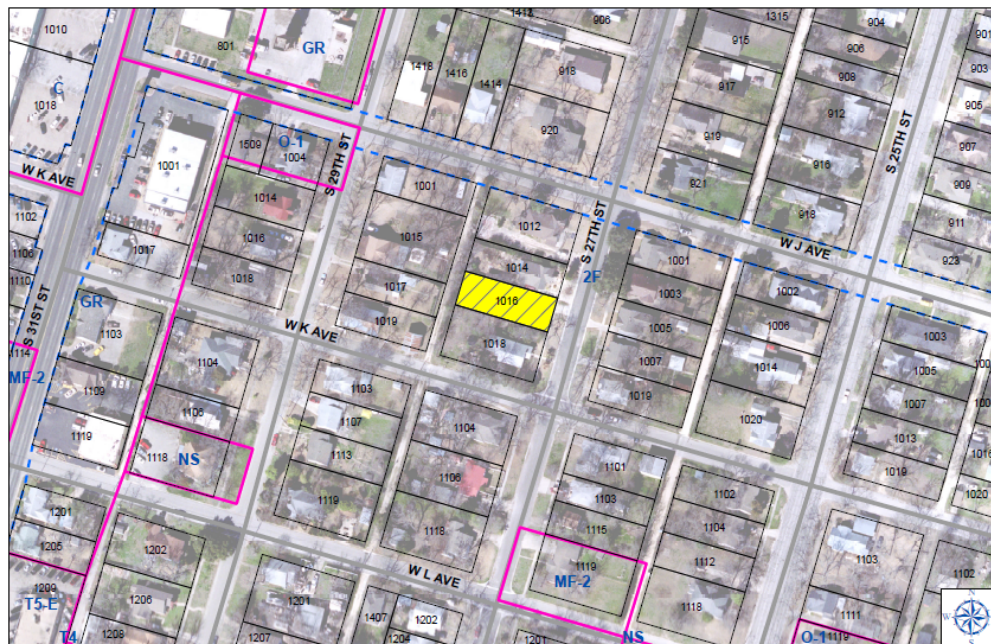
1016 S.
27th St.



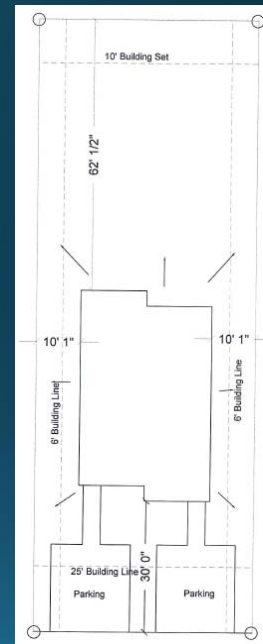
B-FY-15-01

Location Aerial and Zoning Map

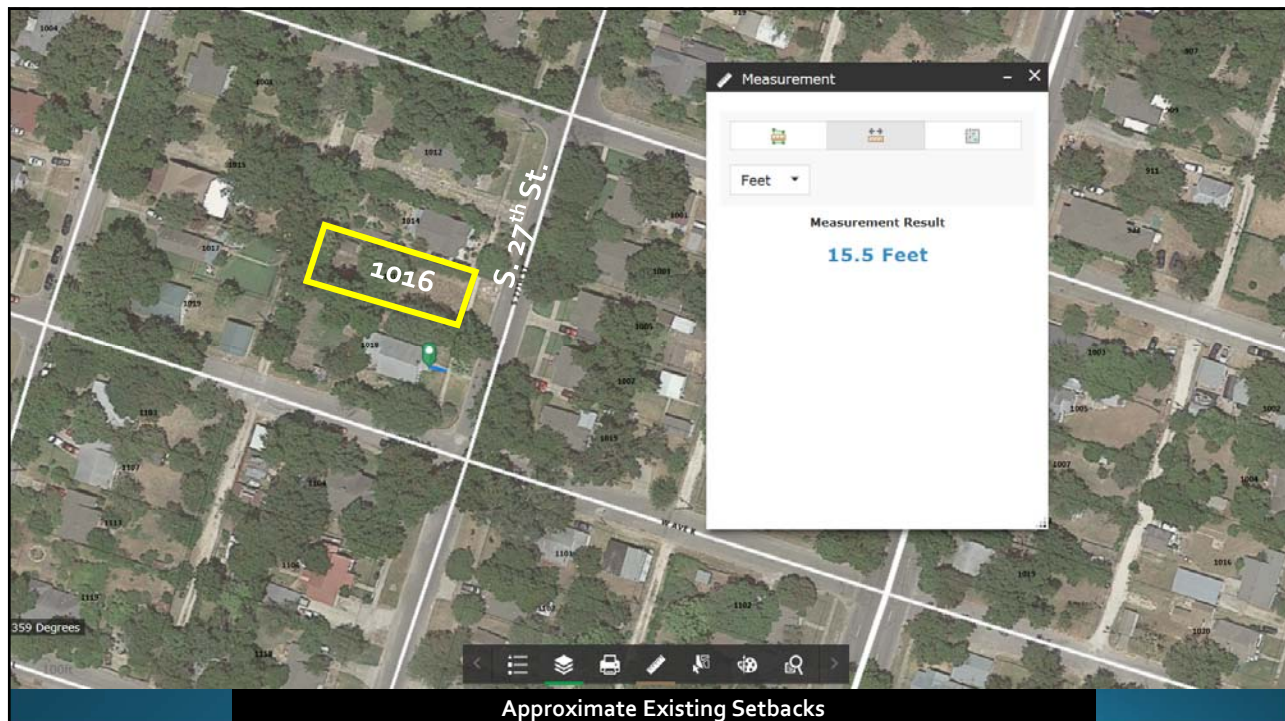
1016 S. 27th Street



1016 S. 27th
St.

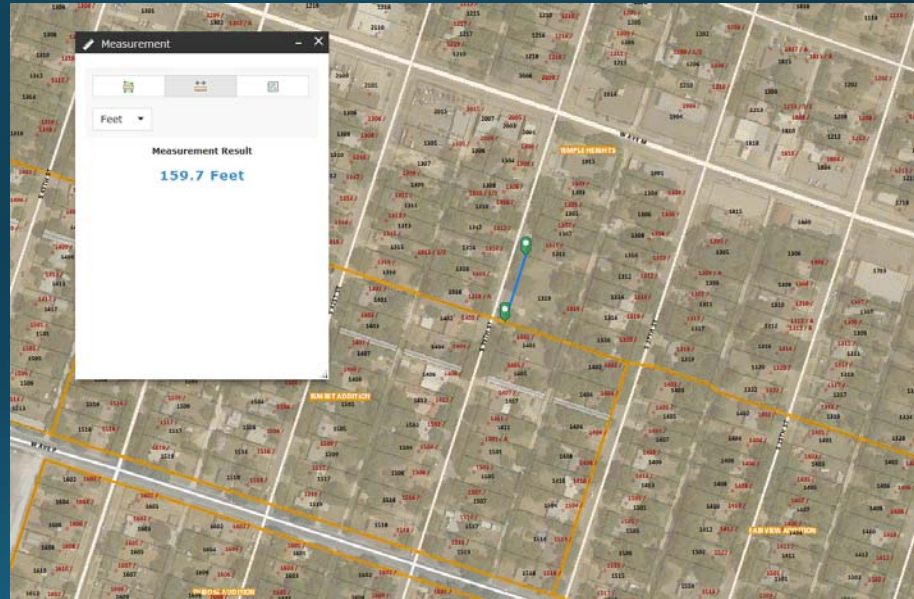


Original Proposed Site Plan



1319 S. 39th Street

- Zoned 2F
- 3 platted lots
- Lots 7, 8 and 9
- 2 50-foot and 1 60-foot lot, respectively



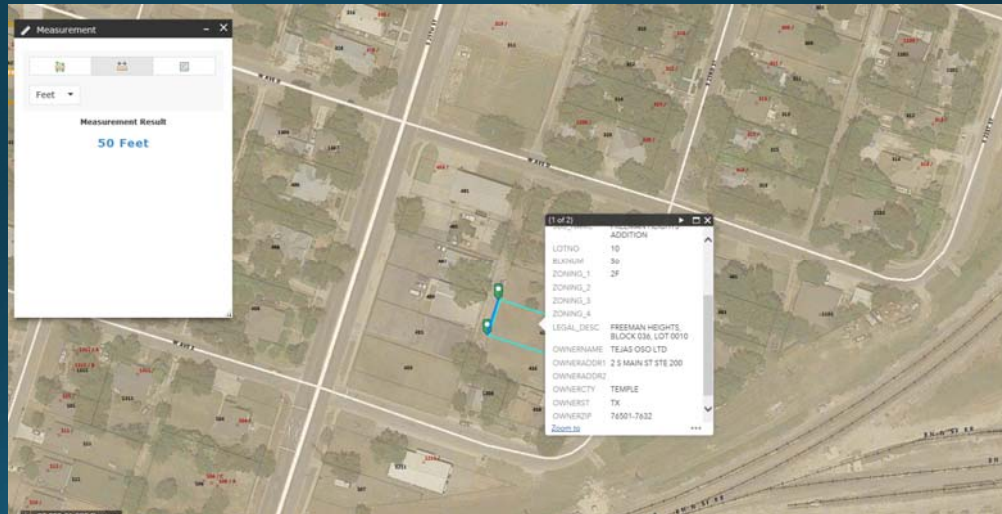
1319 S. 39th Street

- Zoned 2F
- 3 platted lots
- Lots 7, 8 and 9
- Two 50-foot and one 60-foot lot, respectively
 - a) Duplex can be built now on 60-foot lot



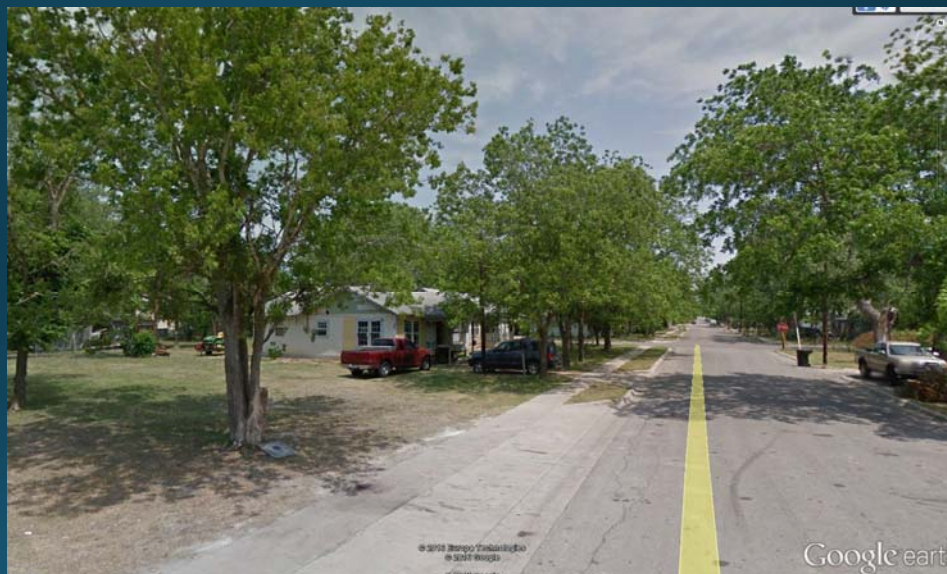
412 S. 23rd St.
(owner or
potential owner
indicated "414")

- Zoned 2F
- 50-foot lot
- Other vacant lots on block



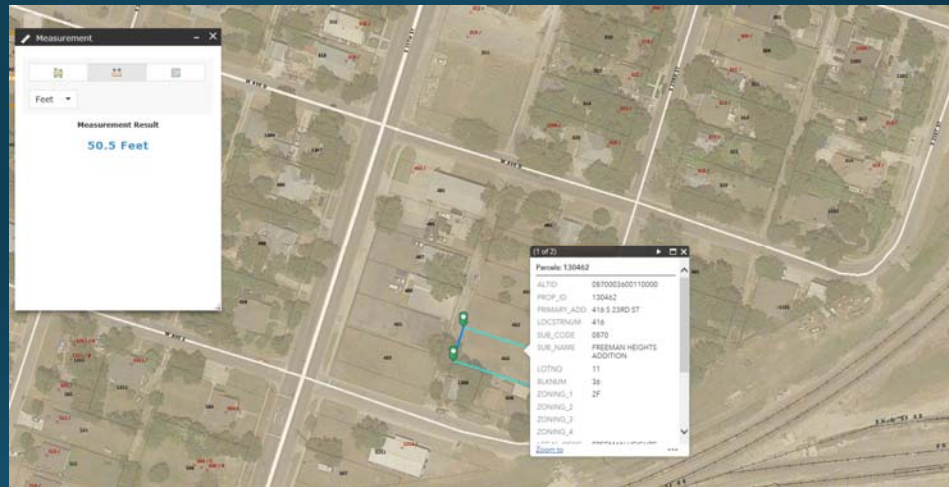
412 S. 23rd St.
(owner or
potential owner
indicated "414")

- Zoned 2F
- 50-foot lot
- Area in need of
reinvestment



416 S. 23rd Street

- Zoned 2F
- 50-foot lot
- Other vacant lots on block



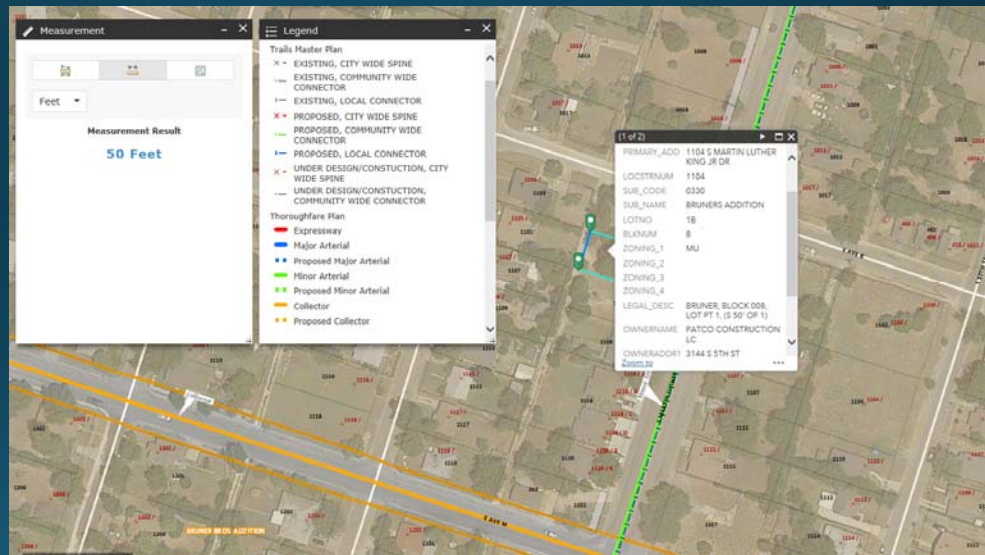
416 S. 23rd Street

- Zoned 2F
- 50-foot lot
- Area in need of reinvestment



1104 S. MLK

- Zoned MU (Mixed Use)
- 50-foot lot
- Other vacant lots nearby
- Non-conforming driveway on a minor arterial



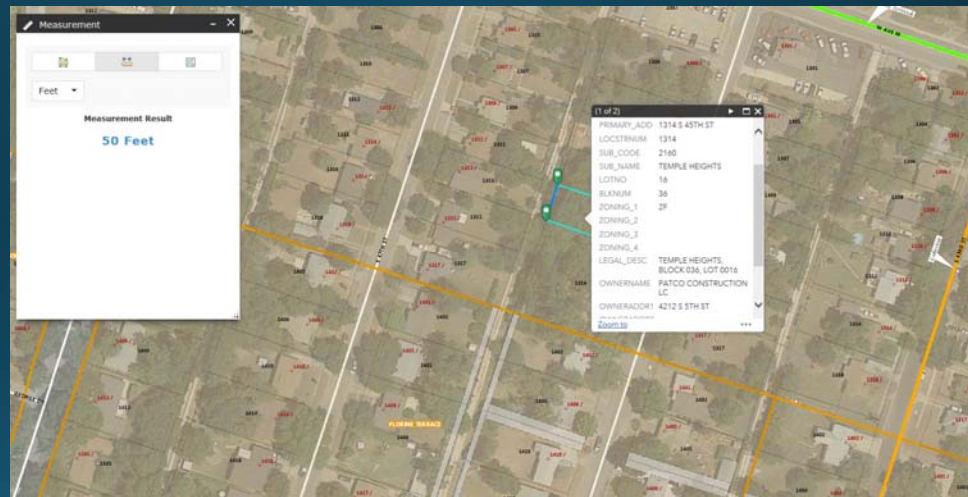
1104 S. MLK

- Zoned MU (Mixed Use)
 - Duplex can be built now
- 50-foot lot
- Area in need of reinvestment
- Non-conforming driveway on a minor arterial



1314 S. 45th St.

- Zoned 2F
- 50-foot lot



1314 S. 45th St.

- Zoned 2F
- 50-foot lot

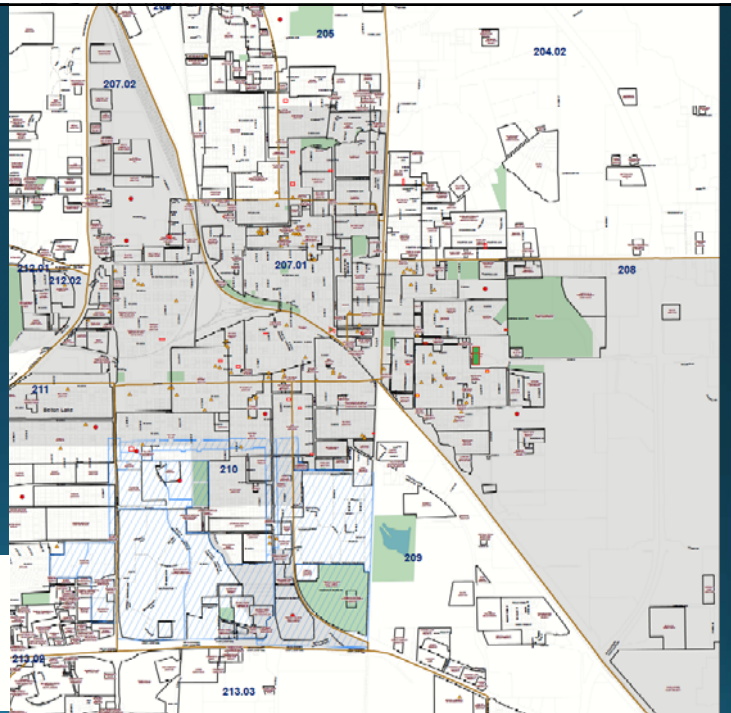


Summary of New Info: City Comparison

City	Min. Lot Size (by square feet)	Min. Lot Width	Other relevant standards
Austin	7,000	50'	40% lot coverage and 45% impervious cover limits
Bryan	7,000	70'	N/A
College Station	7,000 (3,500 per DU) in R2	70' or 60' w/ side or rear parking	Front parking requires berm, hedge or wall screening
Georgetown	7,000	70' or 60' w/ rear parking	Allowed only in TF (Two-Family) District
Killeen	7,000	60'	N/A
San Marcos	11,000 in "Duplex Residential (Low Density) District" ; 5,400 in "Medium Density"	90' in "Low Density"; 60' in "Medium Density"	N/A
Waco	6,000 (3,000 per DU)	50' (requiring review of a development plan)	Limiting duplexes or townhomes to 20% of any block
Temple	4,000	60' (50' with compatibility standards)	5' side setback

Summary of New Information

- Upcoming E. Temple Revitalization Efforts
 - 1st – working on establishing Neighborhood Associations within these CDBG LMI Target Areas
 - Future expansion of "Empowerment Zones," which includes incentives
 - Revitalization Plan projected for end of 2017



Revised Recommendation

1. Eligible 50' to 59.99' lots for duplexes with accompanying compatibility standards include only:

a) Vacant lots at the time of Code Amendment adoption

2. Limit to 20% duplexes in each subdivision (final plat)

3. Parking

a) If sandwiched between 2 single-family homes **and** if a majority of homes on block utilize parking on the side or rear, parking must be either:

i. In rear

a. Would then require compliance with only 3 of the 7 compatibility standards

ii. On side

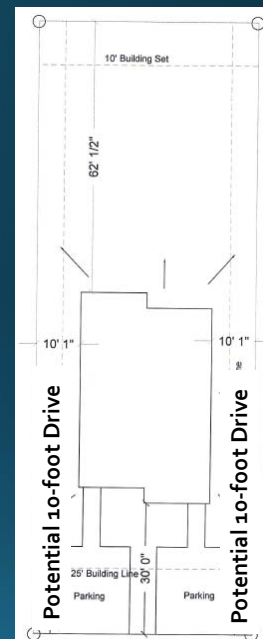
a. Could include 10-foot driveways/ribbon drives on either side of duplex

b. Would then require compliance with only 3 of the 7 compatibility standards

4. Revisit standards in a year to evaluate within the context of E. Temple revitalization plans/efforts

***Note: Duplexes could be encouraged as a tool for multi-generational living**

1016 S. 27th
St.



Original Proposed Site Plan

Potential 2F District Duplex Compatibility Standards on 50-foot Lots

(Choose 5 of the following 8 for front parking and 3 of 7 for side or rear – Director can waive 1 requirement for unique conditions on-site)

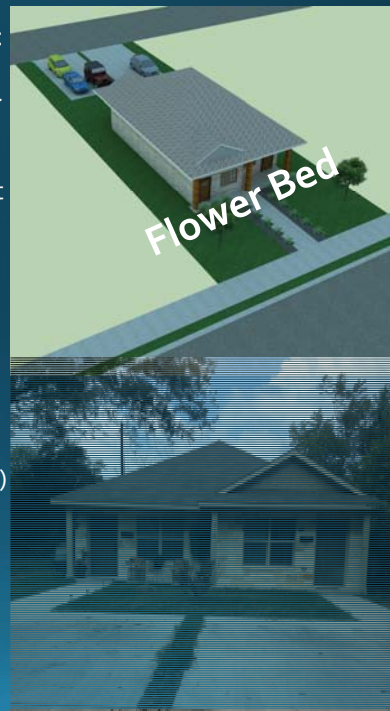
Architecture

1. Front: offset porches, single porch across entire facade or 4-foot offset (minimum)
2. Masonry front
 - a) Hardie board an option if street block includes primarily siding
3. Single front gable

Landscaping

4. Planting strip between each parking pad*
5. Minimum 100 sf contiguous front yard
6. Plant qualifying 2-inch canopy trees (diameter-at-breast height)
 - credit given for preservation of front yard or right-of-way tree(s) on Sec. 7.4.5.B. tree list (new since 3-6-17 P&Z)
7. Plant sod in front and side yards
8. Minimum 3' deep front flower bed

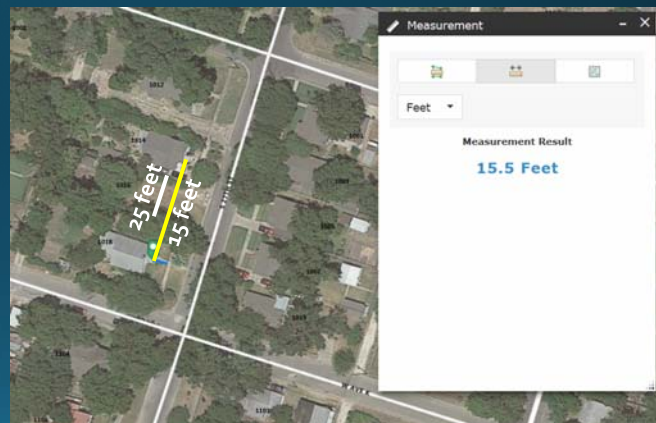
*Not applicable for parking to side or rear



Potential Duplex Compatibility Standards

The following would be required:

9. Parking in the Front
 - Limit to 4 (9' x 18') spaces
 - Encourage parking to rear via a side drive or alley access
 - Driveway can be a concrete ribbon drive or a single 10' wide driveway to side with a 2-car parking pad
10. Public Sidewalk: preserve or replace
11. Private Sidewalk: from street to front if parking on side or in rear
12. Front Setback: within 5' of the estimated setback average of residential buildings on either side
 - No less than 18'



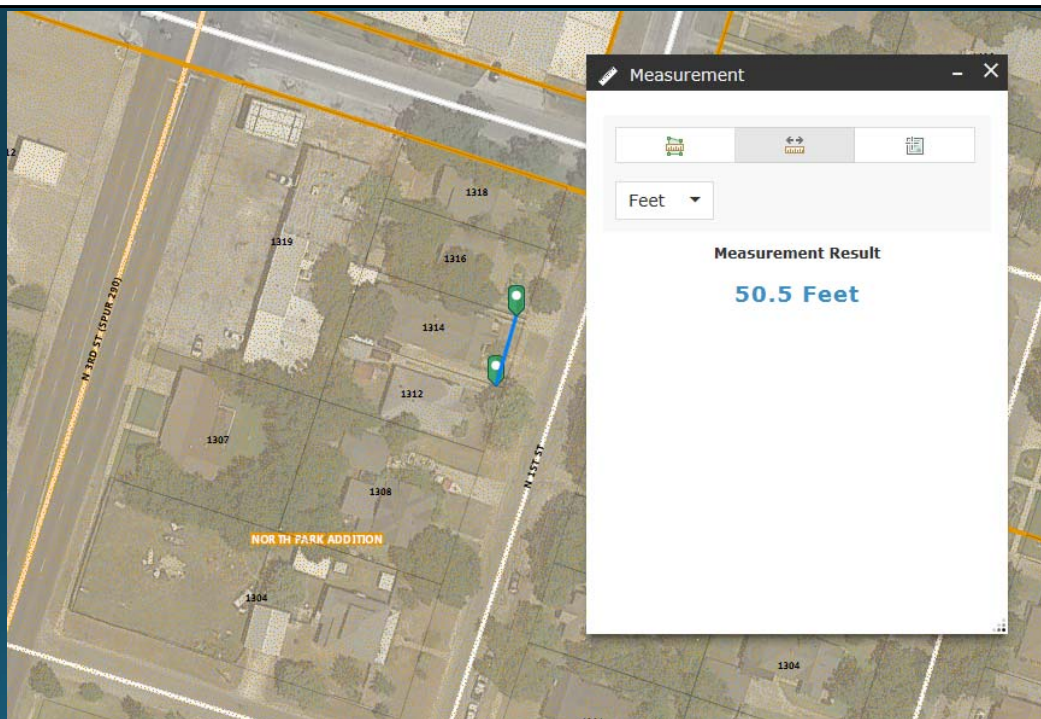
1314 N. 1st Street



7.2.4 Residential Drive Approaches

- A. A drive approach for a Residential Use listed in the use table in Sec. 5.1 is prohibited on arterial streets, unless the lot fronts on an arterial street on a final plat approved prior to February 19, 1987.
- B. Joint access curb cuts are encouraged where lots are less than 50 feet in width.

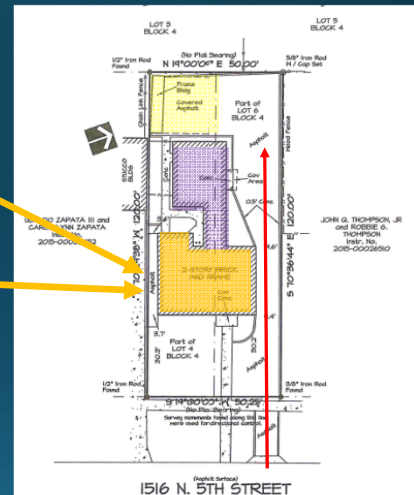
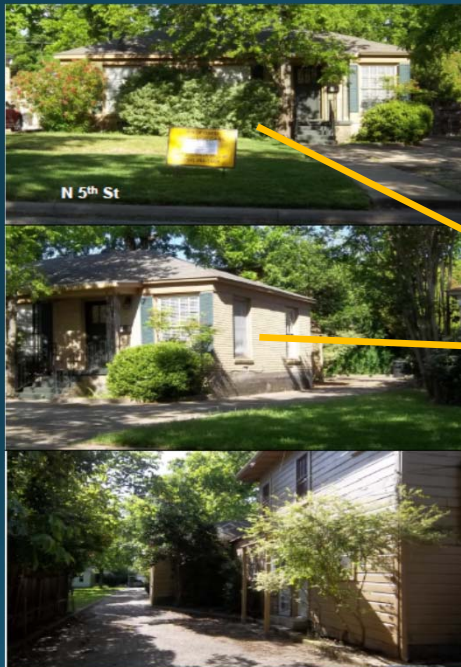
1314 N. 1st Street



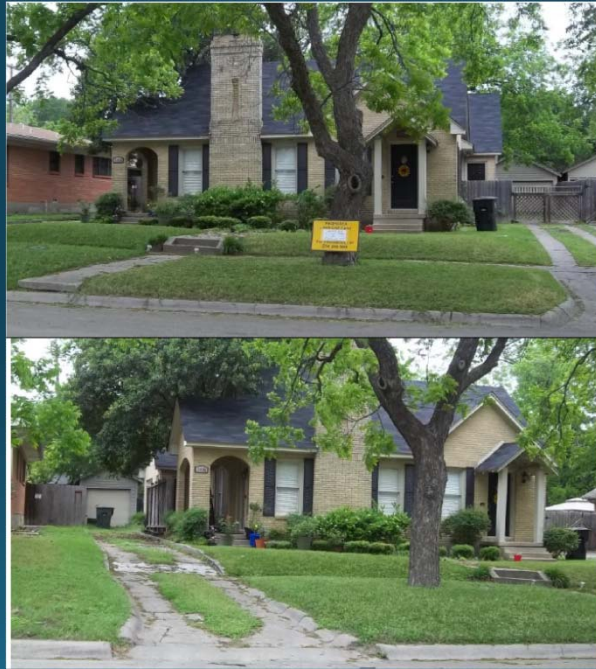
1106 N. 5th Street



1516 N. 5th Street



1408 and 1410
N. 5th Street

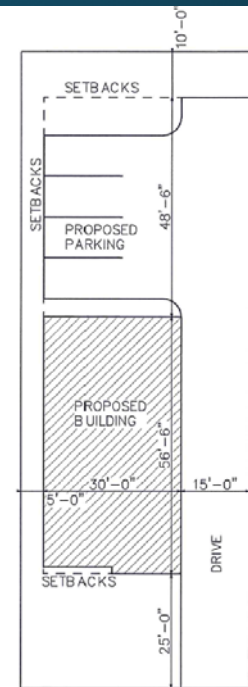


Parking to Rear Example: 302 S. 25th Street





Parking to Rear Example: 302 S. 25th Street



SITE PLAN
SCALE: 1" = 20'

Questions/Discussion?



Temple Planning & Zoning Commission
2 N. Main St
Temple, TX 76501

February 21, 2017

Commissioners,

On behalf of our members and their workforce, thank you for the opportunity to provide input regarding the proposed amendments to the City of Temple's Unified Development Code Articles 4 & 5.

We appreciate City Staff's efforts and outreach on these proposed changes and the opportunity to have a meaningful dialogue with staff and stakeholders. We support Item 4, Z-FY-17-17 as presented and recommend its passage.

Once again, we would like to thank you for your consideration of our recommendations. We value the opportunity to have an open dialogue with City Staff and work together to identify positive solutions to keep Temple moving forward.

Sincerely,

Brad Wyrick
Executive Director, Temple Area Builders Association

ORDINANCE NO. 2017-4839

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING TEMPLE UNIFIED DEVELOPMENT CODE ARTICLE 4, SECTION 4.5.4, RELATED TO RESIDENTIAL DIMENSIONAL STANDARDS, AND ARTICLE 5, SECTION 5.3, RELATED TO SPECIFIC USE STANDARDS TO ALLOW TWO-FAMILY RESIDENTIAL DWELLINGS IN A TWO-FAMILY DWELLING ZONING DISTRICT FOR EXISTING PLATTED LOTS WITH A WIDTH OF NOT LESS THAN 50 FEET, SUBJECT TO ADDITIONAL COMPATIBILITY DESIGN STANDARDS PRIMARILY RELATED TO PARKING, LANDSCAPING AND ARCHITECTURE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at Council Workshop on November 17, 2016, Staff presented recommended amendments to the City of Temple's Unified Development Code Article 4, Section 4.5.4 related to Residential Dimensional Standards, and Article 5, Section 5.3 related to Specific Use Standards, to allow two-family residential dwellings (duplexes) in a Two-Family Dwelling Zoning District for existing platted lots with a width of not less than 50 feet subject to additional compatibility design standards primarily related to parking, landscaping and architecture;

Whereas, Staff performed several presentations since November 17, 2016, outlining the proposed amendments and on March 20, 2017, the Planning and Zoning Commission unanimously voted to approve the amendments as presented by Staff;

Whereas, the proposed amendments will allow duplexes by right with a menu of landscaping and architecture options to make them more compatible with surrounding single-family homes;

Whereas, the proposed amendments will only allow duplexes in a Two-Family Dwelling Zoning District on existing platted lots which are vacant at the time the amendments are adopted by Council and duplexes can make up no more than 20% of the structures in each subdivision;

Whereas, Staff recommends Council amend Temple Unified Development Code Article 4, Section 4.5.4 related to Residential Dimensional Standards, and Article 5, Section 5.3 related to Specific Use Standards, to allow two-family residential dwellings (duplexes) in a Two-Family Dwelling Zoning District for existing platted lots with a width of not less than 50 feet subject to additional compatibility design standards primarily related to parking, landscaping and architecture; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council amends Temple Unified Development Code Article 4, Section 4.5.4 related to Residential Dimensional Standards, and Article 5, Section 5.3 related to Specific Use Standards, to allow two-family residential dwellings (duplexes) in a Two-Family Dwelling Zoning District for existing platted lots with a width of not less than 50 feet subject to additional compatibility design standards primarily related to parking, landscaping and architecture, as set forth more fully in Exhibit A, attached hereto and incorporated herein for all purposes.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 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.

Part 7: The City Council directs the Planning Director to prepare a report for the Planning and Zoning Commission and City Council, approximately one year from the effective date of this Ordinance, for the purpose of evaluating the effectiveness of the Ordinance and making recommendations about retaining or revising its provisions.

PASSED AND APPROVED on First Reading and Public Hearing on the **20th** day of **April**, 2017.

PASSED AND APPROVED on Second Reading on the **4th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/04/17
Item #6(M)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-17-22: Consider adopting an ordinance authorizing a rezoning request from the Agricultural zoning district to the Single Family-One zoning district, on 10.666 +/- acres, of the Maximo Moreno Survey, Abstract No. 14, being a part of a 10.00 acre tract of land and a part of a 42.13 acre tract described in a deed to Stellar Improvement Corporation, Bell County, located at 1610 West FM 93, Temple, Texas.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their March 20, 2017 meeting, the Planning & Zoning Commission voted six to zero to recommend approval of the proposed rezoning as presented by staff.

STAFF RECOMMENDATION: Based on compliance with the following factors, staff recommends approval for a rezoning from the AG zoning district to the SF-1 zoning district:

1. Surrounding zoning;
2. Partial compliance with the Future Land Use Estate Residential designation;
3. The Thoroughfare Plan; and
4. Availability of public facilities to serve the subject property.

ITEM SUMMARY: The subject property contains 10.666 +/- acres (attachment: Concept Plan). The property is currently undeveloped with some tree and canopy coverage. It is anticipated the property will be developed with single-family residential, similar to adjacent and existing residential development in the Highland Park Estates.

The subject property has never been platted but is within city limits. Adjacent to the east is Highland Park Estates, which was originally platted in 2015, amended in 2016 and is in the Planned Development-Single Family1 (PD-SF1) zoning district. To the north, west and south is undeveloped, vacant land and is in the AG zoning district (attachment: Surrounding Property & Uses Table).

There is an existing .8 acre Temporary Easement for a temporary detention facility and an all-weather turning area for emergency vehicles on the northwest portion of the property. This Temporary Easement will expire with the platting and construction of this proposed phase. There is also an existing 20 foot wide utility easement that runs west beginning at the northwest portion of the property and turns 90 degrees in the center and continues north into the abutting northern property (attachment: Existing Easements).

There are other residential and non-residential uses permitted in the SF-1 zoning district. The SF-1 zoning district provides for standard single-family lots that should serve as a transition between larger and smaller lot single-family districts. A Use Comparison Summary Table is located in the attachments.

COMPREHENSIVE PLAN (CP) COMPLIANCE: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Trails Plan. A table summarizing the following discussion is attached: Comprehensive Plan Compliance Summary Table.

Future Land Use Map (CP Map 3.1)

The subject property is within the Estate Residential character district. According to the Future Land Use Map (FLUM), this character district is intended for larger lot rural development generally on the fringes of the city but available within the City so this character and lifestyle setting is not limited only to the extra-territorial jurisdiction (ETJ). This rezoning request partially complies with the Estate Residential character district as it is for single-family residential and on the fringes but within the City limits. However, it is anticipated that the lots will be larger than the 7,500 square feet minimum lot size, per the Unified Development Code (UDC), but not large lots for rural development as stated in the FLUM. Therefore, this request is in partial compliance with the FLUM. It is also compatible with the existing adjacent development.

Thoroughfare Plan (CP Map 5.2)

The subject property is accessed off of Hartrick Bluff via Timberline Road via Lakeview Lane and then off of Drexel Loop, which is designated as a local street in our Thoroughfare Plan. A local street requires 50 feet of right-of-way and 31 feet of pavement, which is what is proposed on the Concept Plan. There are no sidewalk requirements for local street designations. Therefore, this request does comply with our Thoroughfare Plan.

UDC, Section 8.2.1.D.4 (b) states, "Subdivisions must provide for the location of a reasonable number of street openings to adjoining properties. Such an opening must occur a minimum of every 1,000 feet or in alignment with existing or proposed subdivision streets along each boundary of the subdivision." According to the Concept Plan, this proposal may not meet this requirement in which case would require an exception with recommendation by the Planning & Zoning Commission and approval by City Council. This would be determined during the platting process.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan does not identify any existing or proposed trails on or abutting the subject property.

Availability of Public Facilities (CP Goal 4.1)

Sewer and water infrastructure is available to the site. There is an eight inch water pipe that runs along the west boundary of the site and a 10 inch sewer line that runs along the existing Drexel Loop and continues north into the subject property. Therefore, public facilities are available to the site and the request complies with the City's public service capacities.

DEVELOPMENT REGULATIONS: A comparison summary table for residential dimensional standards in the AG & SF-1 zoning districts is located in the attachments (Residential Dimensional Standards Comparison Table).

PUBLIC NOTICE: Thirty-one property owners within 200 feet of the subject property were sent notice of the public hearing as required by state law and city ordinance. As of Monday, April 10, 2017, 19 returned notices have been received in agreement with the rezoning. Fifteen of these notices were from the applicant. One letter was received that was not in agreement or disagreement but described concerns over increased traffic. These notices are included in the attachments.

The newspaper printed notice of the public hearing on March 9, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Concept Plan
Location Map / Aerial
Zoning Map / Future Land Use Map
Thoroughfare & Trails Map / Utility Map
Notification Map / Existing Easement
Use Comparison Summary Table
Surrounding Properties & Uses Table / Comprehensive Plan Compliance Summary Table /
Residential Dimensional Standards Comparison Table
Returned Property Owner Notifications
March 20, 2017 Planning & Zoning Commission Excerpts
Ordinance

Site Photos



On Drexel Loop looking north into site at Temporary Easement).



Looking west into site: front portion is the Amending Highland Park Estates and rear portion is subject property.

Site Photos

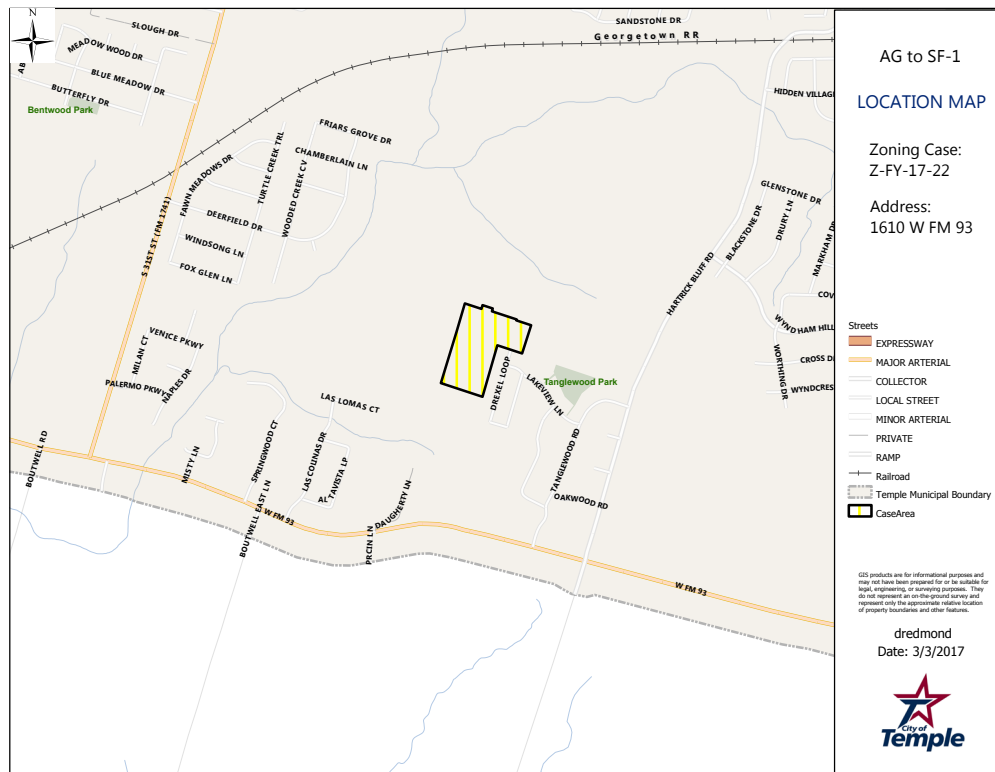


Looking south down Drexel Lane at Residences in the Amending Highland Park Estates, which is east of the subject property.

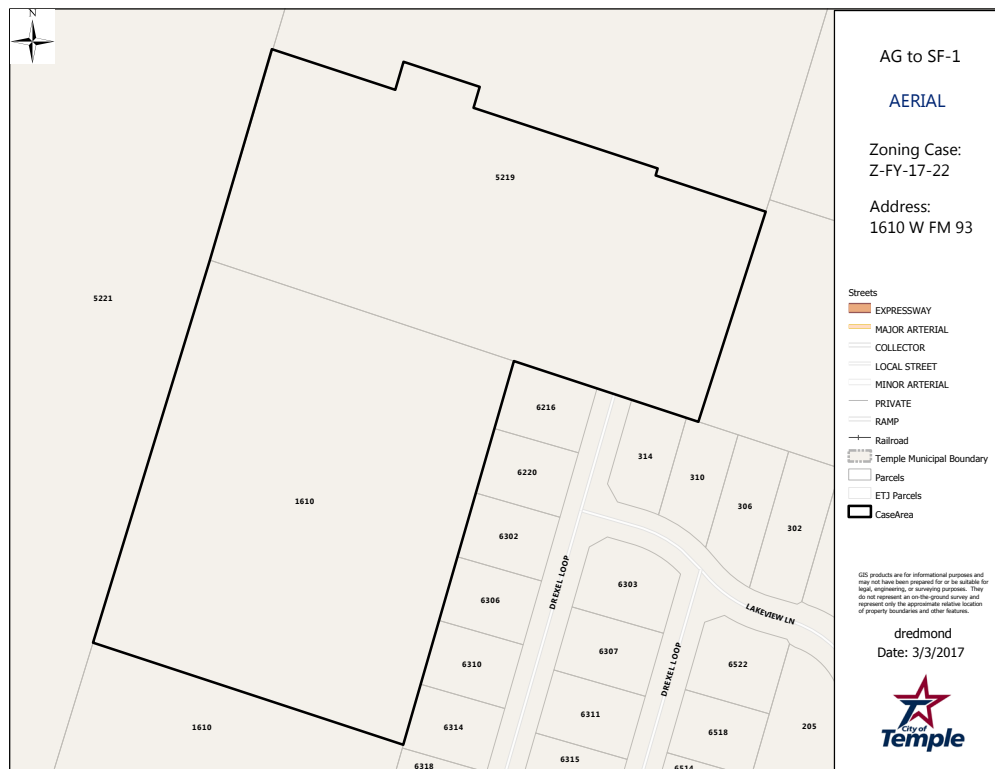


Properties to the east: Ridgewood Estates.

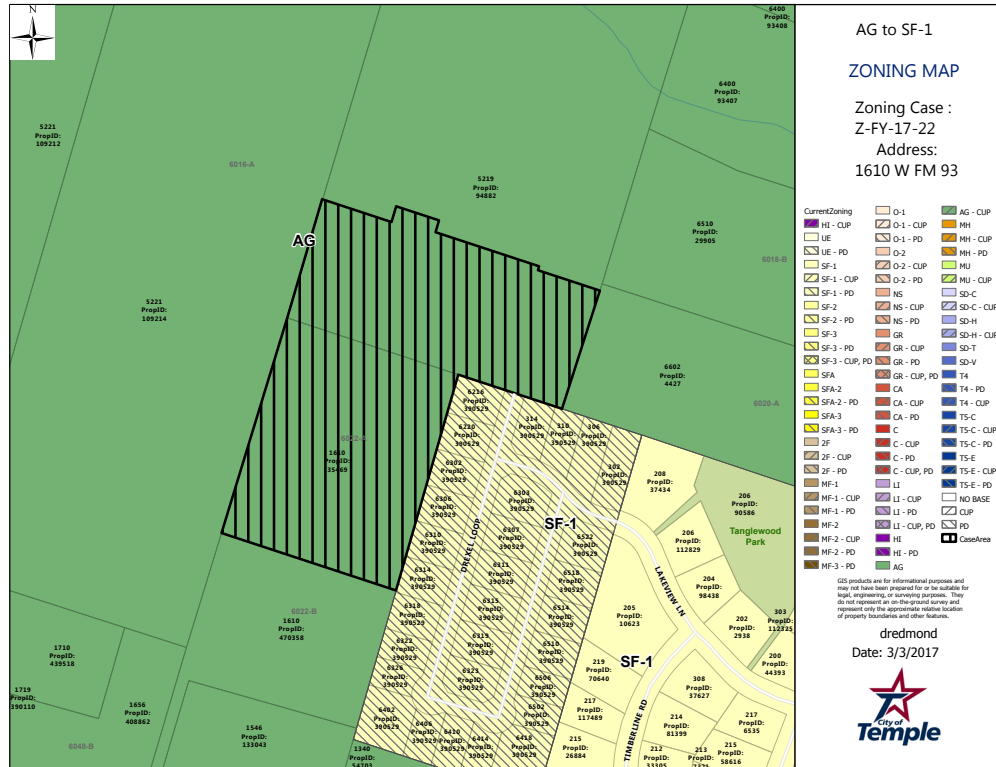




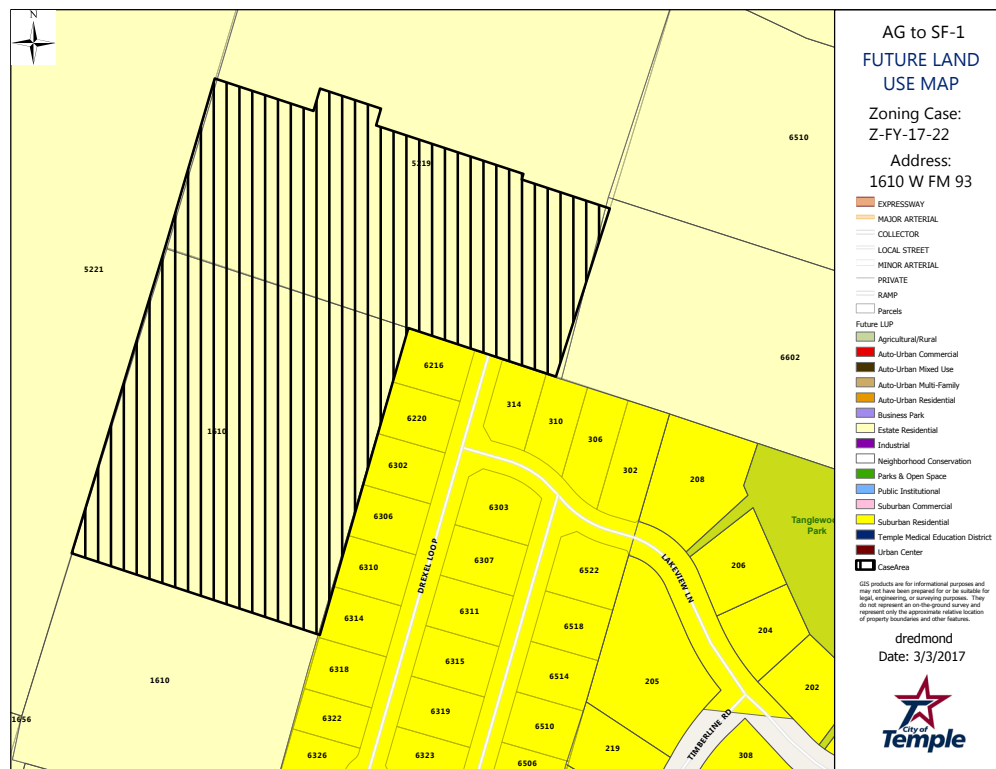
Location Map



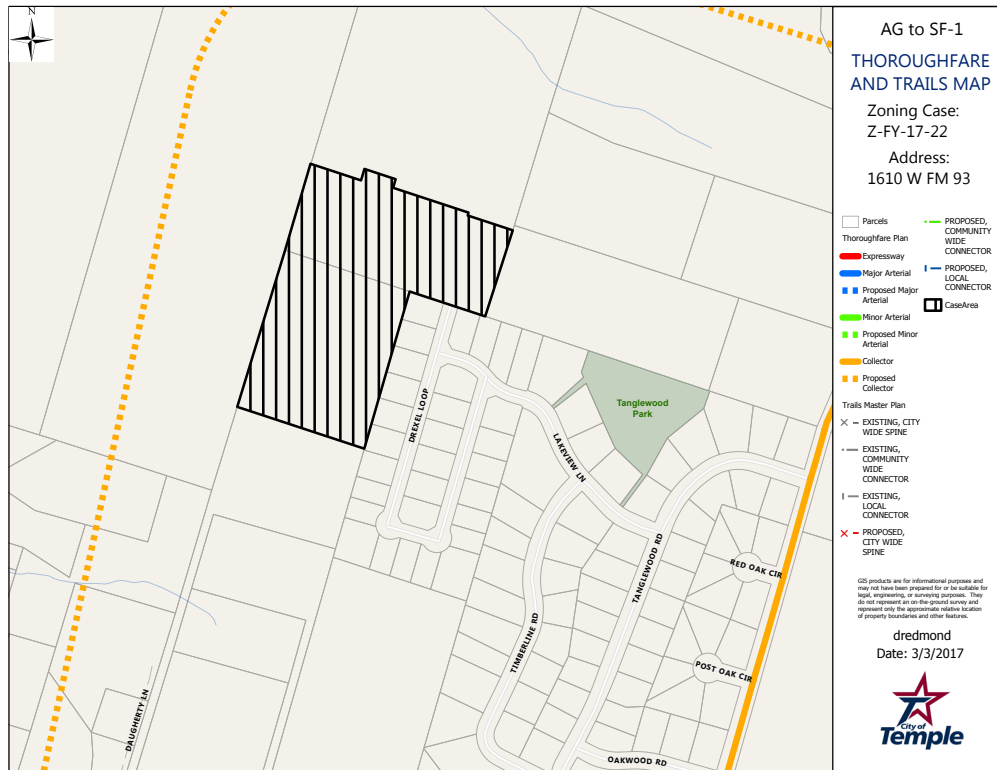
Aerial



Zoning Map



Future Land Use Map



Thoroughfare & Trails Master Plans



Utility Map



Notification Map



Existing Easements

Use Comparison Summary Table

	Existing Agriculture	Proposed Single Family-1
Residential Uses	Single-family dwelling *Home for the aged	Single-family dwelling
Agricultural Uses	Farm, Ranch or Orchard *Animal shelter Livestock auction	Farm, Ranch or Orchard
Commercial Uses	None	None
Education & Institutional	*Child care: day care center Fairgrounds Place of Worship	Place of Worship
Industrial Uses	Animal feedlot Laboratory medical, dental, scientific or research Recycling collection location	*Animal feedlot *Recycling collection location
Overnight Accommodations	*Recreational vehicle park	None
Recreational Uses	Park or Playground Zoo	Park or Playground
Restaurant Uses	None	None
Retail & Service Uses	*Exercise gym	None
Transportation Uses	*Airport or landing field	None
Vehicle Service Uses	None	None

*Conditional Use Permit required

Surrounding Properties & Uses Table

Direction	FLUM	Zoning	Current Land Use
Site	Estate Residential	AG	vacant
North	Estate Residential	AG	vacant
South	Estate Residential	AG	vacant
West	Estate Residential	AG	vacant
East	Suburban Residential	PD-SF1	single-family residences

Comprehensive Plan Compliance Summary Table

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Residential Dimensional Standards Comparison

	Existing Agricultural	Proposed Commercial
Minimum Lot Size	1 acre	7,500 sq ft
Minimum Lot Width	100 ft	60 ft
Minimum Lot Depth	150 ft	100 ft
Front Setback	50 ft	25 ft
Side Setback	15 ft	6 ft min/7.5 ft max
Side Setback (corner)	15 ft	15 ft
Rear Setback	10 ft	10 ft
Max Building Height	3 stories	2



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MCCUSKEY, STUART & RONY LEDESMA
1645 ALTA VISTA LOOP
TEMPLE, TX 76502-5573

460763

Zoning Application Number: Z-FY-17-22

Case Manager: Dessie Redmond

Location: 1610 W. FM 93, Temple, Texas

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 ☒ agree

() disagree with this request

Comments:

Please rezoning the area with the same value of houses, safety, street lights, fire safety, and trees. Thank you Stuart

Stuart McCuskey
Signature

STUART MCCUSKEY
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, dredmond@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than March 20, 2017.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 31

Date Mailed: March 9, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

AVERY, ROBERT D ETUX JANET CAROL
6602 HARTRICK BLUFF RD
TEMPLE, TX 76502-3588

4427

Zoning Application Number: Z-FY-17-22

Case Manager: Dessie Redmond

Location: 1610 W. FM 93, Temple, Texas

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 ☒ agree

☐ disagree with this request

Comments:

*My concern is that Lakewood LN and
Tanglewood ST are not sufficient to handle
more traffic for access especially with the
houses being built around Drexel Coop. There
needs to be another outlet for traffic.*

Robert D. Avery
Signature

ROBERT D. AVERY
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, dredmond@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than March 20, 2017.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

MAR 24 2017

City of Temple
Planning & Development

Number of Notices Mailed: 31

Date Mailed: March 9, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

Returned Property Owner Notices - Within 200' Buffer Area -
Stellar Improvement Corporation (the applicant): 15 total



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

STELLAR IMPROVEMENT CORPORATION
23 EAST 21ST AVENUE
BELTON, TX 76513

390529 /460761

Zoning Application Number: Z-FY-17-22

Case Manager: Dessie Redmond

Location: 1610 W. FM 93, Temple, Texas

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 ☒ agree

() disagree with this request

Comments:


Signature

Lina Chay as representative for
Print Name Mark Rendon

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, dredmond@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than March 20, 2017.

**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

Number of Notices Mailed: 31

Date Mailed: March 9, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

Returned Property Owner Notices - Within 200' Buffer Area -
Alethium Star Homes LLC: 3 total notices



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

ALETHIUM STAR HOMES LLC
2133 DOWNING ST
BELTON, TX 76513

460760

Zoning Application Number: Z-FY-17-22

Case Manager: Dessie Redmond

Location: 1610 W. FM 93, Temple, Texas

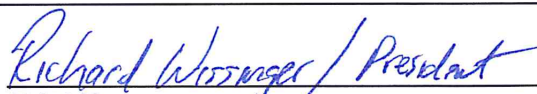
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I ☒ agree

() disagree with this request

Comments:


Signature


Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, dredmond@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than March 20, 2017.

RECEIVED

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

MAR 17 2017
City of Temple
Planning & Development

Number of Notices Mailed: 31

Date Mailed: March 9, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

PLANNING & ZONING COMMISSION MEETING

MONDAY, MARCH 20, 2017

ACTION ITEMS

Item 2: Z-FY-17-22 - Hold a public hearing to discuss and recommend action on a rezoning request from the Agricultural (AG) zoning district to the Single Family-One (SF-1) zoning district, on 10.666 +/- acres, of the Maximo Moreno Survey, Abstract No. 14, being a part of a 10.00 acre tract of land and a part of a 42.13 acre tract described in a deed to Stellar Improvement Corporation, Bell County, located at 1610 W. FM 93, Temple, Texas.

Ms. Dessie Redmond, Planner, stated this item is scheduled to go forward to City Council for first reading on April 20, 2017 and second reading on May 4, 2017.

The applicants for this rezoning request are Mr. Mark Rendon with Stellar Homes and Ms. Lina Chtay with Belton Engineering. The subject property is currently vacant and undeveloped.

Various site photos shown. Currently there is a row of lots along the front of Drexel Loop which are part of the amending Highland Park Estates. The subject property is located behind these lots to the east.

It is anticipated the site will be developed with single-family residences similar to existing development in the area.

The site has never been platted, but it lies within the City limits.

Surrounding properties include Highland Park Estates to the east (Ridgewood Estates further to the east), and undeveloped and vacant land to the north, west and south.

There are two existing easements on the property:

- A point eight (.8) acre temporary easement for temporary detention facility and an all-weather turning area for emergency vehicles, which will expire with the platting and construction of this proposed phase; and
- A 20-foot wide utility easement.

Zoning map is shown. The existing zoning for the subject property is AG, the proposed zoning requested is SF-1, AG lies to the north, south, and west, and a Planned Development-Single Family One (PD-SF1) is to the east.

The Future Land Use and Character Map designate the subject property as Estate Residential, which is intended for larger lot rural development located on the fringes of the City. This request is for single family residential on the fringes of the City, and it is anticipated the lots will be larger than the 7,500 square foot minimum lot size, per the Unified Development Code (UDC) but not large lots for rural developed as stated in the Future Land Use and Character Map. This request is compatible with the existing development surrounding the area. Therefore, this request is in partial compliance with the Future Land Use Map. If approved, the Future Land Use and Character Map will need to be updated.

Access is available from West FM 93, Timberline Road, Lakeview Lane, and Drexel Loop which is designated by the Thoroughfare Plan as a local street. If additional right-of-way is needed it will be addressed during the platting phase.

No sidewalk requirements exist for local street designations.

There are no trails proposed within or abutting the site.

March 20, 2017 Planning & Zoning Commission Excerpts,
continued

A compliance summary table is shown. This request is in compliance with the Thoroughfare Plan, the Trails Master Plan and Sidewalk Ordinance, and is consistent with the growth and development patterns of the City's infrastructure and public service capabilities. This request is in partial compliance with the Future Land Use and Character Map.

A Use Comparison Summary Table and a Residential Dimensional Standards Table are shown for existing and proposed zoning districts.

This request includes a companion case for review of a concept plan (sketch plan) which is not considered an official plat submittal. A Development Review Committee (DRC) meeting is scheduled to review this concept plan on March 23, 2017 with the applicant and Staff anticipates an official plat submittal in the near future.

Notices were mailed in accordance with all state and local regulations with 19 notices returned in agreement of the request and zero notices in disagreement. Sixteen of the notices returned in agreement were from the applicant who owns those properties. The other three notices were from the same property owner.

Based on the following compliance factors, Staff recommends approval for a rezoning from the AG zoning district to the SF-1 zoning district:

1. Surrounding zoning;
2. Partial compliance with the Future Land Use Map Estate Residential designation;
3. Thoroughfare Plan; and
4. Availability of public facilities to serve the subject property.

Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 2, **Z-FY-17-22**, as presented, and Commissioner Alaniz made a second.

Motion passed: (6:0)

Vice-Chair Fettig, Commissioners Jones and Ward absent

ORDINANCE NO. 2017-4840
(Z-FY-17-22)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY ONE ZONING DISTRICT ON APPROXIMATELY 10.666 ACRES OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BEING A PART OF AN APPROXIMATELY 10 ACRE TRACT OF LAND, AND A PART OF AN APPROXIMATELY 42.13 ACRE TRACT OF LAND DESCRIBED IN A DEED TO STELLAR IMPROVEMENT CORPORATION, BELL COUNTY, LOCATED AT 1610 WEST FM93, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural zoning district to Single Family One zoning district, on approximately 10.666 acres, out of the Maximo Moreno Survey, Abstract No. 14, being a part of an approximately 10 acre tract of land and a part of an approximately 42.13 acre tract of land described in a deed to Stellar Improvement Corporation, Bell County, located at 1610 West FM 93, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: Staff recommends approval of a rezoning from Agricultural zoning district to Single Family One zoning district.

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

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 **20th** day of **April**, 2017.

PASSED AND APPROVED on Second Reading on the **4th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/04/17
Item #6(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2016-2017 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$10,781.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
May 4, 2017

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-4000-555-2511		Other Services / Printing/Publication	\$ 500	
110-0000-461-0841		Other / Donations/Gifts		\$ 500
To appropriate donations received for Summer Reading Program to cover the expense of printing water bill inserts promoting the program.				
110-3620-560-2515		Other Services / Dues & Subscriptions	\$ 2,975	
110-0000-446-3530		Other / Miscellaneous Airport Revenue		\$ 2,975
To appropriate anticipated reimbursements by Avfuel for Total Aviation Services' monthly user license fee.				
110-1900-519-6221	101188	Capital Equipment / Computer Software	\$ 7,306	
110-0000-317-0000		Municipal Court Technology Fees		\$ 7,306
To appropriate Municipal Court Technology Restricted Funds to purchase half of the CAGIS Crime Analysis upgrade. IT Technology fees are funding the remaining half of the cost.				
TOTAL AMENDMENTS			\$ 10,781	\$ 10,781
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			\$ 5,257	
Added to Contingency Judgments & Damages from Council Contingency			-	
Taken From Judgments & Damages			-	
Net Balance of Judgments & Damages Contingency Account			\$ 5,257	
Beginning Compensation Contingency			\$ 560,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			-	
Net Balance of Compensation Contingency Account			\$ 560,000	
Net Balance Council Contingency			\$ 565,257	
Beginning Balance Budget Sweep Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	
WATER & SEWER FUND				
Beginning Contingency Balance			\$ 50,000	
Added to Contingency Sweep Account			-	
Taken From Contingency			(41,558)	
Net Balance of Contingency Account			\$ 8,442	
Beginning Compensation Contingency			\$ 112,500	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			-	
Net Balance of Compensation Contingency Account			\$ 112,500	
Net Balance Water & Sewer Fund Contingency			\$ 120,942	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
May 4, 2017

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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	\$	28,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	28,300
		Net Balance Hotel/Motel Tax Fund Contingency	\$	28,300
		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	\$	24,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	24,300
		Net Balance Drainage Fund Contingency	\$	24,300
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		14,947
		Added to Contingency Sweep Account		22,397
		Taken From Contingency		-
		Net Balance Fed/State Grant Fund Contingency	\$	37,344

RESOLUTION NO. 2017-8633-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2016-2017 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 26th day of August, 2016, the City Council approved a budget for the 2016-2017 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2016-2017 City Budget.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council approves amending the 2016-2017 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 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 4th day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/04/17
Item #7
Regular Agenda
Page 1 of 3

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Z-FY-17-23: Consider adopting an ordinance authorizing a rezoning from the General Retail zoning district to the Multi-Family Two zoning district on 12.33 +/- acres, situated in the C.S. Masters Survey, Abstract 550, Bell County, which is part of a 49.13 acre tract, located at 3000 West Adams Avenue, Temple, Texas.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their April 3, 2017 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the proposed rezoning as presented by staff.

STAFF RECOMMENDATION: Based on the following compliance factors, staff recommends approval for a rezoning from the GR zoning district to the MF-2 zoning district:

1. Existing multi-family use on the property;
2. Surrounding zoning;
3. Future Land Use Auto-Urban Multi-Family character district designation;
4. The Thoroughfare Plan; and
5. Availability of public facilities to serve the subject property.

ITEM SUMMARY: The subject property contains 12.332 +/- acres (attachment: Surveyor's Sketch) and is a portion of a 49.13 acre parcel. The 12.332 acre portion of the property is developed with an existing multi-family use (16 two-story apartment buildings with a total of 128 units). Currently, the property is in the GR zoning district. The applicant requests to change this portion of the property to the MF-2 zoning district. If approved, this request would bring the property in to compliance with the Unified Development Code (UDC) as two-story apartment buildings are permitted in the MF-2 zoning district.

The subject property, including the adjacent areas, have never been platted and are within city limits. In February 2017, a companion plat to this rezoning request was submitted to Staff for the subject property and adjacent areas. The plat has been reviewed by the Development Review Committee (DRC). Once the applicant has completed the revisions requested by the DRC the plat will move forward to the Planning and Zoning Commission for review.

The property abuts West Adams Avenue to the south which is designated as a major arterial, but currently has no sidewalk. Permit records show repairs to the apartment buildings back in 1984, but the records do not indicate which year they were initially constructed. Staff believes they were built around 1971. Currently, the interiors of all 128 units are being renovated. Recently, a permit was issued for the renovations, which specified the cost to remodel the interiors was \$46,500. UDC, Section 7.3.1 states, "Sidewalks built in accordance with the standards in Section 8.2.3 are required adjacent to a collector street, minor arterial or major arterial if the cost to remodel an existing structure is by 50 percent or more of the assessed value of the property per the current tax rolls." Bell County shows the assessed value of the property to be \$3,171,965. Due to the cost of the interior remodel being less than 50 percent of the assessed value the sidewalk requirement is not triggered.

Adjacent to the west, north and east is vacant land, which is the remaining portion of the 49.13 acre parcel. West Adams Avenue abuts the property to the south. Regency Manor Healthcare Center is to the south of West Adams Avenue (attachment: Surrounding Properties & Uses Table).

There is an existing 15 foot wide Utility Easement that runs along the south property line and two more abutting Utility Easements along the east property line; one 15 feet wide and the other seven feet wide (attachment: Existing Easements).

There are other residential and some non-residential uses permitted in the MF-2 zoning district. UDC, Section 4.3.12 states, "The MF-2 zoning district provides for more modest sized dwelling units and an increased number of units within the multiple family complexes, allowing approximately 20 units per acre in buildings three to four stories." A Use Comparison Summary Table is located in the attachments.

COMPREHENSIVE PLAN (CP) COMPLIANCE: The proposed rezoning relates to the following goals, objectives and maps of the Comprehensive Plan and Trails Master Plan. A table summarizing the following discussion is attached: Comprehensive Plan Compliance Summary Table.

Future Land Use Map (CP Map 3.1)

The subject property is within the Auto-Urban Multi-Family character district. According to the Future Land Use Map (FLUM), this character district is intend to accommodate multi-family development. Therefore, this request is in compliance with the FLUM.

Thoroughfare Plan (CP Map 5.2)

The subject property is accessed off of West Adams Avenue to the south or off Airport Road (currently this is blocked) to the north and then off of Village Way, which is designated as a local street in our Thoroughfare Plan. A local street requires 50 feet of right-of-way and 31 feet of pavement. If additional right-of-way is needed, it would be addressed during the platting process. Currently, approximate measures show that there is about 34 feet of pavement. There are no sidewalk requirements for local street designations.

The subject property also abuts West Adams Avenue to the south. This street is designated as a major arterial and has existing sufficient right-of-way. Arterial street designations require a six foot wide sidewalk. Currently, there is no sidewalk and the sidewalk installation requirement is not triggered as explained in the above Item Summary paragraphs. Therefore, this request is in compliance with our Thoroughfare Plan.

Temple Trails Master Plan Map

The Trails Master Plan shows there is a proposed City wide spine trail (six feet wide) along West Adams Avenue. A rezoning does not trigger the requirement for a sidewalk to be installed.

Availability of Public Facilities (CP Goal 4.1)

Sewer and water infrastructure are available to the site. There is a 12 inch water pipe that runs along West Adams Avenue and an 8 inch sewer line that runs along Village Way. Therefore, public facilities are available to the site and the request complies with the City's public service capacities.

DEVELOPMENT REGULATIONS: A comparison summary table for multi-family dwelling, 1-2 stories dimensional standards in the GR & MF-2 zoning districts is located in the attachments (Residential Dimensional Standards for Multi-Family, 1-2 Stories Comparison Table). Multi-family dwelling is not permitted in the GR zoning district, which is depicted in the table.

PUBLIC NOTICE: Six property owners 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, April 25, 2017, one notice for disagreement and one undeliverable letter was returned to staff.

The newspaper printed notice of the public hearing on March 23, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site and Surrounding Property Photos](#)

[Surveyor's Sketch](#)

[Location Map / Aerial](#)

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

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

[Notification Map / Existing Easements](#)

[Use Comparison Summary Table](#)

[Surrounding Properties & Uses Table / Comprehensive Plan Compliance Summary Table /](#)

[Residential Dimensional Standards for Multi-Family, 1-2 Stories Comparison Table](#)

[Returned Property Owner Notices](#)

[April 3, 2017 Planning & Zoning Commission Excerpts](#)

[Ordinance](#)

Site Photos



On W. Adams Avenue looking north into site at existing apartment buildings.



Interior site photos looking at existing apartment buildings and covered parking structures.

Site Photos



North of the subject property: vacant land.



South of the subject property: W. Adams Ave and Regency Manor Healthcare & Rehab Center.

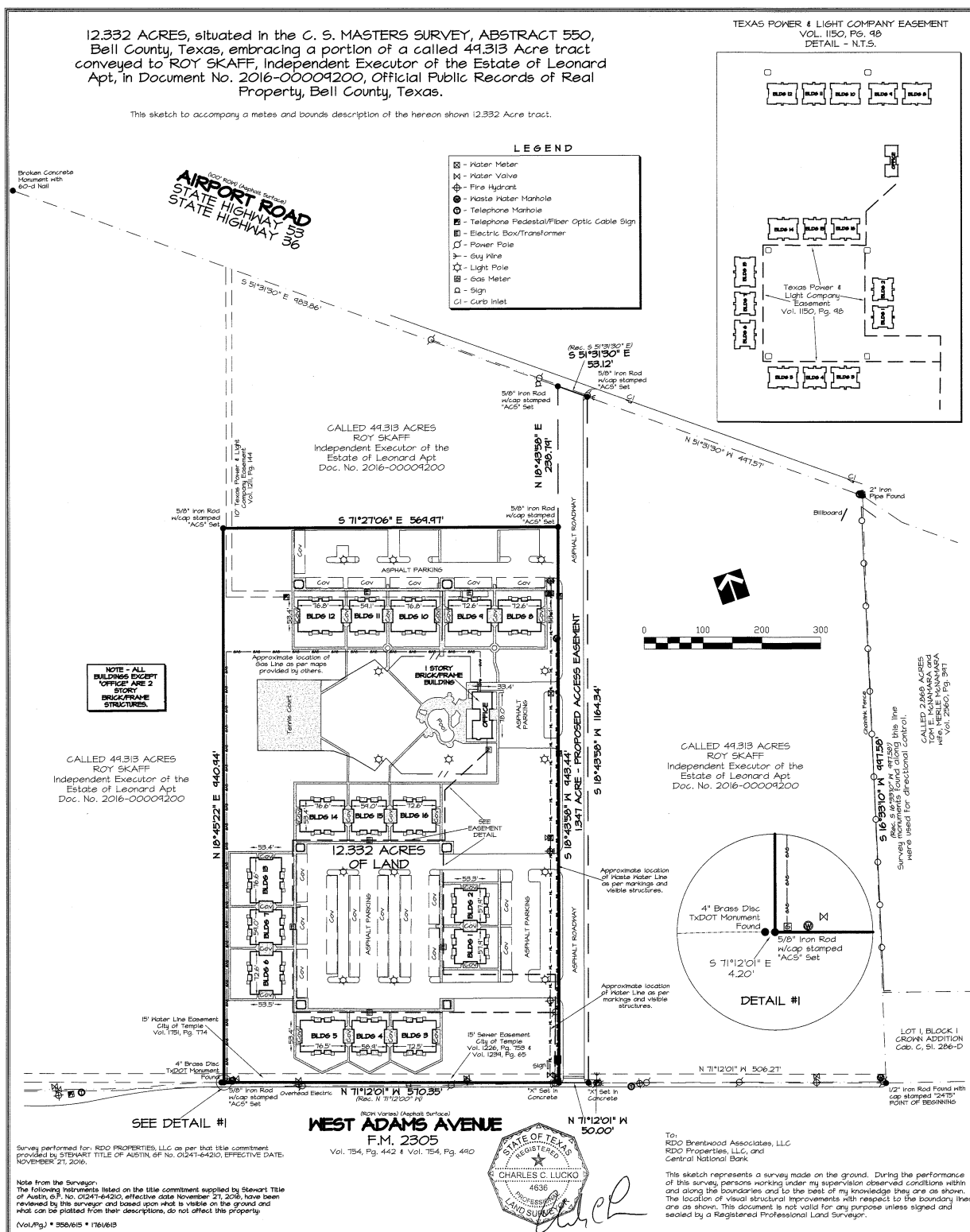
Site Photos

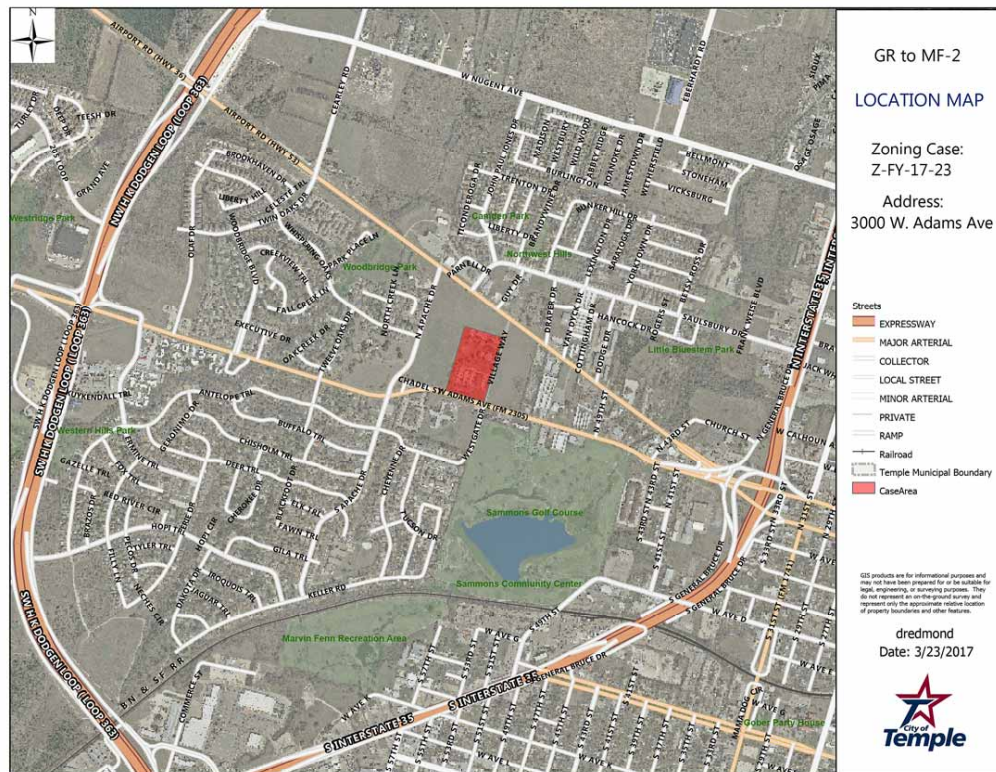


Looking south down Village way and to the east of the subject property: vacant land.

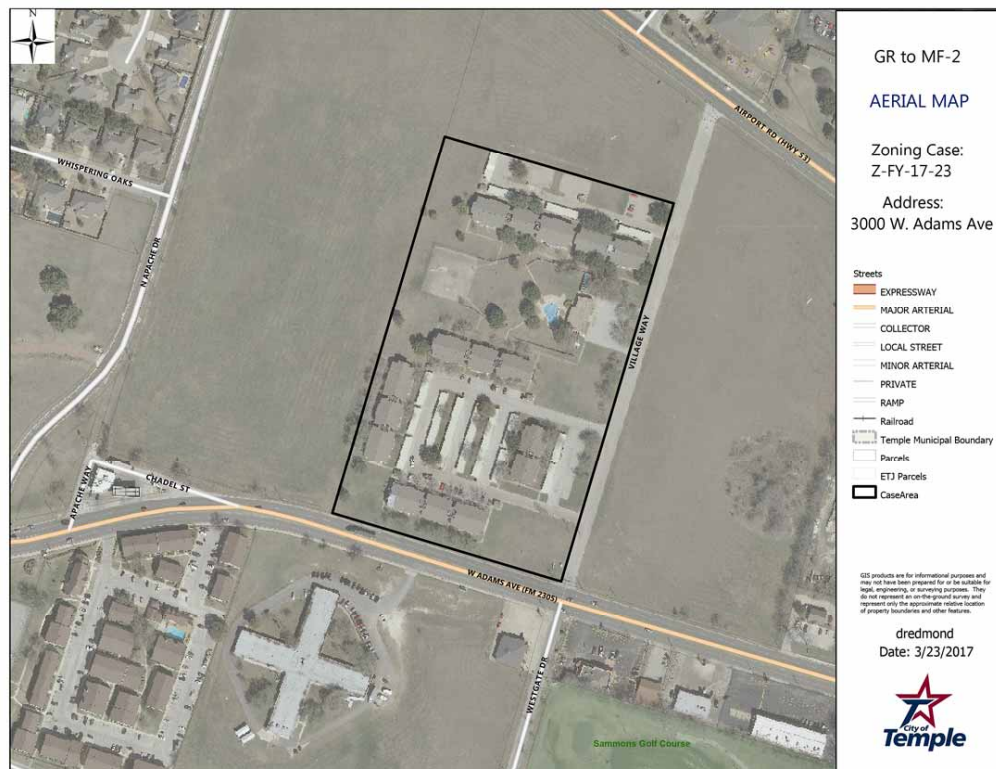


West of the subject property: vacant land.

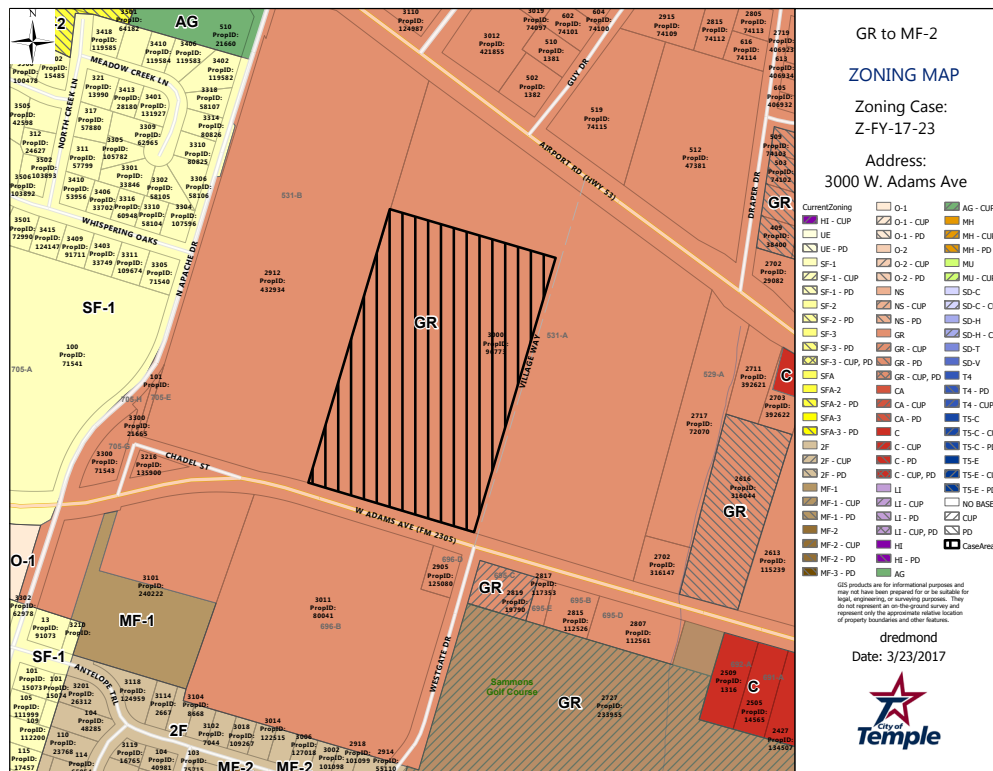




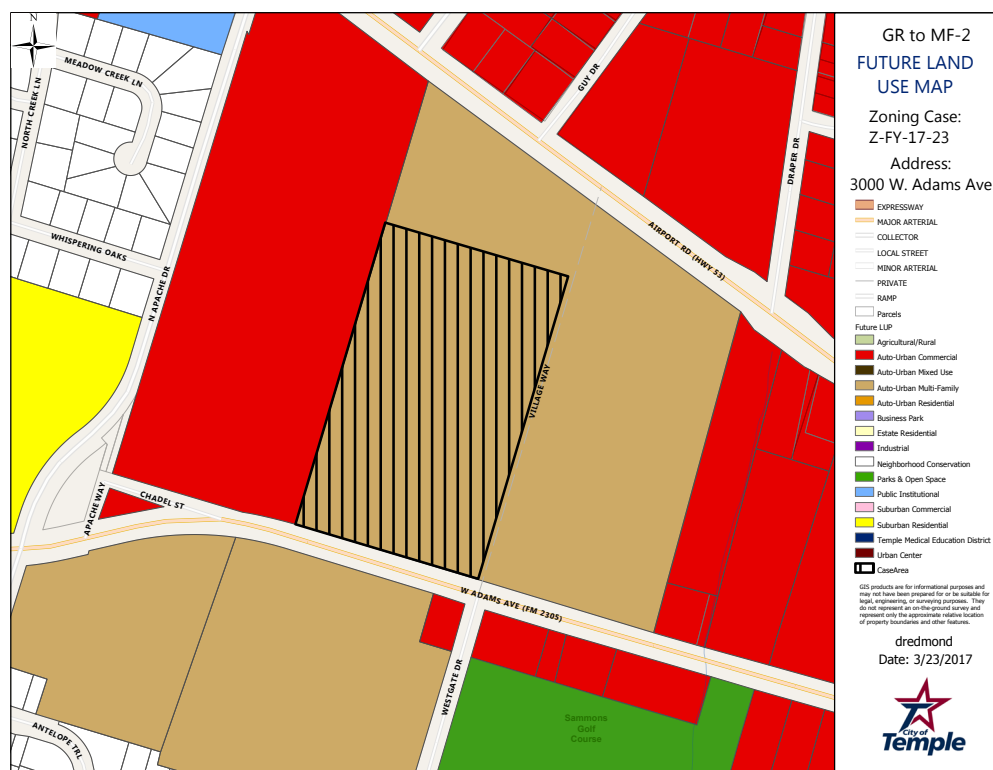
Location Map



Aerial



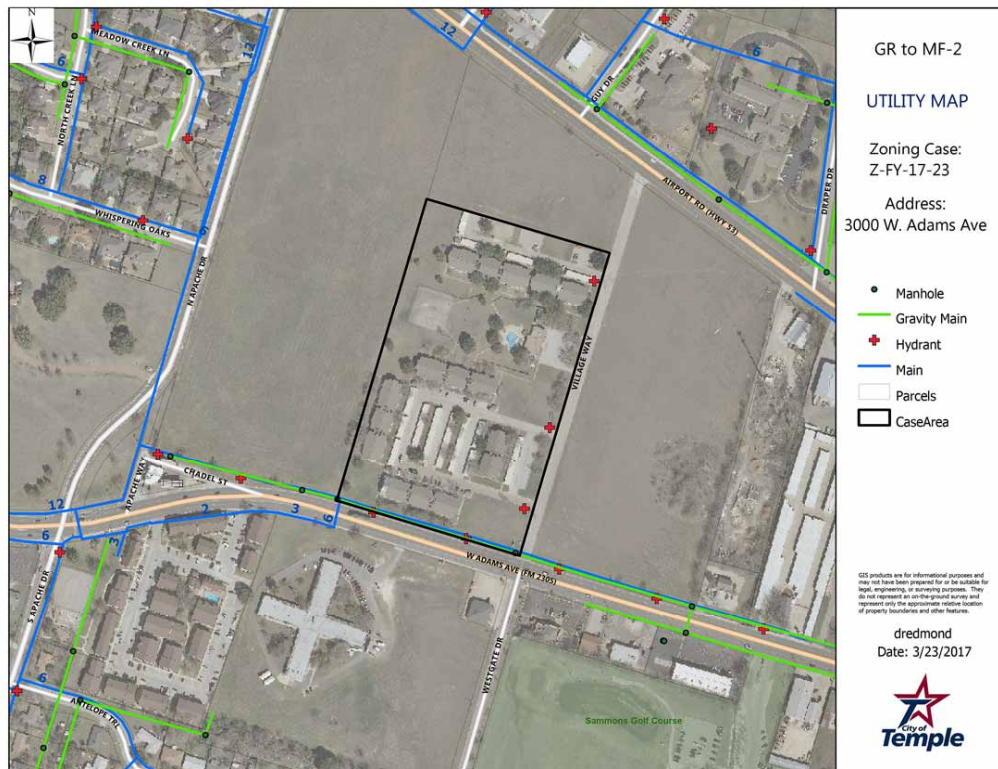
Zoning Map



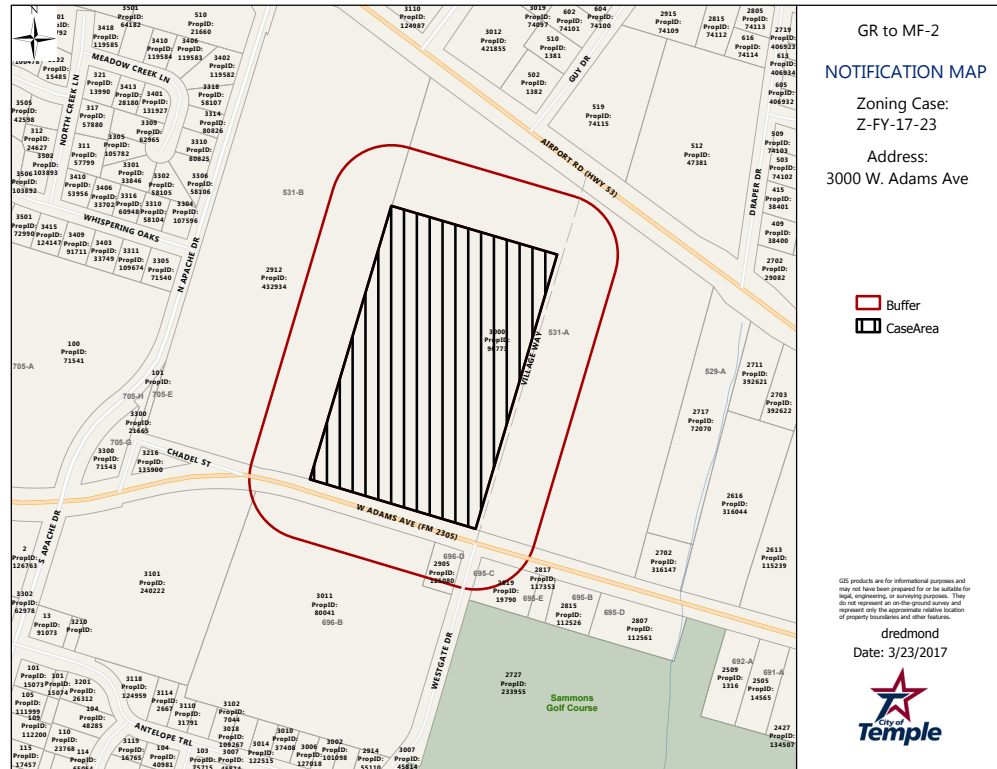
Future Land Use Map



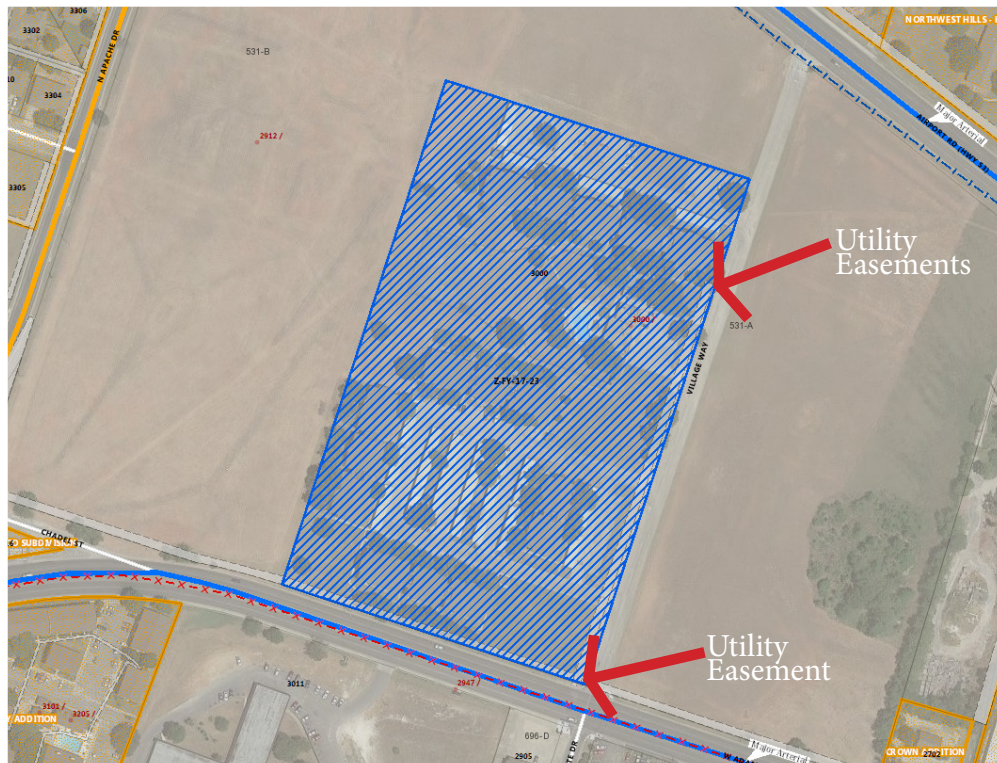
Thoroughfare & Trails Master Plans



Utility Map



Notification Map



Existing Easements

Use Comparison Summary Table

	Existing General Retail	Proposed Multi-Family 2
Residential Uses	Single-family dwelling Convent or monastery *Recreational Vehicle Park Townhouse	Single-family dwelling Multi-Family dwelling (apartment) (L) Townhouse Two-family dwelling (duplex) Zero lot line dwelling
Agricultural Uses	Farm, Ranch or Orchard Kennel without veterinary hospital	Farm, Ranch or Orchard
Commercial Uses	Plumbing shop Upholstery show	None
Education & Institutional	Art Gallery Child care: daycare center (L) *Emergency Center School, business	Place of Worship
Industrial Uses	Laboratory medical, dental, scientific or research Recycling collection location (L)	None
Office Uses	Office *Warehouse office	None
Overnight Accommodations	Hotel or motel *Recreational vehicle park	Hotel or motel
Recreational Uses	Alcoholic beverage sales for on-premise consumption (beer and wine only less than 75% revenue from alcohol) Amusement, commercial (indoor) County club Theater or playhouse (indoor)	None
Restaurant Uses	Restaurant (not drive-in) Restaurant (drive-in)	None
Retail & Service Uses	Exercise gym Antique shop Bakery Bank Furniture and appliance sales and services Tool rental (indoors)	*Exercise gym
Transportation Uses	Emergency vehicle services	None
Utility Service Uses	Radio or tv tower or transmitting station Shop yard of local, state or federal government	*Shop yard of local, state or federal government
Vehicle Service Uses	Auto leasing, rental Car wash	None

*Conditional Use Permit required
(L) Permitted by Right Subject to Limitations

Surrounding Properties & Uses Table

Direction	FLUM	Zoning	Current Land Use
Site	Auto-Urban Multi-Family	GR	Multi-Family
North	Auto-Urban Multi-Family	GR	vacant
South	Auto-Urban Multi-Family	GR	W. Adams Ave
West	Auto-Urban Commercial	GR	vacant
East	Auto-Urban Multi-Family	GR	vacant

Comprehensive Plan Compliance Summary Table

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	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	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Residential Dimensional Standards for Multie Family, 1-2 Stories Comparison

	Existing General Retail	Proposed MF-2
Minimum Lot Size	--	2,800 sq ft
Minimum Lot Width	--	60 ft
Minimum Lot Depth	--	120
Front Setback	--	25 ft
Side Setback	--	See 5.3.3
Side Setback (corner)	--	15 ft
Rear Setback	--	10 ft
Max Building Height	--	2

-- = Use not permitted

See 5.3.3 Specific Use Standards



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

APT, LEONARD TRUST & KENNETH M RAPPAPORT
PO BOX 22584
SAN DIEGO, CA 92192

Zoning Application Number: Z-FY-17-23

Case Manager: Dessie Redmond

Location: 3000 West Adams Avenue, Temple, TX

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 () agree

☒ disagree with this request

RECEIVED

APR 17 2017

City of Temple
Planning & Development

Comments:


Signature

K.M. RAPPAPORT
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, dredmond@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 3, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 6

Date Mailed: March 23, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 3, 2017**

ACTION ITEMS

Item 2: Z-FY-17-23 – Hold a public hearing to consider and recommend action on a rezoning from the General Retail (GR) zoning district to the Multi-Family Two (MF-2) zoning district on 12.33 +/- acres, situated in the C.S. Masters Survey, Abstract 550, Bell County, Texas, which is part of a 49.13 acre tract, located at 3000 West Adams Avenue, Temple, Texas.

Ms. Dessie Redmond, Planner, stated this item was scheduled to go to City Council for first reading on May 4, 2017 and second reading on May 18, 2017.

The applicants are Messrs. Connor O'Leary and David O'Leary and the subject property involves the Brentwood Apartments located off of West Adams Avenue. The request is for a 12.33 acre portion of an overall 49.13 acre parcel of land. The apartments were developed in the 1970s with 16 two-story apartment buildings with a total of 128 units. Currently, the existing zoning of General Retail (GR) is non-conforming so this request will bring the property into compliance with the City's Zoning Ordinance.

Site photos are shown.

Surrounding properties include vacant land to the north, east and west, which makes up the remainder of the 49.13 acres of the entire parcel. West Adams Avenue and Regency Manor Healthcare and Rehab Center are to the south.

The subject property has never been platted and lies with the city limits. A companion plat has been submitted for the entire 49.13 +/- acres site and is currently in the Development Review Committee (DRC) reviewing process.

Staff believes the apartments were built around 1971. The Permits records show repairs to apartments beginning in 1984. Currently, the interior of all the units are being renovated.

There is an existing 15-foot wide utility easement on the south property line. There are two abutting utility easements, 15-foot and seven-foot wide, located along the east side of the subject area.

Zoning map shown.

The Future Land Use and Character Map designates the property within Auto-Urban Multi-Family character district, which is intended to accommodate multi-family development.

Access for the apartments is off of West Adams Avenue and then off of Village Way. Village Way is designated as a local street and does not require sidewalks. Village Way is currently a private street.

The Thoroughfare Plan designates West Adams Avenue as a major arterial with a proposed city wide spine trail.

A rezoning does not trigger sidewalk requirements. However, new structures or major remodels would trigger the required sidewalk to be built.

Public facilities are available to serve the property.

This rezoning request is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, and is consistent with the City's infrastructure and public service capacities.

The Temple Trails Master Plan is not triggered by the request.

Six notices were mailed in accordance with all state and local regulations with zero notices returned in agreement or disagreement.

Based on the compliance factors, Staff recommends approval for a rezoning from the GR zoning district to the MF-2 zoning district.

Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 2, **Z-FY-17-23**, as presented, and Commissioner Jones made a second.

Motion passed: (7:0)

Commissioners Ward and Commissioner Marshall absent

ORDINANCE NO. 2017-4841
(Z-FY-17-23)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM GENERAL RETAIL ZONING DISTRICT TO MULTI-FAMILY TWO ZONING DISTRICT ON APPROXIMATELY 12.33 ACRES SITUATED IN THE C.S. MASTERS SURVEY, ABSTRACT NO. 550, BELL COUNTY, WHICH IS PART OF AN APPROXIMATELY 49.13 ACRE TRACT LOCATED AT 3000 WEST ADAMS AVENUE, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from General Retail zoning district to Multi-Family Two zoning district on approximately 12.33 acres, situated in the C.S. Masters Survey, Abstract 550, Bell County, which is part of an approximately 49.13 acre tract, located at 3000 West Adams Avenue, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: Staff recommends approval of a rezoning from General Retail zoning district to Multi-Family Two zoning district.

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

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 **4th** day of **May**, 2017.

PASSED AND APPROVED on Second Reading on the **18th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/04/17
Item #8
Regular Agenda
Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Brynn Myers, Acting City Manager

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing a number of economic development incentives for neighborhood revitalization in the East Temple area and repealing Ordinance No. 2015-4716.

STAFF RECOMMENDATION: Adopt ordinance on first reading, as presented in item description with second and final reading set for May 18, 2017.

ITEM SUMMARY: The purpose of this ordinance is to promote neighborhood revitalization in East Temple through infill redevelopment. This program includes incentives for residential and commercial structures' rehabilitation, expansion, and/or new construction. This ordinance, if adopted, will create an infill redevelopment incentive zone in the East Temple infill redevelopment target area, as defined in Exhibit A, designed to encourage infill redevelopment that might otherwise not occur in the absence of incentives.

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

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

A property owner/developer may be eligible for assistance under this program if they meet all of the following criteria:

- The property is located within the properties of the delineated infill redevelopment incentive zone (see Exhibit A);
- The structure is located on a legally platted lot of record that is zoned to allow the proposed construction;
- All payments for City-provided utilities and all property taxes are current for the property;
- The proposed investment for rehabilitation must total a minimum of \$10,000 or the proposed investment for new construction must total a minimum of \$60,000;
- The applicant must complete an application and follow the application process.

All projects are subject to and must comply with all applicable local, State, and Federal laws and building codes.

Applications must be submitted and approved prior to commencement of work. Fee reductions will not be offered on activities commenced prior to contract execution.

The City may consider offering similar economic incentives for development within other areas of the City, when deemed appropriate.

Eligible rehabilitation includes physical improvements to real property to include structural, roof, foundation rehabilitation, exterior and interior improvements to bring up to code or exceed minimum requirements such as electrical, plumbing and HVAC improvements. Eligible rehabilitation does NOT include personal property (such as furniture, appliances, equipment, and/or supplies).

New construction is a newly constructed structure for residence or conduct of business requiring a permanent foundation. This excludes accessory structures such as sheds and incidental out buildings.

Proposed incentives include:

Waiver of Fees

The following fees for services performed by the City of Temple may be waived:

- All building permit related fees (up to \$2,000);
- Water and wastewater tap fees;
- Roll-off container rental and service fees.

If a permit is expired, the fee to reactivate, renew, or reapply shall not be waived. In addition, penalties and extension fees or re-permitting fees will not be waived.

Hazardous materials will not be collected.

Release of Liens

The following liens shall be released in conjunction with an eligible new construction or rehabilitation project:

- 100% of mowing liens;
- 50% of demolition liens.

All fees must be paid up front, and one-half of the demolition liens and all the mowing liens will be refunded at the time the Certificate of Occupancy is issued.

The City shall not release or satisfy any lien on a property owned by the person whose actions resulted in the lien being placed on the property. The City shall not release or forgive any lien on a property owned by an immediate family member or a firm, corporation, partnership, or business entity of a person whose actions resulted in the lien being placed on the property. For purposes of this section, the term "immediate family member" shall mean spouse, child, parent, niece, nephew, aunt, uncle, grandparent, grandchild or anyone having one of these relationships by law.

On a case-by-case basis, the City will consider release of liens on property when not in conjunction with an eligible new construction or rehabilitation project if the City Manager deems the release of liens will advance the City's revitalization efforts.

Demolition and Lot Clearing by City Crews

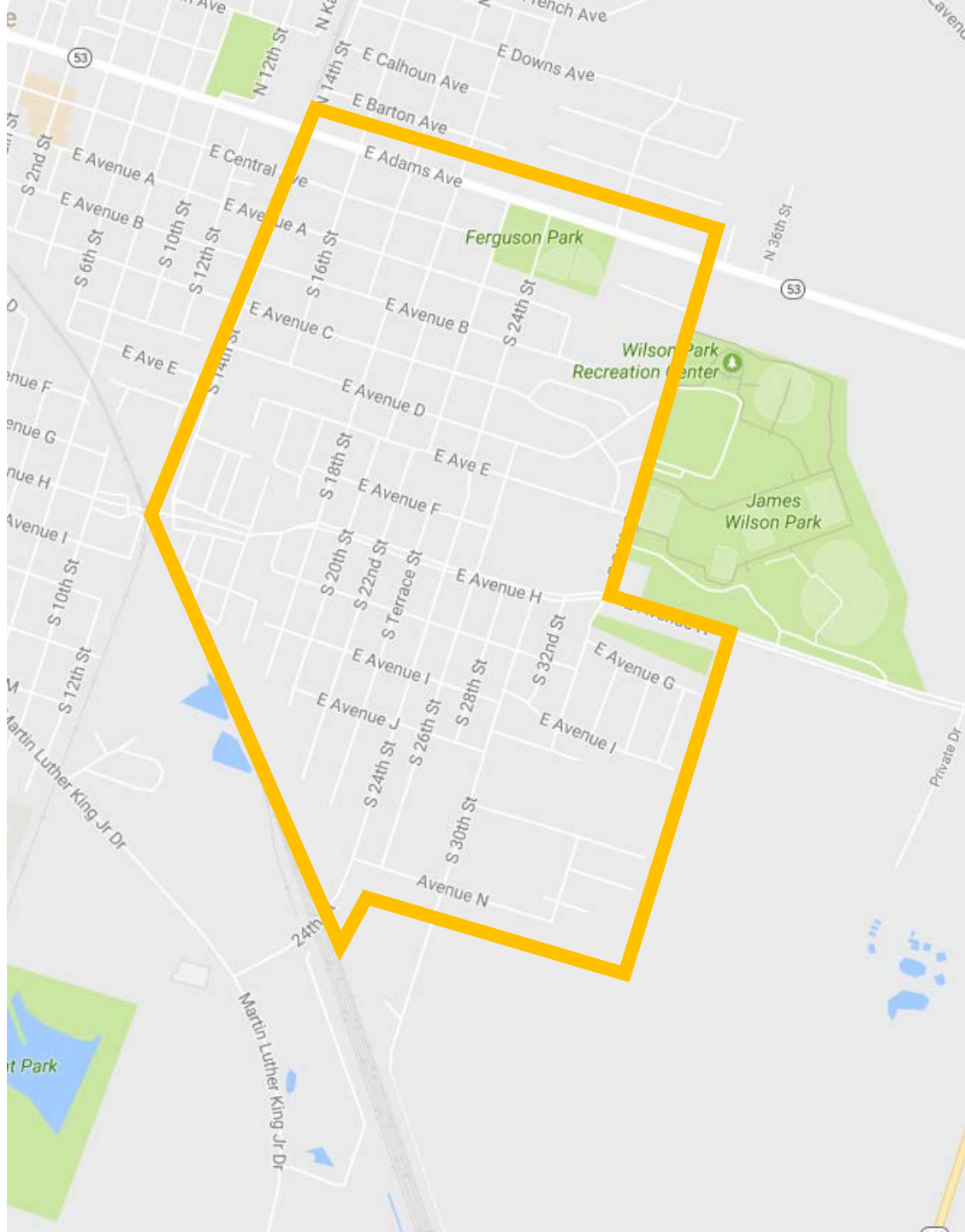
On a case-by-case basis, the City will perform demolition and/or lot clearing on lots proposed for new construction when the City has the capacity and equipment to do so.

The City will not demolish buildings where the City determined that there is a reasonable probability that the building contains asbestos, unless the applicant agrees to obtain an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure.

FISCAL IMPACT: Incentives proposed under this program would be in the form of in-kind services or through forgoing potential revenue. Individual incentive agreements will be presented to the City Council for approval.

ATTACHMENTS:

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



ORDINANCE NO. 2017-4842

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A NUMBER OF ECONOMIC DEVELOPMENT INCENTIVES FOR NEIGHBORHOOD REVITALIZATION IN THE EAST TEMPLE AREA AND REPEALING ORDINANCE NO. 2015-4716; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the promotion of neighborhood revitalization in East Temple through infill redevelopment is a priority for the City – the neighborhood revitalization program includes incentives for residential and commercial structures’ rehabilitation, expansion, and/or new construction;

Whereas, this Ordinance creates an infill redevelopment incentive zone in the East Temple infill redevelopment target area, as defined in Exhibit “A,” attached hereto and is designed to encourage infill redevelopment that might otherwise not occur in the absence of incentives;

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

Whereas, this Ordinance encourages redevelopment in the proposed East Temple infill redevelopment incentive zone primarily through the availability of incentives (Chapter 380) where the City participates with dollars or in-kind services to encourage redevelopment;

Whereas, this Ordinance creates enabling authority, but is subject to the availability of funds that may be appropriated from year to year by the City Council as part of the annual budget process;

Whereas, a property owner/developer may be eligible for assistance under this program if they meet all of the following criteria:

- The property is located within the properties of the delineated infill redevelopment incentive zone (see Exhibit A);
- The structure is located on a legally platted lot of record that is zoned to allow the proposed construction;
- All payments for City-provided utilities and all property taxes are current for the property;

- The proposed investment for rehabilitation must total a minimum of \$10,000 or the proposed investment for new construction must total a minimum of \$60,000; and
- The applicant must complete an application and follow the application process;

Whereas, all projects are subject to and must comply with all applicable local, State, and Federal laws and building codes;

Whereas, applications must be submitted and approved prior to commencement of work and fee reductions will not be offered on activities commenced prior to contract execution;

Whereas, the City may consider offering similar economic incentives for development within other areas of the City, when deemed appropriate;

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

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: That the following economic development incentives for neighborhood revitalization in the East Temple area are hereby adopted by the City of Temple, Texas, as follows:

Eligible Rehabilitation:

Eligible rehabilitation includes physical improvements to real property to include structural, roof, foundation rehabilitation, exterior and interior improvements to bring up to code or exceed minimum requirements such as electrical, plumbing and HVAC improvements. Eligible rehabilitation does NOT include personal property (such as furniture, appliances, equipment, and/or supplies).

New Construction:

New construction is a newly constructed structure for residence or conduct of business requiring a permanent foundation - this excludes accessory structures such as sheds and incidental out buildings.

Eligible Incentives:

A. Waiver of Fees:

The following fees for services performed by the City of Temple may be waived:

- All building permit related fees (up to \$2,000);
- Water and wastewater tap fees;
- Roll-off container rental and service fees.

If a permit is expired, the fee to reactivate, renew, or reapply will not be waived. In addition, penalties and extension fees or re-permitting fees will not be waived.

Hazardous materials will not be collected.

B. Release of Liens:

The following liens will be released in conjunction with an eligible new construction or rehabilitation project:

- 100% of mowing liens;
- 50% of demolition liens.

All fees must be paid up front, and one-half of the demolition liens and all the mowing liens will be refunded at the time the Certificate of Occupancy is issued.

The City will not release or satisfy any lien on a property owned by the person whose actions resulted in the lien being placed on the property and the City will not release or forgive any lien on a property owned by an immediate family member or a firm, corporation, partnership, or business entity of a person whose actions resulted in the lien being placed on the property; for purposes of this section, the term "immediate family member" shall mean spouse, child, parent, niece, nephew, aunt, uncle, grandparent, grandchild or anyone having one of these relationships by law.

On a case-by-case basis, the City will consider release of liens on property when not in conjunction with an eligible new construction or rehabilitation project if the City Manager deems the release of liens will advance the City's revitalization efforts.

C. Demolition and Lot Clearing by City Crews

On a case-by-case basis, the City will perform demolition and/or lot clearing on lots proposed for new construction when the City has the capacity and equipment to do so.

The City will not demolish buildings where the City determined that there is a reasonable probability that the building contains asbestos, unless the applicant agrees to obtain an asbestos survey and abate the asbestos, where necessary, prior to demolition of the structure.

Part 3: 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 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 **4th** day of **May**, 2017.

PASSED AND APPROVED on Second and Final Reading on the **18th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/04/17
Item #9
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Brynn Myers, Acting City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following agreements with Strategic Government Resources, Inc., Keller, for the following services:

- (A) the search and recruitment of the City Manager position in an amount not to exceed \$27,000;
- (B) a pre-hire team building and healthy governance workshop in an amount not to exceed \$13,000, and;
- (C) a post-hire team follow-up workshop in an amount not to exceed \$13,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution authorizes an agreement with Strategic Government Resources, Inc. (SGR) for the search and recruitment of a city manager. The proposed project methodology for the executive search includes the following services:

- Organizational Inquiry and Analysis
- Advertising and Recruitment
- Initial Screening and Review
- Evaluation of Semifinalist Candidates
- Evaluation of Finalist Candidates
- Interview Process
- Negotiations and Hiring Process

Additional services proposed include two City Council workshops/retreat. The first workshop would occur at the beginning of the search process and focus on team-building and healthy governance, and the second one (after the new City Manager is in place) would focus team-building, healthy governance, as well as strategic visioning.

FISCAL IMPACT: The proposed fee the executive recruitment services is not to exceed \$27,000. The proposed fee for each full day workshop is \$8,000. This includes the professional fee for the retreat and all retreat preparation. Additionally an advanced interview fee of \$275 per advance interview is proposed. This includes advance work to define the topics and questions, the actual onsite interviews, all advance interpretation and analysis, and preparation of presentation summaries. There is a \$150 per person cost for the professionally validated assessment instrument which SGR proposes to use as part of this retreat. Finally, the City would be responsible for travel expenses from Keller. The estimated not to exceed amount per retreat is \$13,000.

(A)Funding in the amount of \$27,000 for the executive recruitment services is available in account 110-1000-511-2616.

(B)Funding in the amount of \$13,000 for the pre-hire team building and healthy governance workshop is available in account 110-1000-511-2616.

(C)Funding in the amount of \$13,000 for the post-hire team follow-up workshop is available in account 110-1000-511-2616.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8634-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH STRATEGIC GOVERNMENT RESOURCES, INC. OF KELLER, TEXAS FOR SERVICES ASSOCIATED WITH THE SEARCH AND RECRUITMENT OF A CITY MANAGER POSITION IN AN AMOUNT NOT TO EXCEED \$27,000; A PRE-HIRE TEAM BUILDING AND HEALTHY GOVERNANCE WORKSHOP IN AN AMOUNT NOT TO EXCEED \$13,000; A POST-HIRE TEAM FOLLOW-UP WORKSHOP IN AN AMOUNT NOT TO EXCEED \$13,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 28, 2017, Jonathan Graham submitted his letter of intent to retire as City Manager of the City of Temple effective close of business Friday, June 23, 2017;

Whereas, Staff recommends Council authorize an agreement with Strategic Government Resources, Inc. (SGR) for the search and recruitment of a City Manager for the City of Temple;

Whereas, the proposed project methodology for the executive search includes the following services:

- Organizational Inquiry and Analysis;
- Advertising and Recruitment;
- Initial Screening and Review;
- Evaluation of Semifinalist Candidates;
- Evaluation of Finalist Candidates;
- Interview Process;
- Negotiations and Hiring Process;

Whereas, additional services proposed include two City Council workshops/retreats;

Whereas, the first workshop will occur at the beginning of the search process and focus on team-building and healthy governance, and the second one (after the new City Manager is in place) will focus on team-building, healthy governance, as well as strategic visioning;

Whereas, funding for the proposed fees of the executive recruitment services, in an amount not to exceed \$27,000, is available in Account No. 110-1000-511-2616;

Whereas, funding for the pre-hire team building and healthy governance workshop, in an amount not to exceed \$13,000, is available in Account No. 110-1000-511-2616;

Whereas, funding for the post-hire team follow-up workshop, in an amount not to exceed \$13,000, is available in Account No. 110-1000-511-2616; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes an agreement with Strategic Government Resources, Inc. of Keller, Texas for the search and recruitment of the City Manager position, a pre-hire team building and healthy governance workshop and a post-hire team follow-up workshop, in a combined amount not to exceed \$53,000.

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 **4th** day of **May**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney