



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, FEBRUARY 15, 2018
3:30 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 15, 2018.
2. Receive a presentation regarding the First Quarter Financial results for Fiscal Year 2018.
3. Discuss various board appointments.
4. Discuss a voluntary annexation petition of 1.310 acres of land located at 2381 FM 1237 in Temple.
5. Discuss ongoing eminent domain proceedings on two properties required for the expansion of Moores Mill Road and Old Howard Road, known as the Research Parkway project.

Executive Session – Texas Government Code Section 551.071, Consultation with Attorney – A governmental body may meet in executive session to seek the advice of its attorney about pending or contemplated litigation.

6. Discuss a lawsuit filed by Officer Bradley Perrin against the City of Temple, the Temple Police Department, Chief Floyd Mitchell, in his official capacity as Chief of Police, and the Temple Fire Fighters' and Police Officers' Civil Service Commission Director.

Executive Session – Texas Government Code Section 551.071, Consultation with Attorney – A governmental body may meet in executive session to seek the advice of its attorney about pending or contemplated litigation.

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. 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.

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

Minutes

- (A) [January 18, 2018 Special and Regular Meeting](#)
- (B) [February 1, 2018 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (C) [2018-9033-R](#): Consider adopting a resolution authorizing the purchase of a drainage easement and associated temporary construction easement necessary for the Connor Park Drainage Channel Improvement Project in an estimated amount of \$3,240.
- (D) [2018-9034-R](#): Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Shallowford Force Main and authorizing closing costs associated with the purchase, in an estimated amount of \$2,300.

- (E) [2018-9035-R](#): Consider adopting a resolution authorizing deductive change order #2 to the meter infrastructure improvement construction contract with TTG Utilities, LP, of Gatesville, in the net deductive amount of \$38,550.60.
- (F) [2018-9036-R](#): Consider adopting a resolution authorizing the following items related to heating, ventilation and cooling (HVAC) replacements:
 - 1. Authorization of a construction contract in the amount of \$1,804,437 with Lochridge-Priest, Inc. of Waco, and
 - 2. Rejection of all bids received for Section 2 of the HVAC bid, which consists of improvements to City Hall and the Santa Fe Depot.
- (G) [2018-9037-R](#): Consider adopting a resolution authorizing two construction contracts in the amount of \$371,306.83 for lighting replacement projects with the following two vendors:
 - 1. Clear Blue Energy Corporation of San Diego, CA, in the amount of \$351,025.64, and
 - 2. Energy & Automation, Inc. of Waco in the amount of \$20,290.20.
- (H) [2018-9038-R](#): Consider adopting a resolution ratifying an emergency construction contract with Matous Construction, Ltd. of Belton in the estimated amount of \$50,000 for a waterline repair at the Conventional Water Treatment Plant.
- (I) [2018-9039-R](#): Consider adopting a resolution authorizing a construction contract with Yoko Excavating, LLC of Belton, in the amount of \$33,797.60 for trail renovations within Jackson Neighborhood Park.
- (J) [2018-9040-R](#): Consider adopting a resolution authorizing entering into an Interlocal Agreement with the Texas Department of Public Safety relating to driver records for applicants and employees.
- (K) [2018-9041-R](#): Consider adopting a resolution authorizing a Developer Participation Agreement with Kiella Development, Inc. to construct public drainage improvements and a public parking lot north of West Adams Avenue and south of Stonehollow Drive with City participation in the improvements set at a not to exceed amount of \$459,473.25.
- (L) [2018-9042-R](#): Consider adopting a resolution authorizing the submission of a grant application and acceptance of funding if awarded for the Assistance to Firefighters Grant Program, in the amount of \$132,600 for replacement Haz-Mat equipment.

Ordinances – Second & Final Reading

- (M) [2018-4896](#): SECOND READING: Consider adopting an ordinance authorizing amendments to the Unified Development Code: Article 2 (Sections 2.5.2, 2.5.4, 2.6 and 2.7), Article 3 (Section 3.11) and Article 6 (Sec. 6.3), related to the Temple Medical and Educational zoning district, to establish the TMED South transect zone, and to amend TMED applicability, uses allowed, review process and development standards such as landscaping, architecture, signage and public frontage improvements.

Misc.

- (N) [2018-9043-R](#): Consider adopting a resolution approving a modification to a formerly approved exception to the Parkland Dedication requirements for Carriage House Trails Subdivision.

- (O) [2018-9044-R](#): Consider adopting a resolution finding that two properties situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, are remnant areas of land resulting from right of way acquisitions that cannot be used independently pursuant to Local Government Code § 272.001(b)(1) and authorizing the conveyance of such properties to the adjacent property owner.
- (P) [2018-9045-R](#): Consider adopting a resolution authorizing a Memorandum of Understanding between Central Texas Council of Governments and the City of Temple regarding the transferring of hazardous material response equipment and supplies to be used by the fire department for its hazardous materials response mission.
- (Q) [2018-9046-R](#): Consider adopting a resolution authorizing an updated building permit fee schedule for permits processed through the City of Temple Permits Office and authorizing the City Manager to establish an effective date for the updated schedule.
- (R) [2018-9047-R](#): Consider adopting a resolution approving first quarter financial results for Fiscal Year 2018.
- (S) [2018-9048-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

IV. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

- 4. [2018-4898](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance changing the classification title of Deputy Chief to that of Battalion Chief in the Fire Department.
- 5. [2018-4899](#): FIRST READING - PUBLIC HEARING - A-FY-18-04: Consider adopting an ordinance authorizing abandonment and conveyance of 0.104 +/- acre portion of Prairie View Road, being located on the north side of Prairie View Road, approximately 765 feet east of its intersection with Westfield Blvd, City of Temple, Bell County, Texas.
- 6. [2018-4900](#): FIRST READING – PUBLIC HEARING – Z-FY-18-09: Consider adopting an ordinance authorizing rezoning of two tracts of land comprised of 3.625 +/- acres from General Retail and Light Industrial districts to Commercial district, located on West Nugent Avenue, approximately 180 feet west of its intersection with North General Bruce Drive, addressed as 1410 & 1300 North General Bruce Drive.

ORDINANCES – SECOND & FINAL READING:

- 7. [2018-4897](#): SECOND READING – Z-FY-18-02: Consider adopting an ordinance authorizing a rezoning of property bounded by Georgetown Railroad right-of-way and Sarah's Glen subdivision (south), South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east)—from Planned Development-General Retail zoning district on ± 27.876 acres, Single Family One zoning district on ± 211.56 acres, and Agricultural zoning district on ± 115.53 acres, to Temple Medical and Educational zoning district, South TMED transect.

RESOLUTIONS/PUBLIC HEARING

8. **2018-9049-R:** PUBLIC HEARING: Consider adopting a resolution authorizing the permanent use of approximately 0.025 acres of Woodbridge Park land to be used for a driveway easement and to relocate a portion of the trail to a safer driveway crossing point, in accordance with Chapter 26 of the Texas Parks and Wildlife Code.

RESOLUTIONS

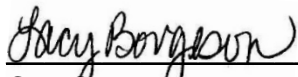
9. **2018-9050-R:** Consider adopting a resolution authorizing a Developer Participation Agreement with Cedon Realty, Ltd. to construct an extension of a wastewater line with City participation in an amount not to exceed \$36,750.68.
10. **2018-9051-R:** Consider adopting a resolution granting a petition to institute voluntary annexation proceedings of 1.310 acres of land out of the William Gilmore Survey, Abstract 339, located at 2381 FM 1237 in Temple, directing Staff to develop a municipal services plan, and calling public hearings to consider the petition.

BOARD APPOINTMENTS:

11. **2018-9052-R:** Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Airport Advisory Board – one member to fill an unexpired term through September 1, 2019;
 - (B) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2018;
 - (C) Building Board of Appeals – three members to fill expiring terms through March 1, 2022;
 - (D) Building and Standards Commission – three members to fill expiring terms through March 1, 2020; and one alternate member to fill expiring terms through March 1, 2020
 - (E) Development Standards Advisory Board –three members to fill expiring terms through March 1, 2021;
 - (F) Parks and Leisure Services Advisory Board – four members to fill expiring terms through March 1, 2021;
 - (G) Zoning Board of Adjustment – three members to fill expiring terms through March 1, 2020; and two alternate members to fill expiring terms through March 1, 2020

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 2:00 pm, on Friday, February 9, 2018.



City Secretary, TRMC

SPECIAL ACCOMMODATIONS: *Persons with disabilities who have special communication or accommodation needs and desire to attend this meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.*

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____ 2018.

Title _____



COUNCIL AGENDA ITEM MEMORANDUM

02/15/18
Item #3(A-B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) January 18, 2018 Special and Regular Meetings
- (B) February 1, 2018 Special and Regular Meetings

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

January 18, 2018 Special and Regular Meetings - to be provided
February 1, 2018 Special and Regular Meetings - to be provided
Video - to be provided



COUNCIL AGENDA ITEM MEMORANDUM

02/15/18
Item #3(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a drainage easement and associated temporary construction easement necessary for the Connor Park Drainage Channel Improvement Project in an estimated amount of \$3,240.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: A Pepper Creek tributary drains south from Adams Avenue into a grass channel where it repeatedly escapes its banks and floods property and structures in the vicinity of Conner Park in west Temple. Smaller drainage swales that contribute to this tributary also back up and cause repetitive nuisance flooding to adjacent properties. The tributary continues through a detention pond and goes underground into box culverts along the west side of the Brazos Bend subdivision. It reemerges through a grass channel before joining the Thompson drainage channel at Old Waco Road.

The Connor Park Drainage Channel Improvement Project requires the acquisition of seven rights-of-way from six property owners and two drainage easements. All need rights of way have been acquired. One drainage easement has been donated. The City has reached an agreement with the property owner for the remaining drainage easement.

At this time, Staff is asking for authorization to purchase a drainage easement and associated temporary construction easement necessary for the Connor Park Drainage Channel Improvement Project in an estimated amount of \$3,240.

The address and Bell County Tax Appraisal District ID Numbers of the property are 124 Old Waco Road—Bell CAD ID #95290 and 95292.

FISCAL IMPACT: Funding is available for the purchase of a drainage easement and associated temporary construction easement necessary for the Connor Park Drainage Channel Improvement Project in an estimated amount of \$3,240 in account 292-2900-534-6312, project 101592.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A DRAINAGE EASEMENT AND ASSOCIATED TEMPORARY CONSTRUCTION EASEMENT NECESSARY FOR THE CONNOR PARK DRAINAGE CHANNEL IMPROVEMENT PROJECT, IN AN ESTIMATED AMOUNT OF \$3,240; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a Pepper Creek tributary drains south from Adams Avenue into a grass channel where it repeatedly escapes its banks and floods property and structures in the vicinity of Conner Park in west Temple - smaller drainage swales that contribute to this tributary also back up and cause repetitive nuisance flooding to adjacent properties;

Whereas, this tributary continues through a detention pond and goes underground into box culverts along the west side of the Brazos Bend subdivision where it reemerges through a grass channel before joining the Thompson drainage channel at Old Waco Road;

Whereas, the Connor Park Drainage Channel Improvement Project requires the acquisition of seven rights-of-way from six property owners and two drainage easements – all needed rights of way have been acquired, one drainage easement has been donated and the City has reached an agreement with the property owner for the remaining drainage easement;

Whereas, Staff recommends Council authorize the purchase of a drainage easement and associated temporary construction easement necessary the Connor Park Drainage Channel Improvement Project, in an estimated amount of \$3,240 – the property address is 124 Old Waco Road;

Whereas, funding is available for the purchase of a drainage easement and associated temporary construction easement in Account No. 292-2900-534-6312, Project No. 101592; 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 the purchase of a drainage easement and associated temporary construction easement located at 124 Old Waco Road, which is necessary for the Connor Park Drainage Channel Improvement Project, in an estimated amount of \$3,240.00.

Part 3: The City Council authorizes the 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 **15th** day of **February**, 2018.

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

02/15/18
Item #3(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Shallowford Force Main and authorizing closing costs associated with the purchase, in an estimated amount of \$2,300.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City owns and operates the Shallowford Lift Station and Force Main. The Lift Station receives wastewater flow from both the Bird Creek and Pepper Creek drainage basins. The City is currently rehabilitating and expanding both gravity interceptors within Bird Creek and the Lift Station to alleviate wastewater overflows and improve capacity. To adequately convey the increased flow from the Lift Station, it was determined the Shallowford Force Main needs to be expanded. The new force main will run parallel to the existing force main.

The design for Shallowford Force Main requires the acquisition of five easements from five property owners. Two of the easements needed have been acquired. With the assistance of Lone Star Right of Way Services (Lone Star), the City has reached an agreement with a property owner for a third easement. At this time, Staff is asking for authorization to purchase the easement necessary for the Shallowford Force Main and authorizing closing costs associated with the purchase, in an estimated amount of \$2,300.

The address and Bell County Appraisal District ID Number of the property is Shallowford Road, Rural Bell County—Bell CAD ID #107187.

FISCAL IMPACT:

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN EASEMENT NECESSARY FOR THE SHALLOWFORD FORCE MAIN; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$2,300; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City owns and operates the Shallowford Lift Station and Force Main which receives wastewater flow from both the Bird Creek and Pepper Creek drainage basins;

Whereas, the City is currently rehabilitating and expanding both gravity interceptors within Bird Creek and the Lift Station to alleviate wastewater overflows and improve capacity and in order to adequately convey the increased flow from the Lift Station, it was determined the Shallowford Force Main needs to be expanded - the new force main will run parallel to the existing force main;

Whereas, the design for Shallowford Force Main requires the acquisition of five easements from five property owners - two of the easements needed have been acquired and with the assistance of Lone Star Right of Way Services (Lone Star), the City has reached an agreement with a property owner for a third easement located on Shallowford Road, Rural Bell County - Bell CAD ID No. 107187;

Whereas, Staff recommends Council authorize the purchase of an easement necessary for the Shallowford Force Main and authorize closing costs associated with the purchase, in an estimated amount of \$2,300;

Whereas, funding is available for the purchase of an easement and closing costs are available in Account No. 520-5900-535-6352, Project No. 101512; 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 easement necessary for the Shallowford Force Main and authorizes closing costs associated with the purchase, in an estimated amount of \$2,300 for property located on Shallowford Road, Rural Bell County - Bell CAD ID No. 107187.

Part 3: The City Council authorizes the 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 **15th** day of **February**, 2018.

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

02/15/18
Item #3(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulas, Director of Utility Billing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a deductive change order #2 to the meter infrastructure improvement construction contract with TTG Utilities, LP, of Gatesville, in the net deductive amount of \$38,550.60.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The original Advanced Metering Infrastructure (AMI) meter bypass improvement project provided for the installation of water service bypasses and valves at 48 commercial water customer locations. It has been determined that the needs for several of the 48 locations were different than what was identified on the engineered drawings. Accordingly, approval of this item will allow for the true-up of several construction line items based on actual quantities constructed or needed for the AMI meter bypass improvement project.

On September 21, 2017, Council authorized a construction contract with TTG Utilities in the amount of \$560,382.50 for infrastructure improvements, including the addition of meter bypass lines and valves to existing large meters prior to the Advanced Metering Infrastructure (AMI) project. To date, change order #1 has been executed totaling \$11,326.92, making the revised construction contract value \$571,709.42. Staff is recommending the execution of attached change order #2 in the net deductive amount of \$38,550.60, making a revised and final contract value of \$533,158.82.

It is anticipated that the work under the construction contract with TTG Utilities will be completed by March 5, 2018. Following the completion of the project, staff will move forward with the procurement of the second phase of the project, the implementation of the actual automated meter reading system that will serve some of the City's large commercial water customers.

FISCAL IMPACT: The savings from deductive change order #2 to the construction contract with TTG Utilities, LP in the amount of \$38,550.60 for the Meter Bypass Improvements will be realized in project #101173 as follows:

	<u>520-5300-535-6250</u>	<u>520-5900-535-6250</u>	<u>Total</u>
Project Budget	\$ 450,000	\$ 575,000	\$ 1,025,000
Encumbered/Committed to Date	(97,596)	(571,709)	(669,305)
TTG Utilities, LP - Change Order #2		38,551	38,551
Remaining Project Funds	<u>\$ 352,404</u>	<u>\$ 41,842</u>	<u>\$ 394,246</u>

The remaining project funds will be used for the second phase of the Advanced Metering Infrastructure (AMI) system.

ATTACHMENTS:

[Change Order #2](#)
[Resolution](#)

CHANGE ORDER

PROJECT: AMI Phase I -- Meter Bypass Improvements

OWNER: City of Temple

CONTRACTOR: TTG Utilities, LP

ENGINEER: Kasberg, Patrick & Associates, LP

CHANGE ORDER #: 2

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

Modifications to specific installations, as follows, including decrease in total quantity of 4" and 8" installations:

Item	Description	Quantity	Unit	Cost	Total
10	4" Bypass Assembly	-7	EA	\$ 8,335.00	\$ (58,345.00)
12	8" Bypass Assembly	-2	EA	\$ 10,870.00	\$ (21,740.00)
13	4" Gate Valve	-9	EA	\$ 770.00	\$ (6,930.00)
15	8" Gate Valve	-2	EA	\$ 1,140.00	\$ (2,280.00)
CO2-1	Install New Vault and Reconfigure Alignment (Meter 42 - Pactiv)	100%	LS	\$ 8,210.00	\$ 8,210.00
CO2-2	Install New Concrete Manhole & Relocate to Parking Space (Meter 2 Extraco Bank)	100%	LS	\$ 7,195.00	\$ 7,195.00
CO2-3	Field Work Performed, during which existing bypass was located (Meters 5 & 20, City of Temple and National Guard)	2	EA	\$ 2,875.00	\$ 5,750.00
CO2-4	Field Work Performed, during which existing bypass was located (Meter 33 -- Temple Living Center)	100%	LS	\$ 480.00	\$ 480.00
CO2-5	Exploratory Excavation and Installation of New Valve (Meter 34 -- Greenbriar Apts.)	100%	LS	\$ 3,730.00	\$ 3,730.00
CO2-6	Replace existing brick meter vault with new, precast concrete meter vault (Meter 67 -- Temple HS)	100%	LS	\$ 12,180.00	\$ 12,180.00
CO2-7	Field Work Performed, during which existing bypass was located (Meter 83 -- Temple WTP)	100%	LS	\$ 690.00	\$ 690.00
CO2-8	Reconfigure Service Line to allow installation of Bypass, including installation of Fire Hydrant (Meter 32 -- Autumn Chase Apartments)	100%	LS	\$ 7,640.15	\$ 7,640.15
CO2-9	Replace existing brick meter vault with new meter box, including piping modifications (Meter 54 -- Jonathan Moore Apts)	100%	LS	\$ 2,514.25	\$ 2,514.25
CO2-10	Exploratory Excavation to allow relocation of meter vault (Meter 7 -- Knights Inn)	100%	LS	\$ 2,355.00	\$ 2,355.00
Note: See Attached Proposals for specifics.				Total Deduct	\$ (38,550.60)

Original Contract Amount	\$	560,382.50
Previous Net Change in Contract Amount	\$	11,326.92
Net Change in Contract Amount	\$	(38,550.60)
Revised Contract Amount	\$	533,158.82
Original Contract Time		120 Days
Previous Net Change in Contract Time		0 days
Net Change in Contract Time		15 days
Revised Contract Time		15 days
Original Final Completion Date		February 19, 2018
Revised Final Completion Date		March 5, 2018

Recommended By:

Shankar 1-22-18
Project Manager (City Staff) Date

Architect/Engineer 1-16-18 Date

Approved by City of Temple:

Contractor Rawna L. James 1/22/2018
TTG Atli. Date

Brynn Myers, Iterim City Manager

Approved by Finance Department:

City Attorney's Office	Date	Finance	Date
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231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

January 2, 2018

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 42 PACTIV – Bypass Reconfiguration

Listed below is pricing for the proposed reconfiguration of the bypass and meter vault assembly at the PACTIV site. We will perform the following:

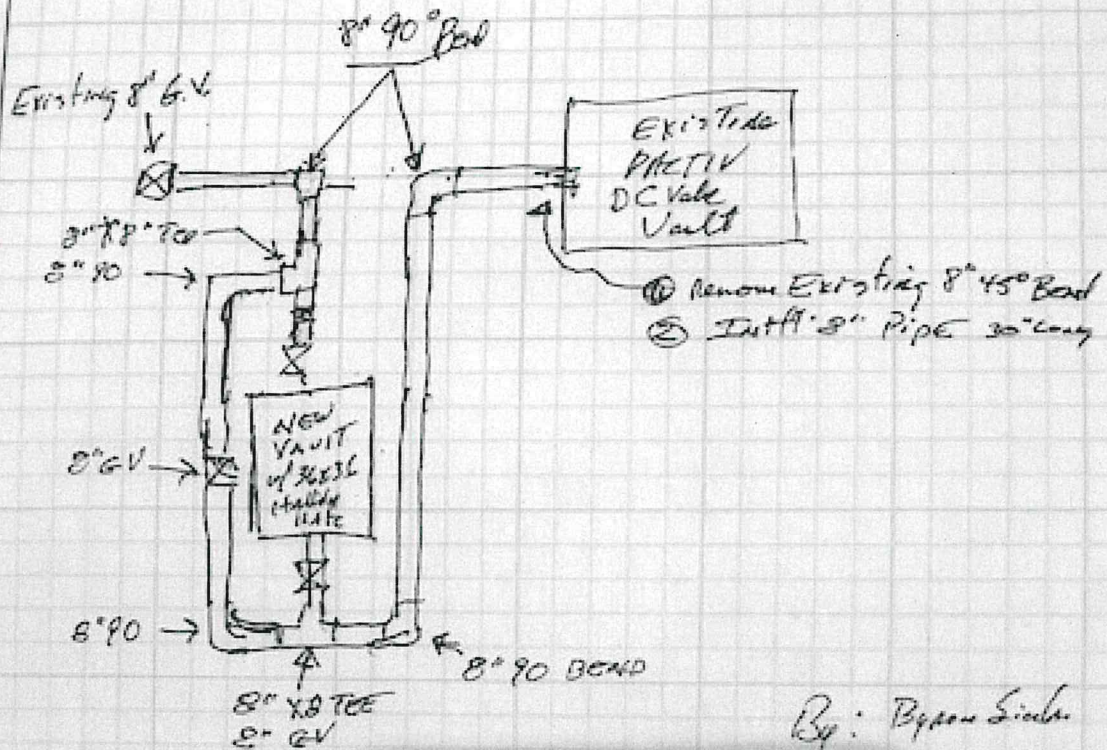
1. Furnish & install a new 3'x3'x6' meter vault with 3'x3' Halliday Hatch.
2. Remove & dispose of existing meter vault.
3. Deliver old steel hatch to the City of Temple.
4. Remove existing 45° bends entering the PACTIV double check valve vault.
5. Reconfigure piping alignment with additional 90° bends as shown in the attached sketch.

Meter 42 Bypass Reconfiguration 1 LS \$8,210

If you have any questions let me know.

Sincerely,

Logan Powell
TTG Utilities, LP



"Specializing in Services for Municipalities and Governmental Agencies"

One South Main • Temple, Texas 76501 • (254) 773-3731
 Fax: (254) 773-6667 • www.kpaengineers.com



231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

December 13, 2017

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 2 Extraco Bank – Meter Relocation to Parking Stall

Listed below is pricing for the proposed relocation of the existing meter from under the sidewalk to inside a parking stall in the parking lot. The meter will be installed in a new concrete manhole. In addition to the pricing given below we request two additional days to perform the added work.

Relocate Meter to Parking Lot & Add Manhole	1 LS	\$7,195
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If you have any questions let me know.

Sincerely,

Logan Powell
TTG Utilities, LP



231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

December 13, 2017

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 5 City of Temple – Work Performed Pricing

Listed below is pricing for the work performed at Meter 5 City of Temple prior to the bypass being removed from the contract. The pricing below covers mobilization, excavation of the meter, checking to confirm the valves associated with the existing bypass are functional, bedding, backfill, cleanup, and haul off of spoils.

Meter 5 Work Performed	1 LS	\$2,875
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If you have any questions let me know.

Sincerely,

Logan Powell
TTG Utilities, LP



231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

December 13, 2017

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 20 National Guard – Work Performed Pricing

Listed below is pricing for the work performed at Meter 20 National Guard prior to the bypass being removed from the contract. The pricing below covers mobilization, excavation of the meter, checking to confirm the valves associated with the existing bypass are functional, bedding, backfill, cleanup, and haul off of spoils.

Meter 20 Work Performed	1 LS	\$2,875
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If you have any questions let me know.

Sincerely,

Logan Powell
TTG Utilities, LP



231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

December 13, 2017

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 33 Temple Living Center – Work Performed Pricing

Listed below is pricing for the work performed at Meter 33 Temple Living Center prior to the bypass being removed from the contract. The pricing below covers hand excavation of the meter and checking to confirm the valves associated with the existing bypass are functional.

Meter 33 Work Performed 1 LS \$480

If you have any questions let me know.

Sincerely,

Logan Powell
TTG Utilities, LP



231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

December 13, 2017

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 34 Greenbriar Park Apts – Added Downstream Valve

Listed below is pricing for the proposed additional valve downstream of Meter 34. In addition to the pricing below we request 1 day for completion of the additional work.

Add Valve Downstream of Meter 34	1 EA	\$3,730
----------------------------------	------	---------

If you have any questions let me know.

Sincerely,

Logan Powell
TTG Utilities, LP



231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

December 13, 2017

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 67 Temple High School – Replace Existing Vault

Listed below is pricing for the proposed replacement of the existing brick meter vault with a new precast concrete meter vault. In addition to the pricing given below we request two additional days to perform the added work.

Replace Existing Vault	1 EA	\$12,180
------------------------	------	----------

If you have any questions let me know.

Sincerely,

Logan Powell
TTG Utilities, LP



231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

December 13, 2017

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 83 City of Temple – Work Performed Pricing

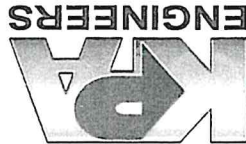
Listed below is pricing for the work performed at Meter 83 City of Temple prior to the bypass being removed from the contract. The pricing below covers mobilization of equipment and crew show up time to coordinate with utility locate personnel.

Meter 83 Work Performed 1 LS \$690

If you have any questions let me know.

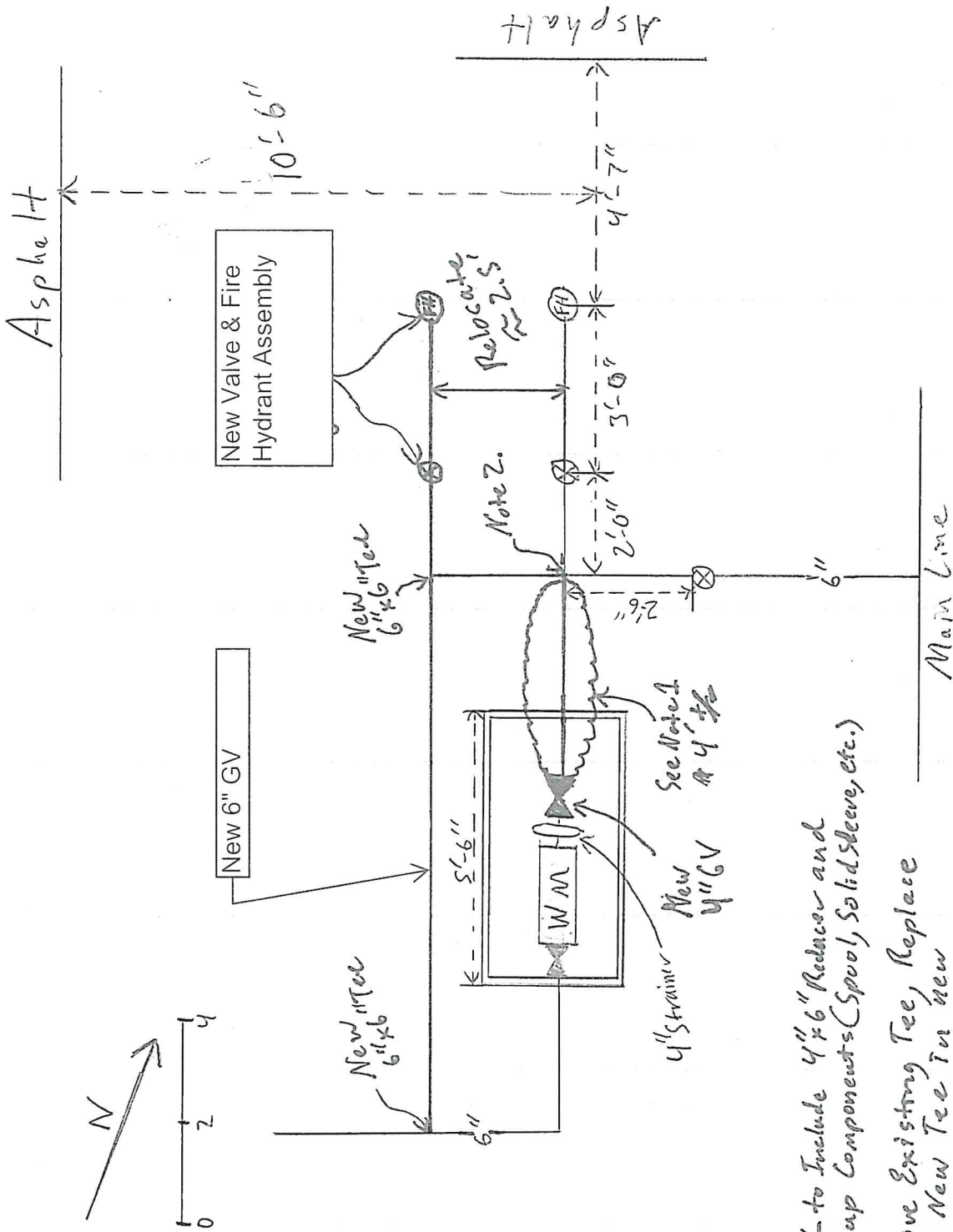
Sincerely,

Logan Powell
TTG Utilities, LP



Description	RFI No. 3 to Make	11-14-2017	Date
Originator	Take Blair		
Project No.	15-118-40	Sheet No.	1 of 1

- Notes
1. 4' +/- to Include 4"x6" Reducer and Makeup Components (Spool, Solid Sleeve, etc.)
 2. Remove Existing Tee, Replace with New Tee in new orientation.
 3. All Exposed pipe within Vault shall be Ductile Iron.





231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

November 17, 2017

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 32 Autumn Chase Apts – Bypass w/ Fire Hydrant

Listed below is pricing for the proposed modifications per RFI 3. In addition to the pricing below we request 2 days for completion of the additional work.

Remove Ex. Tee & Fire Hyd.	1 EA	\$441.95 EA	\$441.95
F&I New DI Piping/Fittings	1 LS	\$1,851.90 LS	\$1,851.90
Modify Vault & Grout	1 EA	\$313.70 EA	\$313.70
F&I Fire Hydrant	1 EA	\$5,032.60 EA	\$5,032.60
Total Price			\$7,640.15

If you have any questions let me know.

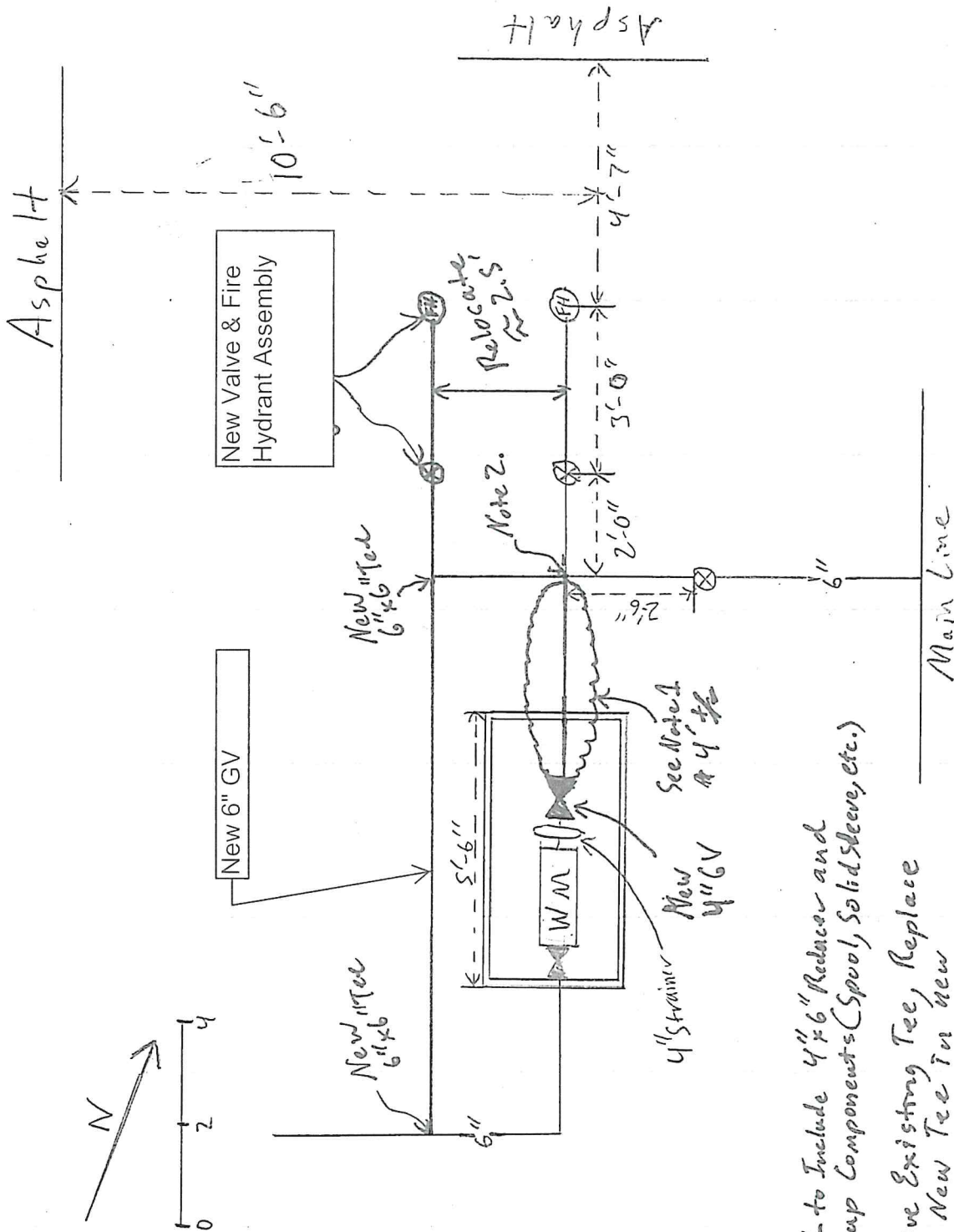
Sincerely,

Logan Powell
TTG Utilities, LP



Description	RFI No. 37 Main	Make Meter	11-14-2017	Date
Originator	Take Meter			
Project No.	15-118-90	Sheet No.	1 of 1	

- Notes
1. 4' +/- to Include 4" x 6" Reducer and Makeup Components (Spool, Solid Sleeve, etc.)
 2. Remove Existing Tee, Replace with New Tee in new Orientation.
 3. All Exposed Pipe within Vault shall be Ductile Iron.





231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

November 17, 2017

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 54 Jonathan Moore Apartments – Leaking Valves Pricing

Listed below is pricing for the proposed modifications per RFI 1. In addition to the pricing listed below we request 2 days to complete the additional work.

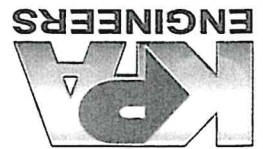
Remove 4" Gate Valves	2 EA	\$255.85 EA	\$511.70	
F&I 4" Gate Valve	2 EA	\$770.00 EA	\$1,540.00	
Remove & Dispose Vault	1 EA	\$967.10 EA	\$967.10	4" Valves to be paid
F&I EJIW 17x30 Meter Box	1 EA	\$616.80 EA	\$616.80	under Bid Item 13.
F&I DI Pipe in Vault	1 LS	\$418.65 LS	\$418.65	
Total Price			\$4,054.25-	
			\$2,514.25	

If you have any questions let me know.

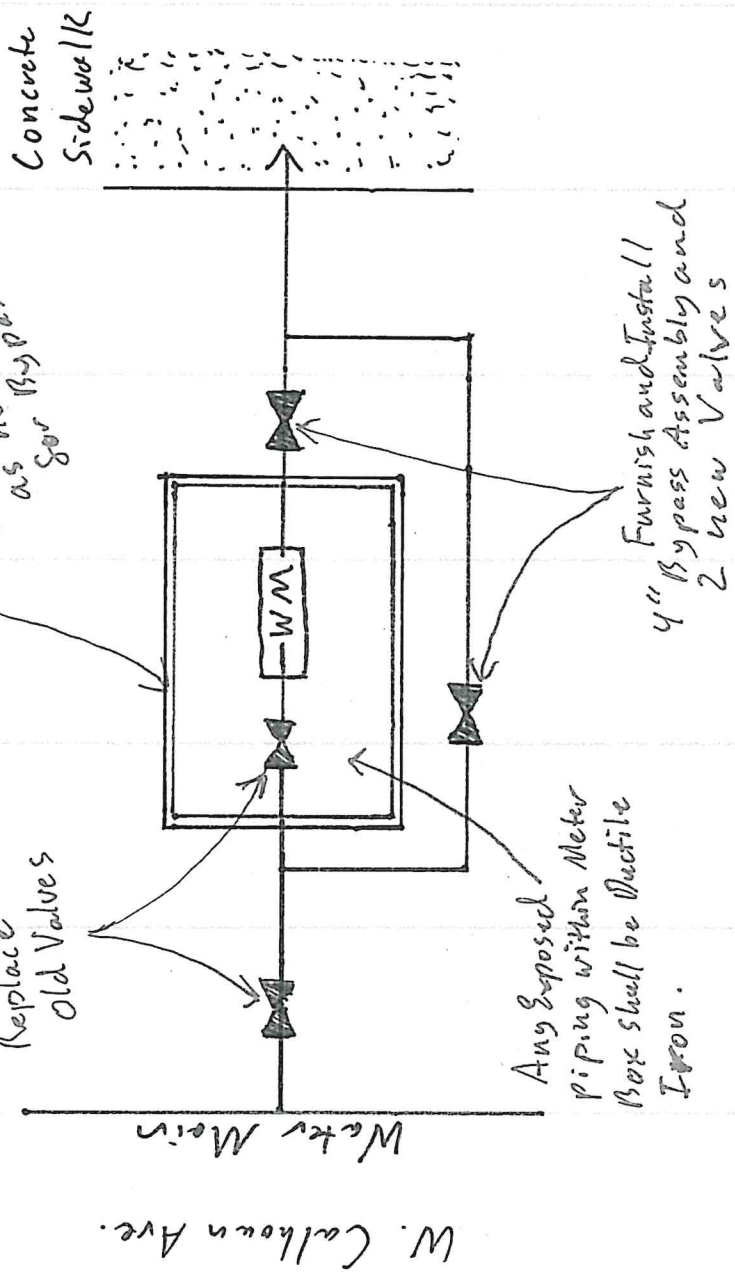
(after removing 4" Gate Valve)

Sincerely,

Logan Powell
TTG Utilities, LP



Description	RFI No. 1 → Meter 54
Originator	Wake Blair
Date	11/13/15
Project No.	15-118-40
Sheet No.	1 of 1



Meter No. 54 - Jonathan Moore Apartments

Note: This installation will require Main line shutoff. City of Temple will locate Valve on Main line and shutoffs service.



231 Memorial Dr. Gatesville, TX 76528
Phone: 254.248.1151 Fax: 254.865.1288
ttgutilities.com

January 9, 2018

Kasberg, Patrick & Associates, LP
One South Main
Temple, TX 76501

Re: Advanced Metering Inf. Ph. 1 Meter Bypass Improvements
Meter 7 Knights Inn – Exploratory Excavation

Listed below is pricing for the proposed exploratory excavation at The Knights Inn. The pricing does not include any HMAC or concrete pavement replacement. Surface replacement can be paid for out of the bid quantities if needed. The pricing does include bedding and base backfill required. In addition to the pricing below we request two additional days to perform the exploratory work.

Meter 7 Exploratory Excavation	1 LS	\$2,355
--------------------------------	------	---------

If you have any questions let me know.

Sincerely,

Logan Powell
TTG Utilities, LP

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING DEDUCTIVE CHANGE ORDER NO. 2 TO THE CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP OF GATESVILLE, TEXAS IN THE NET DEDUCTIVE AMOUNT OF \$38,550.60, FOR METER INFRASTRUCTURE IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 21, 2017, Council authorized a construction contract with TTG Utilities in the amount of \$560,382.50 for infrastructure improvements, including the addition of meter bypass lines and valves to existing large meters prior to the Advanced Metering Infrastructure (AMI) project;

Whereas, the original Advanced Metering Infrastructure (AMI) meter bypass improvement project provided for the installation of water service bypasses and valves at 48 commercial water customer locations;

Whereas, Staff has determined that the needs for several of the 48 locations were different than what was originally identified on the engineered drawings and Staff recommends Council authorize Change Order No. 2 to the construction contract with TTG Utilities, LP which will allow for the true-up of several construction line items based on actual quantities constructed or needed for the AMI meter bypass improvement project;

Whereas, to date, Deductive Change Order No. 1 was executed in the amount of \$11,326.92, making the revised construction contract value \$571,709.42;

Whereas, the savings from this deductive change order will be realized in Account No. 520-5300-535-6250 and Account No. 520-5900-535-6250, Project No. 101173; 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 Deductive Change Order No. 2 to the construction contract with TTG Utilities, LP of Gatesville, Texas in the net deductive amount of \$38,550.60 for meter infrastructure improvements.

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 **15th** day of **February**, 2018.

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

02/15/18
Item #3(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services
Justin Brantley, Assistant Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following items related to heating, ventilation and cooling (HVAC) replacements:

- 1) Authorization of a construction contract in the amount of \$1,804,437 with Lochridge-Priest, Inc. of Waco, and
- 2) Rejection of all bids received for Section 2 of the HVAC bid, which consists of improvements to City Hall and the Santa Fe Depot.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of a construction contract with Lochridge-Priest, Inc. will provide for the upgrade of heating, ventilation, and cooling (HVAC) systems at 19* City facilities utilizing the SECO LoanSTAR program for funding.

On November 3, 2016, Council authorized participation in the State Energy Conservation Office (SECO) – LoanSTAR Program to implement energy related facility improvement projects in an amount not to exceed \$3.0 million for term not to exceed 10 years. The LoanSTAR Program finances energy related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing their energy-related cost-reduction effort, at an interest rate of 2%. The actual energy pay-back period of all improvements cannot average more than 15 years.

On February 5, 2018, two bids were received for the LoneSTAR Facility HVAC Replacements. The invitation to bid stated that the bid would be awarded by the four sections as outlined in the attached bid tabulation. As indicated on the bid tabulation, Staff is recommending award of Sections 1, 3, and 4 of the bid to the low bidder of each of these three sections, Lochridge Priest, in the amount of \$1,804,437.

Staff is recommending rejection of all bids received for Section 2 of the bid, which includes HVAC upgrades at City Hall and the Santa Fe Depot. Council's rejection of the bids

received for Section 2 will allow the City's consulting engineer on the project, Energy Systems Associates, Inc., and Staff the opportunity to re-evaluate and value-engineer the improvements needed for these two locations with the plan of re-bidding these two projects in the upcoming months.

Lochridge Priest has performed work for the City in the past, and Staff has found them to be a responsive and responsible contractor.

It is anticipated that all work under the Lochridge Priest contract will be completed no later than June 30, 2018.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to reallocate funding for a construction contract with Lochridge-Priest, Inc. for the LoneSTAR Facility HVAC Replacements as shown below:

Account #	Project #	Facility - Project Description	Original Project Budget	Budget Adjustment Needed	Lochridge Priest, Inc	Remaining Project Budget
358-2100-529-6310	101750	Animal Shelter - HVAC Improvements	\$ 50,425	\$ 95,663	\$ (146,088)	\$ -
358-4400-551-6310	101752	Mayborn Convention Center - HVAC Improvements	465,300	30,800	(496,100)	-
358-3200-551-6310	101755	Summit Fitness Center - HVAC Improvements	165,325	87,024	(252,349)	-
358-2400-519-6310	101756	Service Centers A/B/C - HVAC Improvements	189,360	116,212	(305,572)	-
358-2200-521-6310	101757	Fire Station - #3 - HVAC Improvements	31,250	1,768	(33,018)	-
358-2200-521-6310	101758	Fire Station - #4 - HVAC Improvements	18,150	1,944	(20,094)	-
358-2200-521-6310	101759	Fire Station - #5 - HVAC Improvements	25,250	23,389	(48,639)	-
358-2200-521-6310	101760	Fire Station - #7 - HVAC Improvements	8,225	5,783	(14,008)	-
358-3200-551-6310	101761	Gober Party House - HVAC Improvements	49,800	12,881	(62,681)	-
358-2400-519-6310	101762	Patsy Luna Building - HVAC Improvements	10,550	(418)	(10,132)	-
358-3200-551-6310	101764	Blackmon Center - HVAC Improvements	14,625	309	(14,934)	-
358-1800-525-6310	101765	Municipal Court / Utility Office - HVAC Improvements	96,750	64,815	(161,565)	-
358-5800-535-6310	101765	Municipal Court / Utility Office - HVAC Improvements	96,750	(27,508)	(69,242)	-
358-2400-519-6310	101766	Clarence Martin Gym - HVAC Improvements	59,925	24,040	(83,965)	-
358-3200-551-6310	101767	Sammons Community Center - Indoor Pool - HVAC Impr	10,550	(228)	(10,322)	-
358-3100-551-6310	101768	Sammons Golf Course - Clubhouse - HVAC Improvements	18,700	6,754	(25,454)	-
358-3600-560-6310	101769	Elmer Reed General Aviation Terminal - HVAC Improvements	33,150	6,182	(39,332)	-
358-3500-552-6310	101770	PARD Shop - HVAC Improvements	7,000	3,942	(10,942)	-
TOTAL			\$ 1,770,322	\$ 436,473	\$(1,804,437)	\$ -

ATTACHMENTS:

Bid Tabulation
Budget Adjustment
Resolution

**Tabulation of Bids Received
on February 5, 2018 at 2:00 p.m.
for Re-Bid of LoneSTAR Facility HVAC Replacement
Bid# 24-05-18**

Description	Bidders	
	TD Industries, Inc. Round Rock, TX	Lochridge-Priest, Inc. Waco, TX
Section 1:		
1. Mobilization and Bonding	\$19,921.00	\$31,800.00
2. Service Center (Public Works) HVAC and Controls - 3210 E Avenue H, Building A	\$177,004.00	\$173,990.00
3. Service Center (Fleet) HVAC and Controls - 3210 E Avenue H, Building B	\$106,800.00	\$94,111.00
4. Service Center (Purchasing) HVAC and Controls - 3210 E Avenue H, Building C	\$34,425.00	\$27,083.00
5. Clarence Martin Recreation Center HVAC and Controls - 102 West Elm Street	\$69,400.00	\$81,110.00
6. Municipal Court/Utility Business Office HVAC and Controls - 401 North 3rd Street	\$241,657.00	\$222,960.00
7. Gober Party House HVAC and Controls - 1516 West Avenue H	\$68,301.00	\$60,550.00
8. Summit Recreation Center HVAC and Controls - 620 Fryers Creek Drive	\$298,472.00	\$243,770.00
Total Section 1 (Service Center, Clarence Martin Rec Center, Court/UBO, Gober, Summit Rec Center)	\$1,015,980.00	\$935,374.00
Section 2:		
1. Mobilization and Bonding	\$12,240.00	\$22,982.00
2. City Hall Municipal Building HVAC And Controls - 2 North Main Street	\$220,138.00	\$214,397.00
3. Santa Fe Depot Train Station HVAC and Controls - 315 West Avenue B	\$391,853.00	\$499,660.00
Total Section 2 (City Hall & Santa Fe Depot)	\$624,231.00	\$737,039.00
Section 3:		
1. Mobilization and Bonding	\$5,273.00	\$14,183.00
2. Patsy Luna Building HVAC - 1909 Curtis Elliott Drive	\$10,811.00	\$9,748.00
3. Blackmon Center HVAC - 1807 Curtis Elliott Drive	\$15,958.00	\$14,366.00
4. Parks & Recreation Department Shop HVAC - 602 Jack Baskin Drive	\$12,174.00	\$10,526.00
5. Animal Shelter HVAC - 602 Mama Dog Circle	\$0.00	\$140,533.00
6. Sammons Community Center Indoor Pool HVAC - 2220 West Avenue D	\$11,629.00	\$9,929.00
7. Sammons Golf Course Clubhouse HVAC - 2727 West Adams Avenue	\$31,751.00	\$24,486.00
8. Fire Station #5 HVAC - 510 North Apache Drive	\$57,135.00	\$46,789.00
9. Elmer Reed General Aviation Terminal HVAC - 7720 Airport Road	\$47,905.00	\$37,836.00
10. Fire Station #7 HVAC - 8420 West Adams Avenue	\$13,640.00	\$13,475.00
11. Fire Station #3 HVAC - 3606 Midway Drive	\$39,614.00	\$31,762.00
12. Fire Station #4 HVAC - 411 Waters Dairy Road	\$23,018.00	\$19,330.00
Total Section 3 (PARD Bldgs, Animal Shelter, Fire Stations, Aviation Terminal)	Did Not Bid on All Line Items	\$372,963.00
Section 4:		
1. Mobilization and Bonding	\$12,065.00	\$18,375.00
2. Mayborn Convention Center HVAC - 3303 North 3rd Street	\$603,241.00	\$477,725.00
Total - Section 4 (Mayborn Convention Center)	\$615,306.00	\$496,100.00
Total Bid (Section 1 thru 4)	Did Not Bid on All Line Items	\$2,541,476.00
Total Bid Recommended for Award	\$0.00	\$1,804,437.00
Acknowledge Addenda (5)	Yes	Yes
Bid Bond	Yes	Yes
Bond Requirement Affidavit	Yes	Yes
Credit Check Authorization	Yes	Yes

Recommended for Council award
Staff recommends rejection of all bids in this Section
Did not bid on all line items within Section as required
per bid specifications

FY 2018

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

—

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
358-XXX-XXXX-6310		HVAC Upgrades - See Attached	\$ 481,506			
358-2400-519-6532		Contingency Fund Balance			\$ 481,506	
TOTAL.....			\$ 481,506		\$ 481,506	

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

Reallocation of funds for HVAC projects funded with the SECO LoanSTAR Loan Program.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

2/15/2018

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

☐ Approved
☐ Disapproved

City Manager

Date _____

	Approved
	Disapproved

HVAC Upgrades

Account #	Project #	Facility - Project Description	Increase	Decrease
358-2400-519-6310	101756	Service Centers A/B/C - HVAC Improvements	\$ 116,212	
358-2100-529-6310	101750	Animal Shelter - HVAC Improvements	\$ 95,663	
358-3200-551-6310	101755	Summit Fitness Center - HVAC Improvements	\$ 87,024	
358-1800-525-6310	101765	Municipal Court / Utility Office - HVAC Improvements	\$ 64,815	
358-4400-551-6310	101752	Mayborn Convention Center - HVAC Improvements	\$ 30,800	
358-2400-519-6310	101766	Clarence Martin Gym - HVAC Improvements	\$ 24,040	
358-2200-521-6310	101759	Fire Station - #5 - HVAC Improvements	\$ 23,389	
358-3200-551-6310	101761	Gober Party House - HVAC Improvements	\$ 12,881	
358-3100-551-6310	101768	Sammons Golf Course - Clubhouse - HVAC Improvements	\$ 6,754	
358-3600-560-6310	101769	Elmer Reed General Aviation Terminal - HVAC Improvements	\$ 6,182	
358-2200-521-6310	101760	Fire Station - #7 - HVAC Improvements	\$ 5,783	
358-3500-552-6310	101770	PARD Shop - HVAC Improvements	\$ 3,942	
358-2200-521-6310	101758	Fire Station - #4 - HVAC Improvements	\$ 1,944	
358-2200-521-6310	101757	Fire Station - #3 - HVAC Improvements	\$ 1,768	
358-3200-551-6310	101764	Blackmon Center - HVAC Improvements	\$ 309	
358-5800-535-6310	101765	Municipal Court / Utility Office - HVAC Improvements		\$ 27,508
358-7000-551-6310	101751	Santa Fe - HVAC Improvements		\$ 7,029
358-3700-524-6310	101763	Code Enforcement - HVAC Improvements		\$ 5,850
358-2000-521-6310	101753	Police Department - HVAC Improvements		\$ 4,000
358-2400-519-6310	101762	Patsy Luna Building - HVAC Improvements		\$ 418
358-3200-551-6310	101767	Sammons Community Center - Indoor Pool - HVAC Improvements		\$ 228
358-2400-519-6532		Contingency		\$ 436,473
TOTAL			\$ 481,506	\$ 481,506

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT RELATED TO HEATING, VENTILATION AND COOLING REPLACEMENTS WITH LOCHRIDGE-PRIEST, INC. OF WACO, TEXAS IN THE AMOUNT OF \$1,804,437; REJECTING ALL BIDS RECEIVED FOR SECTION 2 OF THE HVAC BID, WHICH CONSISTS OF IMPROVEMENTS TO CITY HALL AND THE SANTA FE DEPOT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 3, 2016, Council authorized participation in the State Energy Conservation Office (SECO) – LoanSTAR Program to implement energy related facility improvement projects in an amount not to exceed \$3.0 million for a term not to exceed 10 years;

Whereas, the LoanSTAR Program finances energy related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing their energy-related cost-reduction effort, at an interest rate of 2% - the actual energy pay-back period of all improvements cannot average more than 15 years;

Whereas, on February 5, 2018, two bids were received for the LoneSTAR Facility HVAC Replacements - the invitation to bid stated that the bid would be awarded by four sections and after review, Staff recommends award of Sections 1, 3, and 4 of the bid to the low bidder of each of these three sections, Lochridge Priest, Inc. of Waco, Texas, in the amount of \$1,804,437;

Whereas, Staff recommends Council reject all bids received for Section 2 of the bid, which includes HVAC upgrades at City Hall and the Santa Fe Depot;

Whereas, Council's rejection of Section 2 of the bid will allow the City's consulting engineer, Energy Systems Associates, Inc., and Staff, the opportunity to re-evaluate and value-engineer the improvements needed for these two locations with the plan of re-bidding these two projects in the upcoming months;

Whereas, Lochridge Priest has performed work for the City in the past, and Staff has found them to be a responsive and responsible contractor;

Whereas, funds are available for this contract, but an amendment to the fiscal year 2018 budget needs to be approved to reallocate funding in to the following accounts:

Account #	Project #	Facility - Project Description
358-2100-529-6310	101750	Animal Shelter - HVAC Improvements
358-4400-551-6310	101752	Mayborn Convention Center - HVAC Improvements
358-3200-551-6310	101755	Summit Fitness Center - HVAC Improvements
358-2400-519-6310	101756	Service Centers A/B/C - HVAC Improvements
358-2200-521-6310	101757	Fire Station - #3 - HVAC Improvements
358-2200-521-6310	101758	Fire Station - #4 - HVAC Improvements
358-2200-521-6310	101759	Fire Station - #5 - HVAC Improvements

358-2200-521-6310	101760	Fire Station - #7 - HVAC Improvements
358-3200-551-6310	101761	Gober Party House - HVAC Improvements
358-2400-519-6310	101762	Patsy Luna Building - HVAC Improvements
358-3200-551-6310	101764	Blackmon Center - HVAC Improvements
358-1800-525-6310	101765	Municipal Court / Utility Office - HVAC Improvements
358-5800-535-6310	101765	Municipal Court / Utility Office - HVAC Improvements
358-2400-519-6310	101766	Clarence Martin Gym - HVAC Improvements
358-3200-551-6310	101767	Sammons Community Center - Indoor Pool - HVAC Impr
358-3100-551-6310	101768	Sammons Golf Course - Clubhouse - HVAC Improvements
358-3600-560-6310	101769	Elmer Reed General Aviation Terminal - HVAC Impr
358-3500-552-6310	101770	PARD Shop - HVAC Improvements

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 City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract related to heating, ventilation and cooling replacements with Lochridge-Priest, Inc. of Waco, Texas in the amount of \$1,804,437 and rejects all bids received for Section 2 of the HVAC bid, which consists of improvements to City Hall and the Santa Fe Depot.

Part 3: The City Council authorizes an amendment to the fiscal year 2018 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 4: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **15th** day of **February**, 2018.

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

02/15/18
Item #3(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services
Justin Brantley, Assistant Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing two construction contracts in the amount of \$371,306.83 for lighting replacement projects with the following two vendors:

- 1) Clear Blue Energy Corporation of San Diego, CA, in the amount of \$351,025.64, and
- 2) Energy & Automation, Inc. of Waco in the amount of \$20,290.20.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of these two construction contracts will provide for LED lighting upgrades at 26 City facilities utilizing the State Energy Conservation Office (SECO) LoanSTAR program for funding.

On November 3, 2016, Council authorized participation in the SECO – LoanSTAR Program to implement energy related facility improvement projects in an amount not to exceed \$3.0 million for term not to exceed 10 years. The LoanSTAR Program finances energy related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing their energy-related cost-reduction effort, at an interest rate of 2%. The actual energy pay-back period of all improvements cannot average more than 15 years.

On February 5, 2018, five bids were received for the LoneSTAR Facility Lighting Replacement project. The bid had a total of five sections with each section awarded to the lowest bidder. As indicated on the attached bid tabulation, Staff is recommending award of Sections one thru four to Clear Blue Energy Corporation in the amount of \$351,025.64, and Section five to Energy & Automation, Inc. in the amount of \$20,290.20.

Neither recommended vendor has previously performed work for the City. However, Energy System Associates, Inc, the City's consulting engineer on the project, is recommending them for the work based on reference checks performed.

It is anticipated that all work under these two contracts will be completed no later than June 30, 2018.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to reallocate funding for construction contracts with Clear Blue Energy Corporation and Energy & Automation, Inc. for the LoneSTAR Facility Lighting Improvement projects as shown below:

Account #	Project #	Facility - Project Description	Original Project Budget	Budget Adjustment Needed	Clear Blue Energy	Energy Automation	Remaining Project Budget
358-2100-529-6310	101725	Animal Shelter - Lighting Upgrade	\$ 8,630	\$ 5,269	(13,899)		\$ -
358-2000-521-6310	101568	Police Department - Lighting Upgrade	142,000	(36,201)	(105,799)		-
358-2400-519-6310	101728	Historic Post Office - Lighting Upgrade	11,640	(766)	(10,874)		-
358-2400-519-6310	101729	City Hall - Lighting Upgrade	17,950	2,455	(20,405)		-
358-3200-551-6310	101730	Summit Fitness Center - Lighting Upgrade	6,490	6,366	(12,856)		-
358-2400-519-6310	101731	Service Centers A/B/C - Lighting Upgrade	25,940	15,905	(41,845)		-
358-2400-519-6310	101403	Service Centers A/B/C - Lighting Upgr (Outdoor)	166,760	(146,470)		(20,290)	-
358-2200-521-6310	101732	Fire Station - Central - Lighting Upgrade	5,410	45,011	(50,421)		-
358-2200-521-6310	101733	Fire Station - #2 - Lighting Upgrade	2,550	2,098	(4,648)		-
358-2200-521-6310	101734	Fire Station - #3 - Lighting Upgrade	3,950	3,739	(7,689)		-
358-2200-521-6310	101735	Fire Station - #4 - Lighting Upgrade	3,420	1,046	(4,466)		-
358-2200-521-6310	101736	Fire Station - #5 - Lighting Upgrade	3,350	3,995	(7,345)		-
358-2200-521-6310	101737	Fire Station - #6 - Lighting Upgrade	2,560	1,368	(3,928)		-
358-2200-521-6310	101738	Fire Station - #7 - Lighting Upgrade	4,130	1,738	(5,868)		-
358-2200-521-6310	101739	Fire Station - #8 - Lighting Upgrade	6,285	5,483	(11,768)		-
358-3200-551-6310	101740	Gober Party House - Lighting Upgrade	1,620	688	(2,308)		-
358-3200-551-6310	101741	Blackmon Center - Lighting Upgrade	3,960	1,773	(5,733)		-
358-2400-519-6310	101742	Patsy Luna Building - Lighting Upgrade	2,400	1,677	(4,077)		-
358-1800-525-6310	101744	Municipal Court / Utility Office - Lighting Upgrade	5,125	7,827	(12,952)		-
358-5800-535-6310	101744	Municipal Court / Utility Office - Lighting Upgrade	5,125	426	(5,551)		-
358-2400-519-6310	101745	Clarence Martin Gym - Lighting Upgrade	6,625	2,139	(8,764)		-
358-3200-551-6310	101746	Sammons Community Ctr - Indoor Pool - Ltq Upgr	3,415	(1,139)	(2,276)		-
358-3100-551-6310	101747	Sammons Golf Course - Clubhouse - Ltq Upgr	1,160	556	(1,716)		-
358-3600-560-6310	101748	Elmer Reed General Aviation Terminal - Ltq Upgr	4,420	575	(4,995)		-
358-3500-552-6310	101749	PARD Shop - Lighting Upgrade	2,100	(1,258)	(842)		-
SUB TOTAL			\$ 472,165	\$ (100,850)	\$ (351,025)	\$ (20,290)	\$ -

ATTACHMENTS:

Bid Tabulation
Budget Adjustment
Resolution

**Tabulation of Bids Received
on February 5, 2018 at 2:30 p.m.
for Re-Bid of LoneSTAR Facility Lighting Replacement - Bid #24-06-18**

Description	Bidders				
	Clear Blue Energy Corp. San Diego, CA	TD Industries, Inc. Round Rock, TX	CPlus Energy LLC Cedar Park, TX	Energy & Automation, Inc. Waco, TX	Energy & Automation, Inc. Waco, TX
					<i>*Alternate Bid*</i>
SECTION 1					
1. Mobilization and Bonding	\$2,176.09	\$242.96	\$4,500.00	\$7,826.75	\$5,251.10
2. Police Station - 209 East Avenue A	\$103,623.27	\$12,098.22	\$137,888.00	\$156,535.00	\$105,022.00
Section 1 Bid Total (Police Station)	\$105,799.36	\$12,341.18	\$142,388.00	\$164,361.75	\$110,273.10
SECTION 2					
1. Mobilization and Bonding	\$1,977.26	\$1,243.03	\$5,800.00	\$4,923.53	\$3,826.45
2. Central Fire Station #1 - 210 North 3rd Street	\$48,443.47	\$17,672.89	\$52,937.00	\$37,872.50	\$35,754.00
3. Fire Station #2 - 1710 East Avenue H	\$4,648.02	\$4,744.40	\$10,834.00	\$5,470.00	\$3,784.50
4. Fire Station #3 - 3606 Midway Drive	\$7,688.64	\$8,065.48	\$11,603.00	\$8,550.00	\$4,987.00
5. Fire Station #4 - 411 Waters Dairy Road	\$4,466.46	\$4,507.18	\$10,777.00	\$6,465.00	\$3,431.00
6. Fire Station #5 - 510 North Apache Drive	\$7,344.92	\$8,065.48	\$12,797.00	\$8,035.00	\$5,210.00
7. Fire Station #6 - 3620 Range Road	\$3,928.06	\$5,811.89	\$11,124.00	\$5,635.00	\$3,260.00
8. Fire Station #7 - 8420 West Adams Avenue	\$5,868.01	\$5,693.28	\$11,771.00	\$5,815.00	\$3,989.00
9. Fire Station #8 - 7268 Airport Road	\$11,767.53	\$7,591.04	\$22,957.00	\$20,628.00	\$16,113.50
Section 2 Bid Total (Fire Stations)	\$96,132.37	\$63,394.67	\$150,600.00	\$103,394.03	\$80,355.45
SECTION 3					
1. Mobilization and Bonding	\$1,204.19	\$1,900.13	No Bid	\$5,776.00	\$4,079.81
2. Community Resource Center (Historic Post Office) 101 North Main Street	\$10,874.35	\$20,756.75	No Bid	\$23,575.00	\$16,129.00
3. City Hall Municipal Building - 2 North Main Street	\$19,201.24	\$31,431.65	No Bid	\$49,720.00	\$37,587.00
4. Clarence Martin Recreation Center - 102 W Elm	\$8,764.00	\$8,658.53	No Bid	\$11,890.00	\$10,158.25
5. Municipal Court/Utility Business Office - 401 N 3rd	\$18,502.79	\$34,159.68	No Bid	\$30,335.00	\$17,722.00
Section 3 Bid Total (Community Resource Center, City Hall, Clarence Martin Rec Center, Court/UBO)	\$58,546.57	\$96,906.74	No Bid	\$121,296.00	\$85,676.06
SECTION 4					
1. Mobilization and Bonding	\$1,862.38	\$2,248.85	No Bid	\$6,674.90	\$4,516.29
2. Service Ctr(Public Works) - 3210 E Ave H, Bldg A	\$13,585.06	\$18,740.38	No Bid	\$18,865.00	\$12,071.00
3. Service Ctr (Fleet) - 3210 E Ave H, Bldg B	\$17,899.93	\$18,028.72	No Bid	\$20,465.00	\$13,029.00
4. Service Ctr (Purchasing) - 3210 E Ave H, Bldg C	\$8,497.78	\$10,437.68	No Bid	\$11,915.00	\$7,646.25
5. Patsy Luna Building - 1909 Curtis Elliott Drive	\$4,077.11	\$6,879.38	No Bid	\$9,545.00	\$6,759.75
6. Blackmon Center - 1807 Curtis Elliott Drive	\$5,732.94	\$7,946.87	No Bid	\$10,065.00	\$6,811.75
7. Gober Party House - 1516 West Avenue H	\$2,308.42	\$3,439.69	No Bid	\$4,390.00	\$2,828.00
8. Parks & Rec Shop - 602 Jack Baskin Drive	\$842.11	\$1,541.93	No Bid	\$2,403.00	\$1,730.50
9. Animal Shelter - 602 Mama Dog Circle	\$13,898.99	\$13,877.37	No Bid	\$18,865.00	\$12,924.00
10. Sammons Comm Ctr Indoor Pool- 2220 W Ave D	\$2,275.88	\$5,930.50	No Bid	\$4,820.00	\$3,692.00
11. Sammons Golf Clubhouse - 2727 West Adams	\$1,715.55	\$2,490.81	No Bid	\$3,980.00	\$2,852.00
12. Summit Recreation Ctr - 620 Fryers Creek Drive	\$12,856.42	\$15,893.74	No Bid	\$19,160.00	\$14,099.00
13. Elmer Reed General Aviation Terminal - 7720 Airport Road	\$4,994.77	\$7,235.21	No Bid	\$9,025.00	\$5,882.50
Section 4 Bid Total (Service Center, Animal Shelter, PARD Bldgs & Aviation Terminal)	\$90,547.34	\$114,691.13	No Bid	\$140,172.90	\$94,842.04
SECTION 5					
1. Mobilization and Bonding	\$705.92	\$111.49	No Bid	\$1,011.75	\$966.20
2. Service Center Parking Lot Lights - 3210 E Avenue H	\$33,615.21	\$5,574.67	No Bid	\$20,235.00	\$19,324.00
Section 5 Bid Total (Service Center Parking Lot Lights)	\$34,321.13	\$5,686.16	No Bid	\$21,246.75	\$20,290.20
Total Bid	\$385,346.77	293,019.88	\$292,988.00 (Section 1 & 2 Only)	\$550,471.43	\$391,436.85
Total Bid being Recommended for Award	\$351,025.64				\$20,290.20
Acknowledge Addenda (3)	Yes	Yes	Yes	Yes	Yes
5% Bid Bond	Bid Bond in amount of \$25,000 (6.5%)	Yes	Yes	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes

Recommended for Council approval

Apparent error in pricing identified by City staff; vendor withdrew bid; City staff waiving claim against bid bond based on irregularity. Low section bid; however, alternate product not deemed equal to engineer-specified product

FY 2018

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE
358-2400-519-6532		Contingency Fund Balance	\$ 210,984		
358-XXX-XXXX-6310		Lighting Upgrades - See Attached			\$ 210,984
TOTAL.....			\$ 210,984		\$ 210,984

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

Reallocation of funds for lighting projects funded with the SECO LoanSTAR Loan Program.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

x

Yes

1

No

DATE OF COUNCIL MEETING

2/15/2018

WITH AGENDA ITEM?

x

Yes

1

No

Department Head/Division Director

Date _____

☐ Approved

☐ Disapproved

Finance

Date _____

☐ Approved

	Disapproved
--	-------------

City Manager

Date _____

☐ Approved

	Disapproved
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Lighting Upgrades

Account #	Project #	Facility - Project Description	Increase	Decrease
358-2400-519-6532		Contingency Fund Balance	\$ 100,850	
358-2200-521-6310	101732	Fire Station - Central - Lighting Upgrade	\$ 45,011	
358-2400-519-6310	101731	Service Centers A/B/C - Lighting Upgrade	\$ 15,905	
358-1800-525-6310	101744	Municipal Court / Utility Office - Lighting Upgrade	\$ 7,827	
358-3200-551-6310	101730	Summit Fitness Center - Lighting Upgrade	\$ 6,366	
358-2200-521-6310	101739	Fire Station - #8 - Lighting Upgrade	\$ 5,483	
358-2100-529-6310	101725	Animal Shelter - Lighting Upgrade	\$ 5,269	
358-2200-521-6310	101736	Fire Station - #5 - Lighting Upgrade	\$ 3,995	
358-2200-521-6310	101734	Fire Station - #3 - Lighting Upgrade	\$ 3,739	
358-2400-519-6310	101729	City Hall - Lighting Upgrade	\$ 2,455	
358-2400-519-6310	101745	Clarence Martin Gym - Lighting Upgrade	\$ 2,139	
358-2200-521-6310	101733	Fire Station - #2 - Lighting Upgrade	\$ 2,098	
358-3200-551-6310	101741	Blackmon Center - Lighting Upgrade	\$ 1,773	
358-2200-521-6310	101738	Fire Station - #7 - Lighting Upgrade	\$ 1,738	
358-2400-519-6310	101742	Patsy Luna Building - Lighting Upgrade	\$ 1,677	
358-2200-521-6310	101737	Fire Station - #6 - Lighting Upgrade	\$ 1,368	
358-2200-521-6310	101735	Fire Station - #4 - Lighting Upgrade	\$ 1,046	
358-3200-551-6310	101740	Gober Party House - Lighting Upgrade	\$ 688	
358-3600-560-6310	101748	Elmer Reed General Aviation Terminal - Lighting Upgrade	\$ 575	
358-3100-551-6310	101747	Sammons Golf Course - Clubhouse - Lighting Upgrade	\$ 556	
358-5800-535-6310	101744	Municipal Court / Utility Office - Lighting Upgrade	\$ 426	
358-2400-519-6310	101403	Service Centers A/B/C - Lighting Upgrade {Outdoor}		\$ 146,470
358-2000-521-6310	101568	Police Department - Lighting Upgrade		\$ 36,201
358-4400-551-6310	101727	Mayborn Convention Center - Lighting Upgrade		\$ 19,740
358-7000-551-6310	101726	Santa Fe - Lighting Upgrade		\$ 4,060
358-3700-522-6310	101743	Old Fire Training Center - Lighting Upgrade		\$ 1,350
358-3500-552-6310	101749	PARD Shop - Lighting Upgrade		\$ 1,258
358-3200-551-6310	101746	Sammons Community Center - Indoor Pool - Lighting Upgrade		\$ 1,139
358-2400-519-6310	101728	Historic Post Office - Lighting Upgrade		\$ 766
TOTAL			\$ 210,984	\$ 210,984

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING TWO CONSTRUCTION CONTRACTS TOTALING \$371,306.83 FOR LIGHTING REPLACEMENT PROJECTS AT 26 CITY FACILITIES WITH CLEAR BLUE ENERGY CORPORATION OF SAN DIEGO, CALIFORNIA AND ENERGY & AUTOMATION, INC. OF WACO, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff recommends Council authorize two construction contracts for LED lighting upgrades at 26 City facilities utilizing the State Energy Conservation Office (SECO) LoanSTAR program for funding with:

- Clear Blue Energy Corporation of San Diego, California, in the amount of \$351,025.64; and
- Energy & Automation, Inc. of Waco, Texas, in the amount of \$20,290.20;

Whereas, on November 3, 2016, Council authorized participation in the SECO – LoanSTAR program to implement energy related facility improvement projects in an amount not to exceed \$3.0 million for a term not to exceed 10 years;

Whereas, the LoanSTAR Program finances energy related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing their energy-related cost-reduction efforts, at an interest rate of 2% - the actual energy pay-back period of all improvements cannot average more than 15 years;

Whereas, on February 5, 2018, five bids were received for the LoneSTAR Facility Lighting Replacement project – the bid had a total of 5 sections with each section awarded to the lowest bidder;

Whereas, Staff recommends awarding Sections 1 thru 4 to Clear Blue Energy Corporation of San Diego, California in the amount of \$351,025.64, and awarding Section 5 to Energy & Automation, Inc. of Waco, Texas in the amount of \$20,290.20;

Whereas, neither vendor has previously performed work for the City, however, Energy System Associates, Inc, the City's consulting engineer on the project, is recommending these companies for the work based on reference checks performed;

Whereas, Staff recommends Council authorize two construction contracts totaling \$371,306.83 for lighting replacement projects at 26 City facilities;

Whereas, funds are available for these contracts, but an amendment to the fiscal year 2018 budget needs to be approved to reallocate funding in to the following accounts:

Account #	Project #	Facility - Project Description
358-2100-529-6310	101725	Animal Shelter - Lighting Upgrade
358-2000-521-6310	101568	Police Department - Lighting Upgrade
358-2400-519-6310	101728	Historic Post Office - Lighting Upgrade
358-2400-519-6310	101729	City Hall - Lighting Upgrade
358-3200-551-6310	101730	Summit Fitness Center - Lighting Upgrade
358-2400-519-6310	101731	Service Centers A/B/C - Lighting Upgrade
358-2400-519-6310	101403	Service Centers A/B/C - Lighting Upgr {Outdoor}
358-2200-521-6310	101732	Fire Station - Central - Lighting Upgrade
358-2200-521-6310	101733	Fire Station - #2 - Lighting Upgrade
358-2200-521-6310	101734	Fire Station - #3 - Lighting Upgrade
358-2200-521-6310	101735	Fire Station - #4 - Lighting Upgrade
358-2200-521-6310	101736	Fire Station - #5 - Lighting Upgrade
358-2200-521-6310	101737	Fire Station - #6 - Lighting Upgrade
358-2200-521-6310	101738	Fire Station - #7 - Lighting Upgrade
358-2200-521-6310	101739	Fire Station - #8 - Lighting Upgrade
358-3200-551-6310	101740	Gober Party House - Lighting Upgrade
358-3200-551-6310	101741	Blackmon Center - Lighting Upgrade
358-2400-519-6310	101742	Patsy Luna Building - Lighting Upgrade
358-1800-525-6310	101744	Municipal Court / Utility Office - Lighting Upgrade
358-5800-535-6310	101744	Municipal Court / Utility Office - Lighting Upgrade
358-2400-519-6310	101745	Clarence Martin Gym - Lighting Upgrade
358-3200-551-6310	101746	Sammons Community Ctr - Indoor Pool - Ltg Upgr
358-3100-551-6310	101747	Sammons Golf Course - Clubhouse – Ltg Upgr
358-3600-560-6310	101748	Elmer Reed General Aviation Terminal – Ltg Upgr
358-3500-552-6310	101749	PARD Shop - Lighting Upgrade

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 City Manager, or her designee, after approval as to form by the City Attorney, to execute two construction contracts with the following vendors in an amount totaling \$371,306.83 for lighting replacement projects at 26 City facilities:

- Clear Blue Energy Corporation of San Diego, California, in the amount of \$351,025.64; and
- Energy & Automation, Inc. of Waco, Texas, in the amount of \$20,290.20;

Part 3: The City Council authorizes an amendment to the fiscal year 2018 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 4: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **15th** day of **February**, 2018.

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

02/15/18
Item #3(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Damon B. Boniface, Utility Director

ITEM DESCRIPTION: Consider adopting a resolution ratifying an emergency construction contract with Matous Construction, Ltd. of Belton in the estimated amount of \$50,000 for a waterline repair at the Conventional Water Treatment Plant.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 24, 2018, Water Treatment Plant Staff identified a leak in a 36-inch common effluent waterline used to convey water to the filtration process from clarifiers 1 and 2 at the Conventional Water Treatment Plant. The waterline was originally put in service during the 1950's. City staff is not equipped to address an issue with a large diameter steel reinforced concrete pipe such as this one, so an experienced contractor with this type of work experience was engaged to complete the repair. Matous Construction has successfully completed similar work at the water treatment plant over the years, and based on Staff's positive historical experiences with Matous, proceeded with execution of a short-term emergency construction contract.

The contract was structured for Matous to perform the work and invoice the City based on the labor incurred and equipment used at the rates stated below, and in an amount not to exceed \$50,000.

<i>Classification</i>	<i>Rate</i>
Job Superintendent	\$125.00/hr
Foreman	\$100.00/hr
Equipment Operator	\$ 55.00/hr
Pipelayer	\$ 35.00/hr
Pipelayer Helper	\$ 30.00/hr
Laborer	\$ 25.00/hr
Welder	\$ 65.00/hr
Project Manager	\$150.00/hr

<i>Equipment</i>	<i>Rate</i>
Dewatering Pump	\$500.00/hr
Confined Space Entry Equipment	\$800.00/hr
Trench Safety Equipment	\$800.00/hr
Cutting Equipment and Blades	\$350.00/hr
PPE	\$200.00/hr
Cat 420 Backhoe	\$150.00/hr
Ford F250 Work Truck	\$ 75.00/hr
Ford F250 Work Truck	\$ 75.00/hr
Fuel and Services Truck	\$125.00/hr
Welder	\$125.00/hr
Haul Truck	\$300.00/hr
Ingersoll Rand Air Compressor	\$ 75.00/hr

Matous Construction completed all of the work related to the emergency repair on January 27- 28, 2018. The actual cost of the repair based on the hourly rates stated above was \$31,940.

Because of the time sensitivity and placement of this leak staff proceeded with a contract with Matous Construction prior to receiving Council's approval. This process was used per the bidding exemption under the Local Government Code §252.022(a)(1-3), unforeseen damage to property and repairs that are needed quickly to preserve the property of the City and to protect the public health and safety of the City's residents.

FISCAL IMPACT: Funding for the emergency waterline repair at the Conventional Water Treatment Plant in the not to exceed amount of \$50,000 is available in account 520-5100-535-6310, project 101821, as follows:

Project Budget	\$	50,000
Encumbered/Committed to Date		-
Matous Construction		(50,000)
Remaining Funds Available	\$	-

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT WITH MATOUS CONSTRUCTION, LTD OF BELTON, TEXAS IN THE ESTIMATED AMOUNT OF \$50,000, FOR WATERLINE REPAIRS AT THE CONVENTIONAL WATER TREATMENT PLANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 24, 2018, Staff identified a leak in a 36-inch common effluent waterline used to convey water to the filtration process from clarifiers 1 and 2 at the conventional water treatment plant which was originally put in service during the 1950's;

Whereas, Staff is not equipped to address issues with large diameter steel reinforced concrete pipes such as this one, so an experienced contractor with this type of work experience was engaged to complete the repair;

Whereas, Matous Construction has successfully completed similar work at the water treatment plant over the years, and based on positive historical experiences with Matous, Staff proceeded with execution of a short-term emergency construction contract which was structured for work on an as-needed basis;

Whereas, Matous has completed all of the work related to the emergency repair and the actual cost of the repairs, based on the hourly rates was \$31,940;

Whereas, because of the time sensitivity and placement of this leak, Staff proceeded with an emergency construction contract with Matous Construction prior to receiving Council's approval - this process was used per the bidding exemption under the Local Government Code §252.022(a)(1-3), unforeseen damage to property and repairs that are needed quickly to preserve the property of the City and to protect the public health and safety of the City's residents;

Whereas, funding for this emergency construction contract is available in Account No. 520-5100-535-6310; 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 an emergency construction contract with Matous Construction, of Belton in the estimated amount of \$50,000 for a waterline repair at the Conventional Water Treatment Plant.

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 **15th** day of **February**, 2018.

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

02/15/18
Item #3(I)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Yoko Excavating, LLC of Belton, in the amount of \$33,797.60 for trail renovations within Jackson Neighborhood Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will improve one of the oldest Parks in Temple. Jackson Neighborhood Park is located at 925 North 4th Street.

This project includes removing and replacing portions of the trail in the Park that have failed. Approximately 1,160' of the 5' wide pervious concrete trail will be replaced along with one bench pad adjacent to the playground. The new portions will be constructed with stained concrete to match the color of the existing trail.

On January 30, 2018, the City of Temple received six bids for this project. Bids ranged from a low of \$33,797.60 to a high of \$59,080.00 with Yoko Excavating, LLC submitting the low bid.

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

The Parks and Recreation Department has worked with Yoko Excavating, LLC before and has found them to be a quality contractor completing projects on time and within budget.

FISCAL IMPACT: Funding for the construction contract with Yoko Excavating, LLC for the trail renovations within Jackson Neighborhood Park in the amount of \$33,797.60 is available in account 110-5935-552-6310, project 101673, as follows:

Project Budget	\$	35,000
Encumbered/Committed to Date		(192)
Construction Award - Yoko Excavating, LLC		(33,798)
Remaining Project Funds Available	\$	<u>1,010</u>

ATTACHMENTS:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH YOKO EXCAVATING, LLC OF BELTON, TEXAS IN THE AMOUNT OF \$33,797.60, FOR TRAIL RENOVATIONS WITHIN JACKSON NEIGHBORHOOD PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this project will improve Jackson Neighborhood Park which is one of the oldest Parks in Temple and located at 925 North 4th Street;

Whereas, the project includes removing and replacing portions of the trail in the park that have failed - approximately 1,160 feet of the 5-foot-wide pervious concrete trail will be replaced along with one bench pad adjacent to the playground;

Whereas, new portions of the trail will be constructed with stained concrete to match the color of the existing trail;

Whereas, on January 30, 2018, Staff received 6 bids for this project ranging from a low of \$33,797.60 to a high of \$59,080 - Yoko Excavating, LLC of Belton, Texas submitted the low bid in the amount of \$33,797.60.

Whereas, the Parks and Recreation Department has worked with Yoko Excavating, LLC in the past and has found them to be a quality contractor completing projects on time and within budget;

Whereas, Staff recommends Council authorize a construction contract with Yoko Excavating, LLC of Belton, Texas in the amount of \$33,797.60, for trail renovations within Jackson Neighborhood Park and waving construction permit fees associated with this project;

Whereas, funds are available for this construction contract in Account No. 110-5935-552-6310, Project No. 101673; 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 City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Yoko Excavating, LLC of Belton, Texas in the amount of \$33,797.60, for trail renovations within Jackson Neighborhood Park and waives construction permit fees associated with this 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 **15th** day of **February**, 2018.

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

02/15/18
Item #3(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sandra Esqueda, Director of Human Resources

ITEM DESCRIPTION: Consider adopting a resolution authorizing entering into an Interlocal Agreement with the Texas Department of Public Safety relating to driver records for applicants and employees.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Chapter 791 of the Texas Government Code requires that Interlocal Agreements be approved by Council. By law, the State of Texas requires a governmental entity to execute a written agreement or contract agreeing to maintain the safeguards TXDPS considers necessary or reasonable to ensure that Driver Records obtained by the City are used only for permissible purposes, and that the rights of individuals are protected, before the City receives any Driver Records. The permissible purposes for the City of Temple are identified as follows:

- 1) For use by a governmental agency, including any court or law enforcement agency, in carrying out its functions or a private person or entity acting on behalf of a government agency;
- 2) For use by an employer or an authorized agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. Chapter 313, Commercial Motor Vehicle Operators.

By entering into this Interlocal Agreement with the Texas Department of Public Safety, the City will continue to obtain Driver Records of City employees and applicants to ensure compliance with City policies, risk management practices, and the safety of our employees and community.

FISCAL IMPACT: Driving records are currently obtained at no cost to the City.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY RELATING TO DRIVER RECORDS FOR APPLICANTS AND EMPLOYEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 791 of the Texas Government Code requires that Interlocal Agreements be approved by Council;

Whereas, by law, the State of Texas requires a governmental entity to execute a written agreement or contract agreeing to maintain the safeguards the Texas Department of Public Safety (TXDPS) considers necessary or reasonable to ensure that Driver Records obtained by the City are used only for permissible purposes, and that the rights of individuals are protected, before the City receives any Driver Records;

Whereas, the permissible purposes for the City of Temple are identified as follows:

- 1) For use by a governmental agency, including any court or law enforcement agency, in carrying out its functions or a private person or entity acting on behalf of a government agency;
- 2) For use by an employer or an authorized agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. Chapter 313, Commercial Motor Vehicle Operators;

Whereas, this Interlocal Agreement will allow the City to continue to obtain driver records of City employees and applicants to ensure compliance with City policies, risk management practices, and the safety of our employees and community;

Whereas, driving records are currently obtained by the City at no cost to the City; 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 City Manager, or her designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement with the Texas Department of Public Safety relating to drivers records for applicants and employees.

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 **15th** day of **February**, 2018.

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

02/15/18
Item #3(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Developer Participation Agreement with Kiella Development, Inc. to construct public drainage improvements and a public parking lot north of West Adams Avenue and south of Stonehollow Drive with City participation in the improvements set at a not to exceed amount of \$459,473.25.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Kiella Development, Inc. ("Developer") is in the process of platting and developing approximately 28 acres located north of West Adams Avenue and south of Stonehollow Drive. Developer plans to construct 194 single family homes on the property along with general retail uses.

Currently, the City owns and maintains an open, concrete drainage channel (as depicted in Exhibit A) and a large detention pond in this area. Developer is proposing to enclose the drainage channel and construct a parking lot on the newly enclosed surface. The parking lot will include several spaces which will be designated as public parking. The City will retain a drainage easement over a portion of the parking area.

Developer will also agree to plant trees along the edge of the detention point and install irrigation. Developer will be responsible for the cost of water to maintain the new landscaping.

Developer and the property owners' association, Westfield Professional Park, will be responsible for all future maintenance of the parking lot, detention pond, and landscaping.

The proposed agreement also includes a land swap between the City and Developer to facilitate construction of the drainage improvements and public parking lot. Pursuant to the agreement, the City would convey to Developer a 0.190 acre tract of land shown in Exhibit B. Developer would convey to City, two small tracts of land totaling approximately 0.304 acres (shown in Exhibit C). The proposed conveyance of City property is authorized by Texas Local Government Code, Chapter 272, Section 272.001(b).

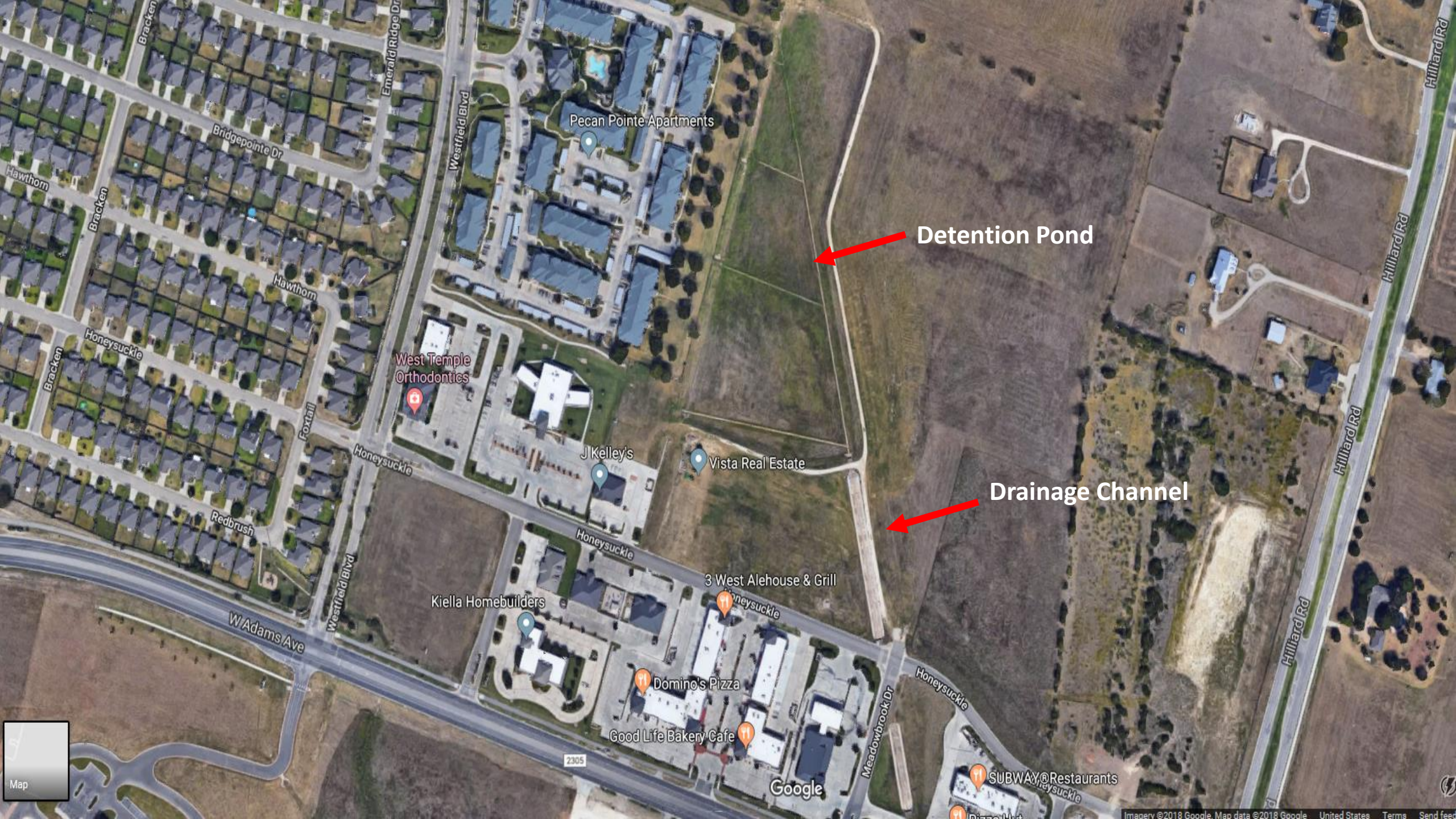
The City would participate in the public improvements at a not to exceed amount of \$459,473.25. The City's participation is authorized under Texas Local Government Code, Chapter 212, Subchapter C titled "Developer Participation in Contract for Public Improvements." In accordance with Chapter 212, the City's participation would not exceed 30% of the total cost of public improvements in the proposed development.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for the Developer Participation Agreement with Kiella Development, Inc., for construction of public drainage improvements in the Westfield area north of West Adams Avenue and south of Stonehollow Drive. Funding in an amount not to exceed \$459,473.25 will be available in project #101822 as follows:

	<u>292-2900-534-6312</u>	<u>365-3500-552-6516</u>	<u>Total</u>
Project Budget	\$ -	\$ -	\$ -
Budget Adjustment	388,964	70,510	459,474
Encumbered/Committed to Date	-	-	-
Developer Participation Agreement - Kiella	(388,964)	(70,510)	(459,474)
Remaining Project Funds	\$ -	\$ -	\$ -

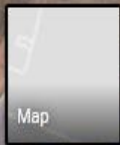
ATTACHMENTS:

[Exhibits A-C](#)
[Budget Adjustment](#)
[Resolution](#)



Detention Pond

Drainage Channel



This project is referenced to the city of temple coordinate system, an extension of the texas coordinate system of 1983, central zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

All coordinate values are referenced to city monument number 510

The theta angle at said city monument is 01° 29' 57"

The combined correction factor (ccf) is 0.999853

Published city coordinates are X = 3,207,137.72 Y = 10,388,529.14

The tie from the above city monument to the POINT OF BEGINNING (POB) IS

S. 13° 08' 15" E., 5391.25 feet.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

L2 P.O.B.
1/2" IRON ROD W/CAP
STAMPED "RPLS 2475" FOUND

DOC.# 2006-00054546
CITY OF TEMPLE
9.194 ACRES

Line Table		
Line #	Direction	Length
L1	N72°58'14"W	59.94'
L2	N77°20'25"E	10.17'

TEM-TEX INVESTMENTS, LTD
36.101 ACRES
DOC.# 2006-00057132

0.190 ACRES

WESTFIELD DEVELOPEMENT
PHASE IX
CABINET D, SLIDE 377-B

LOT 5
BLOCK 1

L1
CITY OF TEMPLE
9.194 ACRES
DOC.# 2006-00054546

BEING a 0.190 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain 9.194 acre tract of land described in a Warranty Deed dated November 17, 2006 from Artie Lee Hilliard, Johnny Lee Hilliard, Don Wayne Hilliard, and Artie Lee Hilliard, Jr. to the City of Temple, Texas and being of record in Document No. 2006-00054546, Official Public Records of Bell County, Texas and being all of that certain Lot 5, Block 1, Westfield Development, Phase IX according to the map or plat of record in Cabinet D, Slide 377-B, Plat Records of Bell County, Texas.



STATE OF TEXAS & KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, COUNTY OF BELL & do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 31st day of January 2018.

Michael E. Alvis

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



TURLEY ASSOCIATES, INC. ENGINEERING • PLANNING • SURVEYING • CONSTRUCTION MANAGEMENT
301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400

FIRM REGISTRATION NO. F-1658

17-1194
SKETCH
MGM

BEING a 0.190 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain 9.194 acre tract of land described in a Warranty Deed dated November 17, 2006 from Artie Lee Hilliard, Johnny Lee Hilliard, Don Wayne Hilliard, and Artie Lee Hilliard, Jr. to the City of Temple, Texas and being of record in Document No. 2006-00054546, Official Public Records of Bell County, Texas and being all of that certain Lot 5, Block 1, Westfield Development, Phase IX according to the map or plat of record in Cabinet D, Slide 377-B, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found being an interior ell corner in the east boundary line of the said 9.149 acre tract and being an exterior ell corner in the west boundary line of that certain 36.101 acre tract of land described in a General Warranty Deed with Vendor's Lien dated December 6, 2006 from Artie Lee Hilliard, Johnny Lee Hilliard, Don Wayne Hilliard and Artie Lee Hilliard, Jr. and wife, Laura A. Hilliard to Tem-Tex Investments, Ltd., a Texas limited partnership and being of record in Document No. 2006-00057132, Official Public Records of Bell County, Texas and being an exterior ell corner of that certain 6.976 acre tract of land described in a General warranty Deed with Vendor's Lien dated December 6, 2006 from Artie Lee Hilliard, Johnny Lee Hilliard, Don Wayne Hilliard and Artie Lee Hilliard, Jr. and wife, Laura A. Hilliard to Short-Term Lending Gp. Inc., a Texas corporation and being of record in Document No. 2006-00057134, Official Public Records of Bell County, Texas for corner;

THENCE S. 12° 53' 31" E., 276.59 feet with the east boundary line of the said 9.149 acre tract and with the west boundary lines of the said 36.101 acre tract and the said 6.976 acre tract to a point for corner;

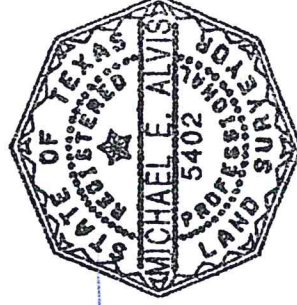
THENCE N. 72° 58' 14" W., 59.94 feet departing the said 36.101 acre tract and the said 6.976 acre tract and the said east boundary line and over and across the said 9.149 acre tract to a point being in the west boundary line of the said 9.149 acre tract and being in the east boundary line of that certain Lot 5, Block 1, Westfield Development, Phase IX according to the map or plat of record in Cabinet D, Slide 377-B, Plat Records of Bell County, Texas for corner;

THENCE N. 12° 53' 31" W., 82.82 feet with the said west boundary line and the said east boundary line to a point for corner;

THENCE departing the said Lot 5, Block 1 and the said west boundary line and over and across the said 9.149 acre tract the following three (3) calls:

- 1) N. 17° 01' 46" E., 83.76 feet to a point for corner;
- 2) N. 12° 53' 31" W., 91.31 feet to a point for corner;
- 3) N. 77° 20' 25" E., 10.17 feet to the Point of BEGINNING and containing 0.190 acres of land.

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



Michael E. Alvis

Michael E. Alvis, R.P.L.S. #5402
January 31, 2018

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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 510

THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 29' 57''$

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999853

PUBLISHED CITY COORDINATES ARE $X = 3,207,137.72$ $Y = 10,388,529.14$

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
S. $13^{\circ} 08' 15''$ E., 5391.25 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

BEING a 0.282 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain Lot 5, Block 1, Westfield Development, Phase IX according to the map or plat of record in Cabinet D, Slide 377-B, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "RPLS 2475" found being the southeast corner of the said Lot 5, Block 1, Westfield Development, Phase IX and being in the west boundary line of that certain 9.194 acre tract of land described in a Warranty Deed dated November 17, 2006 from Artie Lee Hilliard, Johnny Lee Hilliard, Don Wayne Hilliard, and Artie Lee Hilliard, Jr. to the City of Temple, Texas and being of record in Document No. 2006-00054546, Official Public Records of Bell County, Texas and being in the north right-of-way line of Honeysuckle Street (a publicly maintained roadway) as occupied and evidenced on the ground for corner;

THENCE N. 72° 58' 14" W., 125.79 feet departing the said 9.194 acre tract and with the south boundary line of the said Lot 5, Block 1 and with the said north right-of-way line to a 1/2" iron rod with cap stamped "RPLS 2475" found being the southwest corner of the said Lot 5, Block 1 and being the southeast corner of Lot 4, said Block 1 for corner;

THENCE N. 17° 01' 46" E., 218.57 feet departing the said north right-of-way line and with the west boundary line of the said Lot 5, Block 1 and with the east boundary line of the said Lot 4, Block 1 to a 1/2" iron rod with cap stamped "RPLS 2475" found being the north corner of the said Lot 5, Block 1 and being the most easterly northeast corner of the said Lot 4, Block 1 and being in the west boundary line of the aforementioned 9.194 acre tract for corner;

THENCE S. 12° 53' 31" E., 80.19 feet departing the said Lot 4, Block 1 and with the east boundary line of the said Lot 5, Block 1 and with the west boundary line of the said 9.194 acre tract to a point for corner;

THENCE departing the said 9.194 acre tract and the said east boundary line and over and across the said Lot 5, Block 1 the following two (2) calls:

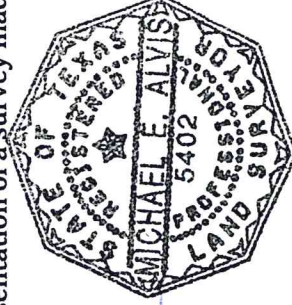
- 1) S. 17° 01' 46" W., 71.78 feet to a point for corner;
- 2) S. 72° 58' 14" E., 41.31 feet to a point being in the east boundary line of the said Lot 5, Block 1 and being in the west boundary line of the said 9.194 acre tract for corner;

THENCE S. 12° 53' 31" E., 89.16 feet with the said east boundary line and the said west boundary line to the Point of BEGINNING and containing 0.282 acres of land.

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

Michael E. Alvis

Michael E. Alvis, R.P.L.S. #5402
January 31, 2018

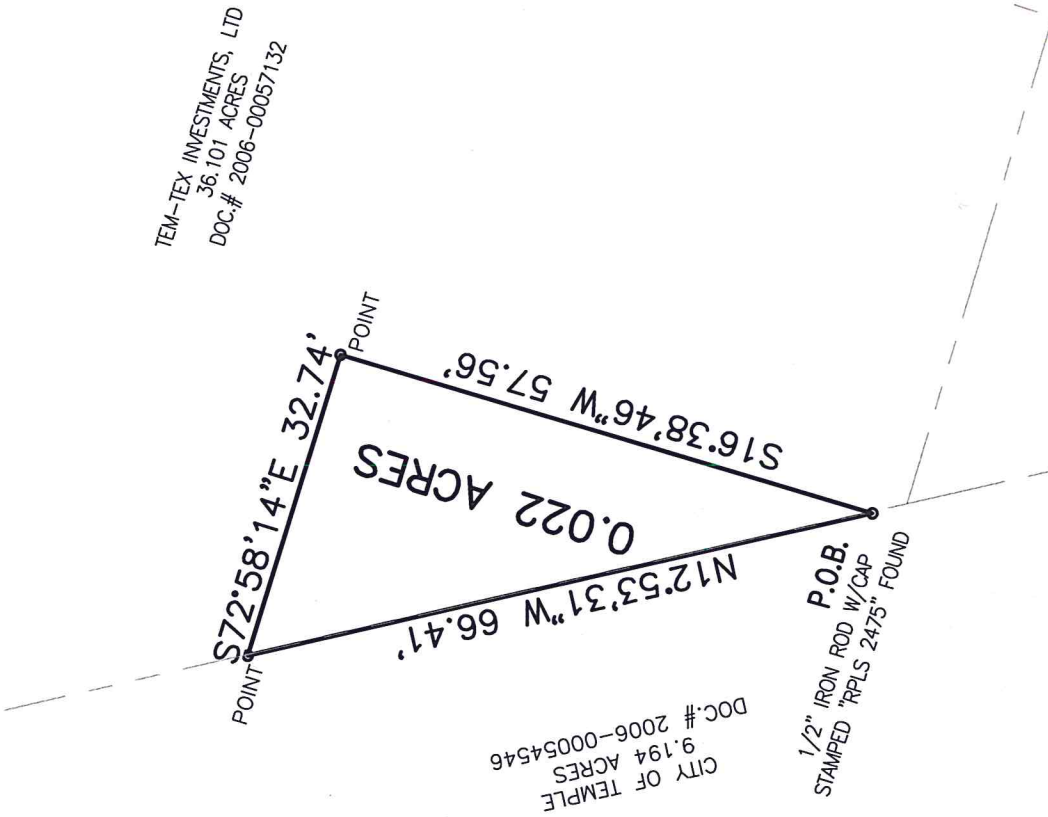


THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

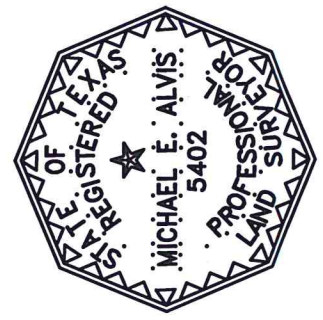
ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 510
THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 29' 57''$
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999853
PUBLISHED CITY COORDINATES ARE $X = 3,207,137.72$ $Y = 10,388,529.14$
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
S. $12^{\circ} 36' 12''$ E., 5727.13 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE



This project is referenced to the city of temple coordinate system, an extension of the texas coordinate system of 1983, central zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinate values are referenced to city monument number 510
The theta angle at said city monument is 01° 29' 57"
The combined correction factor (ccf) is 0.999853
Published city coordinates are X = 3,207,137.72 Y = 10,388,529.14
The tie from the above city monument to the POINT OF BEGINNING (POB) IS
S. 13° 07' 22" E., 5734.25 feet.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETTIC NORTH = GRID NORTH + THETA ANGLE



BEING a 0.022 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain 36.101 acre tract of land described in a General Warranty Deed with Vendor's Lien dated December 6, 2006 from Artie Lee Hilliard, Johnny Lee Hilliard, Don Wayne Hilliard and Artie Lee Hilliard, Jr. and wife, Laura A. Hilliard to Tem-TEX Investments, Ltd., a Texas limited partnership and being of record in Document No. 2006-00057132, Official Public Records of Bell County, Texas and being a part or portion of that certain 6.976 acre tract of land described in a General warranty Deed with Vendor's Lien dated December 6, 2006 from Artie Lee Hilliard, Johnny Lee Hilliard, Don Wayne Hilliard and Artie Lee Hilliard, Jr. and wife, Laura A. Hilliard to Short-Term Lending Gp. Inc., a Texas corporation and being of record in Document No. 2006-00057134, Official Public Records of Bell County, Texas.



STATE OF TEXAS & KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, COUNTY OF BELL & do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 31st day of January 2018.

Michael E. Alvis

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



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

BEING a 0.022 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain 36.101 acre tract of land described in a General Warranty Deed with Vendor's Lien dated December 6, 2006 from Artie Lee Hilliard, Johnny Lee Hilliard, Don Wayne Hilliard and Artie Lee Hilliard, Jr. and wife, Laura A. Hilliard to Tem-Tex Investments, Ltd., a Texas limited partnership and being of record in Document No. 2006-00057132, Official Public Records of Bell County, Texas and being a part or portion of that certain 6.976 acre tract of land described in a General warranty Deed with Vendor's Lien dated December 6, 2006 from Artie Lee Hilliard, Johnny Lee Hilliard, Don Wayne Hilliard and Artie Lee Hilliard, Jr. and wife, Laura A. Hilliard to Short-Term Lending Gp. Inc., a Texas corporation and being of record in Document No. 2006-00057134, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

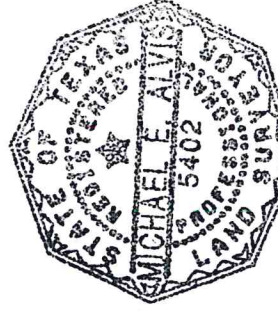
BEGINNING at a 1/2" iron rod with cap stamped "RPLS 2475" found being in the west boundary lines of the said 36.101 acre tract and the said 6.976 acre tract and being in the east boundary line of that certain that certain 9.194 acre tract of land described in a Warranty Deed dated November 17, 2006 from Artie Lee Hilliard, Johnny Lee Hilliard, Don Wayne Hilliard, and Artie Lee Hilliard, Jr. to the City of Temple, Texas and being of record in Document No. 2006-00054546, Official Public Records of Bell County, Texas and which bears N. 12° 53' 31" W., 110.64 feet from the southernmost corners of the said 36.101 acre tract and the said 6.976 acre tract for corner;

THENCE N. 12° 53' 31" W., 66.41 feet with the said west boundary lines and with the said east boundary line to a point for corner;

THENCE departing the said west boundary lines and the said 9.194 acre tract and over and across the said 36.101 acre tract and the said 6.976 acre tract the following two (2) calls:

- 1) S. 72° 58' 14" E., 32.74 feet to a point for corner;
- 2) S. 16° 38' 46" W., 57.56 feet to the Point of BEGINNING and containing 0.022 acres of land.

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



Michael E. Alvis
Michael E. Alvis, R.P.L.S. #5402
January 31, 2018

THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.
ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 510
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 57"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999853
PUBLISHED CITY COORDINATES ARE X = 3,207,137.72 Y = 10,388,529.14
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS S. 13° 07' 22" E., 5734.25 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

FY 2018

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
292-2900-534-63-12	101822	Capital Buildings & Grounds / Drainage	\$ 388,964		
292-2900-534-65-32		Drainage - Contingency Fund		388,964	
365-3500-552-65-16	101822	Capital - Park Improvements	70,510		
365-3400-531-65-32		TCIP - Contingency Fund		70,510	
TOTAL.....			\$ 459,474	\$ 459,474	

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

To appropriate funds for the Developer Participation Agreement with Kiella Development, Inc. for the construction of public drainage improvements, landscaping, and irrigation as part of Westfield.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

x Yes

☐ No

DATE OF COUNCIL MEETING

2/15/2018

WITH AGENDA ITEM?

x Yes

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH KIELLA DEVELOPMENT, INC. TO CONSTRUCT PUBLIC DRAINAGE IMPROVEMENTS AND A PUBLIC PARKING LOT NORTH OF WEST ADAMS AVENUE AND SOUTH OF STONEHOLLOW DRIVE, WITH CITY PARTICIPATION IN THE IMPROVEMENTS SET AT A NOT TO EXCEED AMOUNT OF \$459,473.25; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Kiella Development, Inc. (“Developer”) is in the process of platting and developing approximately 28 acres located north of West Adams Avenue and south of Stonehollow Drive in which he plans to construct 194 single family homes on the property along with general retail uses;

Whereas, currently, the City owns and maintains an open, concrete drainage channel and a large detention pond in this area - developer is proposing to enclose the drainage channel and construct a parking lot on the newly enclosed surface;

Whereas, the parking lot will include several spaces which will be designated as public parking and the City will retain a drainage easement over a portion of the parking area;

Whereas, Developer agrees to plant trees along the edge of the detention pond, install irrigation and be responsible for the cost of water to maintain the new landscaping;

Whereas, Developer and the property owners’ association, Westfield Professional Park, will be responsible for all future maintenance of the parking lot, detention pond, and landscaping;

Whereas, the proposed agreement also includes a land swap between the City and Developer to facilitate construction of the drainage improvements and public parking lot;

Whereas, pursuant to the agreement, the City will convey to Developer, a 0.190-acre tract of land as shown in Exhibit A and Developer will convey to City, two small tracts of land totaling approximately 0.304 acres, as shown in Exhibit B;

Whereas, the proposed conveyance of City property is authorized by Texas Local Government Code, Chapter 272, Section 272.001(b);

Whereas, the City will participate in the public improvements at a not to exceed amount of \$459,473.25 - the City’s participation is authorized under Texas Local Government Code, Chapter 212, Subchapter C titled “Developer Participation in Contract for Public Improvements;”

Whereas, in accordance with Chapter 212, the City's participation would not exceed 30% of the total cost of public improvements in the proposed development;

Whereas, funds are available for this Developer Participation Agreement, but an amendment to the fiscal year 2018 budget needs to be approved to appropriate funding to Account No. 292-2900-534-6312 and Account No. 365-3500-552-6515, Project No. 101822; 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 City Manager, or her designee, after approval as to form by the City Attorney, to execute a Developer Participation Agreement with Kiella Development, Inc. to construct public drainage improvements and a public parking lot north of West Adams Avenue and south of Stonehollow Drive, with City participation in the improvements set at a not to exceed amount of \$459,473.25.

Part 3: The City Council authorizes an amendment to the fiscal year 2018 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 4: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 15th day of **February**, 2018.

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

02/15/18
Item #3(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing the submission of a grant application and acceptance of funding if awarded for the Assistance to Firefighters Grant Program, in the amount of \$132,600 for replacement Haz-Mat equipment.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Assistance to Firefighters Grant program (AFG) was developed in 2001 to provide funding for first responder agencies to obtain funding for equipment needed to carry out an All-Hazards mission. Temple Fire Rescue in cooperation the Central Texas Council of Governments (CTCOG) originally was able to develop its Hazardous materials mission and response capability via the use of this grant funding. This is a matching funds grant with a 90% AFG share and 10% city share.

Temple Fire & Rescue is requesting funding for the replacement of some of the originally purchased equipment which is nearing the end of its service life. This equipment includes a Haz-mat Infrared chemical identifier, approximate cost \$60,000, a wide area chemical monitoring system, approximate cost \$60,000, and an electronic chemical weapon monitor, approximate cost \$12,600. The total cost of \$132,600.

Staff also asks that Council authorize the City Manager to execute necessary documents associated with the Assistance to firefighters grant program, upon receiving a grant award.

FISCAL IMPACT: If awarded the grant, the City anticipates receiving \$119,340 in grant funds with the City matching \$13,260 for a total project cost of \$132,600. A budget adjustment is being presented to Council for approval to designate the City's 10% grant match of \$13,260.

ATTACHMENTS:

[Resolution.](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, FOR REPLACEMENT HAZARDOUS MATERIALS EQUIPMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Assistance to Firefighters Grant program (AFG) was developed in 2001 to provide funding for first responder agencies for equipment needed to carry out an All-Hazards mission;

Whereas, Temple Fire & Rescue, in cooperation with the Central Texas Council of Governments (CTCOG), originally was able to develop its hazardous materials mission and response capability via the use of this grant funding - this is a matching funds grant with a 90% Assistance to Firefighters Grant share and 10% City share;

Whereas, Temple Fire & Rescue is requesting funding for the replacement of some of the originally purchased hazardous materials equipment which is nearing the end of its service life - this equipment includes a Haz-Mat Infrared Chemical Identifier, a wide area chemical monitoring system, and an electronic chemical weapon monitor at a total cost of \$132,600;

Whereas, Staff recommends submission of a grant application and acceptance of funding if awarded for the Assistance to Firefighters Grant Program for Haz-Mat equipment replacement, in the amount of \$132,600;

Whereas, if awarded the grant, the City anticipates receiving \$119,340 in grant funds with the City matching \$13,260 for a total project cost of \$132,600;

Whereas, an amendment to the fiscal year 2018 budget needs to be approved to designate the City's 10% grant match of \$13,260; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize and support 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 submission of a grant application and acceptance of funding if awarded, for the Assistance to Firefighters Grant Program for replacement Haz-Mat equipment, in the amount of \$132,600.

Part 3: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents which may be necessary to apply for this grant, and accept any funds that may be received for this grant.

Part 4: The City Council authorizes an amendment to the fiscal year 2018 budget, substantially in the form of the copy attached hereto as Exhibit A.

Part 5: 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 **15th** day of **February**, 2018.

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

02/15/18
Item #3(M)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: SECONG & FINAL READING: Consider adopting an ordinance authorizing amendments to the Unified Development Code: Article 2 (Sections 2.5.2, 2.5.4, 2.6 and 2.7), Article 3 (Section 3.11) and Article 6 (Sec. 6.3), related to the Temple Medical and Educational zoning district, to establish the TMED South transect zone, and to amend TMED applicability, uses allowed, review process and development standards such as landscaping, architecture, signage and public frontage improvements.

BACKGROUND: The TMED zoning district and enabling ordinance was adopted by City Council on January 6, 2011, followed by rezoning of individual properties to TMED on February 3rd and May 19th 2011.

Similar to the I-35 Corridor Overlay amendments, Planning staff has spent the last four years gathering input and making notes related to existing TMED code provisions that need to be improved or clarified, while also trying to provide additional design flexibility, especially for existing buildings within the district. TMED is considered the first Form-Based Code in Temple, which focuses more on the form of buildings with a mix of uses, rather than single-purpose land uses, while also creating a pedestrian-friendly environment with enhanced landscaping and architectural standards, wide sidewalks, rear parking and increased open/common space. The other main objective is to establish the TMED South transect (sub-district) that would allow for future implementation of the TMED South Master Plan when development is proposed by private property owners.

STAKEHOLDER INPUT

Staff has met with the following property owners and other stakeholders to get their input:

- TABA (Temple Area Builders Association)
- RZ (Reinvestment Zone) Master Plan Committee
- Derek Martin of Pro Ventures, property owner of 1401 South 1st Street
- Todd, Nancy and Gerald Kurio, TMED South property owners
- Phone call: Ryan Barker, UTex, owners of TMED South (property) where Everest Rehab Hospital will locate
- Pat and David Patterson, Patco, owners of property near TMED South
- Phone Call: Melissa Magowan, TMED South property owner
- Development Review Committee (12/5)

- P&Z Workshop (12/5)
- City Council Workshop (12/7)
- Staff also reached out to local brokers, design professionals, TISD, Temple College, Ralph Wilson Youth Club, The Temple Health and Bioscience District, TEDC, the VA hospital and the Temple Chamber of Commerce to solicit feedback

ATTACHMENTS:

TMED (Existing) Map

TMED Code Amendment Summary Table

TMED Draft Code Amendments (with “tracked changes,” except for Sec. 6.3.4 Applicability Tables)
UDC Sections 2.5, 2.7 and 3.11 (Duties of DRC and Planning Director and TMED Site Plan Review Process)

UDC Section 6.3 (Entire TMED Chapter)

UDC Section 6.3.4 (Proposed Applicability Tables)

TMED Land Use Amendments Summary Table

Ordinance

TMED Code Amendment Summary Table
November 30, 2017

= Substantial Changes

Code Section	Existing Standard	Proposed Standard	Staff Note
Sec. 6.3.1 Purpose	No Purpose Statement	Reference Purpose Statement in Sec. 4.3.24	It's important for staff and applicants to understand the intent of the code
Sec. 6.3.2 Boundary	Map does not include TMED South	New map will show TMED South	RZ recommends including all properties from the TMED South Master Plan, including Blackland, for City-initiated rezoning of TMED South; Additional stakeholder recommends including west side of S. 5th Street, too; staff will need to defer consideration of west side of S. 5th Street to a future phase of rezoning due to unique character and challenges there.
Sec. 6.3.3 Establishment of Transect Zones	No TMED South transect zone description	Add TMED South	
Sec. 6.3.4 Applicability	Applicability Tables that show what standards are triggered based on the scope of the project are not flexible enough for existing buildings	Break into landscaping and architecture tables: 1) landscaping and public frontage: public frontage, parking lot screening, bike racks, parking islands with trees, foundation planting, landscaping "dead space" 2) architecture: building materials, entry articulation and horizontal articulation	Similar approach to the I-35 Corridor Overlay
Sec. 6.3.5 Design Review	Defers completely to Sec. 3.11 TMED site plan review	Clarify process similar to I-35 Overlay: Design Orientation, Preliminary Design Review and Permitting	Need to require applicants to meet with staff first to explore design solutions

TMED Code Amendment Summary Table

November 30, 2017

Sec. 6.3.6 TMED Site Plan Review Process	Defers completely to Sec. 3.11 TMED site plan review. In Sec. 3.11, all TMED site plans currently require TRC (TMED Review Committee) review, which is burdensome to staff and applicant	Formally establish the DRC as the review body, which would match current policy, but only send warrants to DRC	Former City Manager, David Blackburn, had made the interpretation that the DRC could serve as the TRC, which is how staff has been doing it since
	Minimum lot width of 18'	Min. lot width of 50' for detached single-family without alley access	TMED currently requires alley access for all new development; Allow the larger single-family lots to have driveways in the front; discussed this TABA and staff proposes lowering this alley access requirement from 60' to 50' and requiring it on only 20% of single-family lots
Sec. 6.3.7 General Regulations	Max front setback of 12'	Max front setback of 47' (row of teaser parking + 24' 2-way drive and 5' minimum landscape buffer)	Would also include an incentive to place all parking to the rear with reduced landscaping %
	Min. side yard setback at street: range of 2-6 feet	Base on meeting visibility triangle requirements	Obviously cannot place buildings in easements; will need to discuss with Oncor
	Max side yard setback: 24-30 feet	Remove this limitation	Remove to provide more design flexibility
	Min. rear yard setback: 3 feet	10 feet	To match GR
	Min. rear yard setback for garage or carport utilizing alley access: 20 feet	6 feet	Want to encourage alley access, preserve backyard space and limit driveway length; sufficient turning radius combined with 20' alley
	Min. story height: 12' to 14'	Remove this limitation	Requires unnecessary cost for construction and maintenance, since higher ceilings can result in increased conditioning costs; allow additional interior design flexibility for design professionals
	Min. residential density in T5-c: 24 units/acre	Remove this limitation	Unintended barrier to prevent single-family development

TMED Code Amendment Summary Table

November 30, 2017

Sec. 6.3.8 Warrants and Variances	No current section	Propose to add to cross-reference Sec. 3.11.4.C.1 related to TMED Warrants and Variances	Idea is to provide additional clarity and eliminate unnecessary red tape, such as the current regulation that requires a warrant for all monument signs even for those that meet the standards
Sec. 6.3.9 Use Standards	Prohibited uses	Clarify that Credit Access Businesses, Pawn Shops, Sexually Oriented Businesses and Tatto Studios are prohibited	
	Multi-family	Add limitations to allow only on Collectors or Arterials in T-South	Want to ensure that MF is not located within middle of single-family neighborhoods
	Alcohol sales (Less than 50% revenue): requires a CUP in T5-e and T5-c	Allow by right in restaurants	This is a restaurant TABC threshold...not a bar; would match the General Retail (GR) zoning district
	Fuel sales	Allow with limitations in T4 and T5-e only	
	No grocery store use	Add grocery store use	Result of an inquiry for a small grocery store at former Ms. Baird's bread store
	Restaurant (no drive-through permitted)	Add coffee shop use	
	Currently no "Restaurant (drive-through permitted)" use	Add this use, along with a coffee shop with limitations related to requiring drive-through on side, screened and on an "end cap" of a building with 3 or more total businesses	Would look similar to Starbucks on W. Adams (6607 W. Adams Ave.)
	Additional uses	Craft brewery, exercise gym, laundry and cleaning (self-service), studio (art, etc.), veterinary clinics, indoor amusement	Staff believes that these uses are needed to make TMED more livable, walkable and self-sustaining, as well as providing craft/art uses that could revitalize older buildings

TMED Code Amendment Summary Table

November 30, 2017

	Bed and Breakfast: Currently only allowed in T4	Propose to allow them in all sub-districts along Collectors or Arterials	
Specific Use Standards	Multi-family: currently only allowed as part of a mixed-use project in which 40% of the non-residential uses are constructed with or prior to MF construction; not allowed fronting on Collectors or Arterials without a warrant	Allow only as part of a mixed-use project, which can be horizontal mixed-us, fronting only on Collectors or Arterials	
	Single-family detached	Limit to local streets in T-South or on Collectors with alley access	
	Single-family attached	Limit to collectors are arterials and must be accessed by an alley	
	Accessory Dwelling Units	Add a limitation allowing...	?? Take closer look
	Fuel stations: only currently permitted on S. 31st Street; pumps must be located to rear or side	Allow with limitations in T4 and T5-e; remove limitation of pump locations at rear or side	Consider looking at limitation of 8 pumps
	All non-residential uses	In T-South limited to only Collectors or Arterials	
	Live/work units	Clarify where they can locate: ground floor of townhomes or apartments and limited to office or studio uses	
Sec. 6.3.10 Circulation Standards	Cul-de-sacs are prohibited	Allow an exception for property abutting a railroad or if approved by warrant	
	Max block perimeter calculations for new streets: 2,500 feet for all sub-districts, except T5-c at 2,000	Make all 2,500 including T-South	Distinction seems arbitrary

TMED Code Amendment Summary Table

November 30, 2017

Sec. 6.3.11 Parking & Loading Standards	If parking in excess of 100% of minimum parking spaces, additional landscaping amounting to 2% of impervious cover required per each additional space	Remove this limitation	If a business needs additional parking, which would be screened, we don't want to penalize them; code encourages shared parking and allows a reduction of parking
	Single-family (attached and detached) must be accessed by rear alleys	Allow the exceptions for single-family detached lots 50' wide or greater and for lots that back up to a park. They can have parking accessed from the front. A minimum of 20% single-family lots must have alley access.	Want to encourage alley access, but only require it at strategic locations; After discussion with TABA, propose a 50' wide lot threshold (down from 60') and a 20% minimum (down from 30%)
	Currently parking is all required to side or rear and must be accessed by alleys	Incentivize parking to side or rear by allowing a 5% and 10% reduction respectively in overall landscaping percentages; remove the alley requirement for multi-family and nonresidential uses	
	Specific to T5-e on S. 1st Street: single row of teaser parking not exceeding 40 feet in pavement depth	Remove this limitation and just apply this standard across the board to all TMED transects (42' of pavement with a 5' minimum landscape buffer)	42 feet is to accommodate an 18' parking space + a 24' two-way drive aisle
Sec. 6.3.12 Bicycle Facilities	Currently applies to all uses	Applies to multi-family, office, community center, educational and retail uses	
	No requirement exists related to ensuring that bicycle access is provided on new streets	Propose to require either a 5' bike lane in each direction or a shared use path per AASHTO standards on new Collector or Arterial streets	

TMED Code Amendment Summary Table

November 30, 2017

Sec. 6.3.13 Private Property Landscape Standards	Minimum landscape area is 20 or 30% depending on the sub-district and use	Lower by 5% for parking completely to side or rear and 10% if parking is completely to the rear; 30% only applies to single-family	
	Tree mix	Reference UDC tree list; allow for approval of other species by Planning Director or City Arborist; remove the requirement that 50% of required trees must be evergreen	
	Parking lot landscaping	Parking islands can be consolidated into a combo of individual buffer yard, median and terminal islands with the equivalent landscaped area	Needed for additional flexibility on smaller site
	Parking lot landscaping	Trees in parking islands: can be either 2" DBH or 65-gallon in size	
	Parking lot landscaping	For lots of 1/2 acre or less with parking to the rear, parking islands not required as long as parking is screened with shrubs and trees along perimeter	
	Screening of waste containers: must be 50' + from any residential use	Add unless separated by an alley	On smaller non-residential lots that back up to single-family residential, such as along S. 1st and S. 31st, the dumpsters may not be able to be located 50' from a residential use and also in the back
	Loading docks: must be 50' + from any residential use	Add unless separated by an alley	Along S. 1st and S. 31st, the loading docks may not be able to be located 50' from a residential use and also in the back

TMED Code Amendment Summary Table

November 30, 2017

	Fence and wall standards (Sec. I): secondary frontage (side yard) wall and fence height is limited to 3'	Side yard wall and fence height can be 6'	Provides additional flexibility
Sec. 6.3.14 Public Frontage Standards	Applicability	Developer, property owner, HOA or POA responsible for maintenance of all public frontage elements in right-of-way (except trash cans and benches) unless a Council-approved agreement state otherwise	Parks or Public Works Dept. for trash cans and benches maintenance?
	Frontage landscape standards: currently requires 3" DBH tree every 25'	Revise to require 2" DBH or 65-gallon tree every 35'	2" trees are easier to establish, 1/2 the price of 3" trees and much more readily available, according to City Arborist; 35' is recommended by City Arborist
	Type A, B, C and D frontage: must be a single species	Allow for alternating	Per Avenue R and S. 5th examples
	Type E: must alternate	Remove this limitation	
	Planting Area for Type A, B, C and D frontage: must include ground cover for entire frontage	Groundcover and shrubs only required for a min. of 50' from an intersection	Groundcover can be challenging to maintain; would create more visual impact by focusing on landscaping corners
	Public frontage amenities: benches and trash cans per the TMED Design Criteria Manual at all intersections	Rename as "TMED Design Guidelines"; allow alternative locations by warrant	Benches and trash cans are a good idea to promote a more pedestrian-friendly environment, but there needs to be more flexibility about where to place them.
	Pedestrian lighting currently required for all new development	Exempt detached single-family; other uses must install the lighting for new construction for 200'+ road frontage	Limit the expense; each light costs about \$6,000
	Public frontage amenities: lighting; currently states that "pedestrian-scale lighting must be provided..."	Needs to specify that cost to purchase lights and install is responsibility of developer; City will pay bills	Per Shoppes on the Hill, this clearly needed to be included

TMED Code Amendment Summary Table

November 30, 2017

Sec. 6.3.15 General Planting	Groundcover list currently is limited to Asian Jasmine, English Ivy, Liriope, Monkey Grass and Purple Wintercreeper	Allow for all groundcover listed in Sec. 7.4.5.D to apply	
	Trees	Require non-irrigated trees associated with the renovation of existing buildings to have slow release watering bags for at least 1st year	Helps ensure that the trees will get established and be healthy
	Stone and mulch	Allow up to 1/3 of total required landscaping to consist of stone and mulch	Standard also adopted with I-35 Corridor Overlay amendments; reduces water consumption and creates a diversified landscaping palette
	Irrigation: underground currently required for all landscaping	Allow access to within a 100' of hosebib for landscaping associated with renovation of existing buildings	
	Materials: listed as brick, stone, cementitious siding and stucco	Created a table organized by use and whether it's a primary or accent material	
	Roof pitch: minimum of 5:12	Remove this limitation	
	Roof articulation	Allow for "exposed rafter tails" to count, in addition to "eaves with a 24" minimum overhang"	
	Horizontal articulation: currently requires no more than 20' without a 5' offset	Allow a 2' offset at least every 30' (with a minimum length of 10'), as well as architectural features to count	
	Vertical articulation: currently requires no more than 20' without a 5' offset	Remove this limitation	Combined with roof, top floor and entry articulation, this is unnecessary

TMED Code Amendment Summary Table

November 30, 2017

Sec. 6.3.16 Architectural	Transparency: windows and doors - 30% minimum	Per I-35 Overlay, staff has determined that a 15% minimum still meets the articulation needs and is more feasible	
	Window articulation - only applies to residential uses	Remove this limitation	When combined with other articulation requirements, it became apparent that this provision is unnecessary and limits flexibility
	Entry articulation - Entry must be "covered or inset with distinct architectural details, such as: (current code leaves off these options)	Entry must include 1) an inset or offset from the front building plane by at least four feet with display/storefront or bay windows; or 2) a parapet or vertical architectural element at least 3-feet taller than the roof line, display/storefront windows and a metal window canopy or awning; or 3) a covered porch or stoop	
	Building Access - Ground Floor Residential Units - 50% of all residential units must be raised a min. of 15" above the ground	Propose to not apply to single-family detached	Limits ADA access
	Enclosed garages: 1 per single-family unit and 1 per 2 multi-family unit required	Eliminate requirement for garages for single-family but specify that, if provided, needs to be to the rear and accessed by an alley; for multi-family, reduce ratio to 1 per 3 units and allow carports to count (per Shoppes on the Hill and The District)	

TMED Code Amendment Summary Table

November 30, 2017

Sec. 6.3.17 Parking	Miniumum driveway width: 20 feet	Reduce to allow for a 10' ribbon drive; general standards apply for solid driveways	
	Garage integration: 50% of all required garages must be inegrated into primary structures	Remove this limitation	
	Garage location: not allowed to front onto public ROW for all residential uses	Add carports to this description and only allow the exception if SF backs up to a park; propose to not apply to multi-family	
Sec. 6.3.18 Common Area	Miniumum of 500 sf and additional 100 sf per 1000 sf gross floor area (GFA); limited to a water feature, outdoor covered space, or outdoor seating area every 5,000 sf and an amenity for every 200 sf (benches, seating areas, trees, planters, decorative paving, etc.)	Propose to simplify the calculation: 5% of GFA (or 4% if shared between multiple buildings) for common area and add tree-lined trails around irrigated greenspace as a qualifying option	
	Multi-family common area requirements: has same complicated formula	Propose to allow the existing language related to requiring an amenity from the list for every 50 units, including gym and pool, but also adding outdoor park to count	
	Monument, multi-tenant and directional signs all require a warrant	Allow them by right if standards are met	
	Projecting signs: 4 sf in T4 and 6 sf in T5	Allow up to 32 sf as long as 8' min. clearance is provided	

TMED Code Amendment Summary Table

November 30, 2017

Sec. 6.3.19 Signage	Wall signs: Max of 3' height x 50% total length of tenant space or bldg.	Limited to 100 sf; must be either externally illuminated or be raceway mounted with channel letters	
	Freestanding signs: require a warrant and are limited to 2' wide x 6' tall; only 1 per lot	Single-tenant: 10' tall; 50 sf area; 1 per driveway (either single-tenant or multi-tenant but not both); Multi-tenant: 20' tall; 32 sf area per face; 1 per driveway (either single-tenant or multi-tenant but not both)	
	Non-conforming pole signs	Existing pole signs must be clad in brick or stone	To match I-35 Corridor Overlay
	Banners: prohibited	Allow with limitations on size, time period and frequency	
Sec. 6.3.20 Street Lighting	Applies to all transect zones and City's street light policy applies	No changes proposed	
Sec. 6.3.21 Utilities	All proposed new electric, phone	No changes proposed	

B. Final Action

Unless otherwise provided in this Article, the Planning and Zoning Commission must take final action on the following development review procedures:

1. Preliminary Plat;
2. Final Plat;
3. Replat Without Plat Vacation; and
4. Plat Vacation.

2.4.3 Policies and Procedures

The City Council determines by ordinance or resolution the number of members, quorum, qualifications for appointment, appointment process, orientation of new members, attendance requirements, goal-setting, reporting, meeting schedule, meeting procedures and other policies and procedures for the Planning and Zoning Commission.

2.4.4 Override of Planning & Zoning Commission Denial Recommendation

A minimum 75 percent vote of all the members of the City Council is required to overrule a recommendation by the Planning & Zoning Commission that a proposed UDC Text Amendment, Zoning District Map Amendment, Planned Development or Conditional Use Permit be denied.

Sec. 2.5. Development Review Committee

2.5.1 Establishment

A Development Review Committee is established to provide a coordinated and centralized technical review body. The Development Review Committee is composed of persons from various City departments that have an interest in development review.

2.5.2 Review and Recommendation

The Development Review Committee must review and make a recommendation on the following development review procedures:

- A.** Planned Development;
- B.** Conditional Use Permit;
- C.** Preliminary Plat;

Article 2: Development Review Bodies

Sec. 1.1.

- D. Final Plat;
- E. Replat Without Plat Vacation;
- F. TMED Warrants per Sec. 6.3.6
- G. Minor or Amending Plat; and
- H. Plat Vacation.

2.5.3 Membership

A. Chair

The Director of Planning serves as Chair of the Development Review Committee and is responsible for all final actions of the Committee.

B. Other Members

In addition to the Chair, the Development Review Committee is composed of the following members:

1. Director or Construction Safety;
2. Director of Public Works;
3. Director of Parks and Leisure Services;
4. Director of Information Technology;
5. City Attorney;
6. Fire Chief; and
7. Any other City staff or external agencies the Chair deems necessary for the professional review of an application.

2.5.4 Proceedings

The Development Review Committee meets as often as necessary to fulfill its duties or upon call of the Chair of the committee to discuss and review the applications listed in Sec. 2.5.2 above. The meeting notes of each meeting must be filed with the Director of Planning and sent to the applicant.

Sec. 2.6. Chief Building Official

The Chief Building Official must take final action on the following development review applications:

2.6.1 Building Permits; and

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Establishment¶

A TMED Review Committee (TRC) is established that is comprised of the Development Review Committee membership, an at-large citizen representative located within the District and two TMED Coordinating Group members, who will be appointed by the TMED Coordinating Group. These three representatives are appointed to two-year terms. ¶

Final Action¶

The TRC reviews and takes final action on Warrant requests.¶

[Ord. 2010-4415]¶

2.6.2 Sign Permits.

Sec. 2.7. Director of Planning

2.7.1 Powers and Duties

The following powers and duties are assigned to the Director of Planning under this UDC.

A. Review and Recommendation

The Director of Planning must review and make a recommendation on the following development review procedures:

1. UDC Text Amendment;
2. Zoning District Map Amendment;
3. Planned Development;
4. Conditional Use Permit;
5. Preliminary Plat;
6. Final Plat;
7. Replat Without Plat Vacation;
8. Plat Vacation;
9. Building Permit;
10. Sign Permit; and
11. Variance.

B. Final Action

Unless otherwise provided in this Article, the Director of Planning must take final action on the following development review procedures:

1. Minor or Amending Plat;
2. Administrative Adjustment;
3. TMED Warrants per Sec. 6.3.6
4. Sidewalk Waiver requests or may refer the request to the Planning and Zoning Commission and the City Council; and
5. Determination of Comparable Temporary Uses.

Article 2: Development Review Bodies

Sec. 2.7. Director of Planning

[Ord. 2011-4430], [Ord. 2015-4701]

Sec. 3.11. Reserved

Deleted: TMED Site Plan Review

Deleted: <#>Applicability ¶

Site plan review is required to ensure that all development within the entire TMED zoning district meets the requirements set forth in the TMED design standards in Sec. 6.3. The review covers site planning, architecture, landscaping, exterior lighting and signs, as well as any changes, additions or renovations to any development on the site. ¶

Review Process¶

Subdivision Plat Required¶

Prior to TMED Site Plan or Building Permit approval, any property to be developed in the TMED zoning district must undergo the subdivision review process required in Article 3. ¶

Director of Planning Determination of Completeness¶

The Director of Planning must determine whether a TMED Site Plan application is complete and satisfies the initial submittal requirements within five working days of the application being properly submitted and received by the City. ¶

If the application is determined incomplete, the Director of Planning must notify the applicant in writing. The notification must list all missing or incomplete items. ¶

The Director of Planning may request additional information not specifically stated in the application submittal requirements if such information is required for the accurate review of the proposal. ¶

Upon receipt of a complete application, the Director of Planning must distribute the application to the DRC, to review the site plan for compliance with the provisions of Sec. 6.3. ¶

Development Review Committee Review¶

The Development Review Committee must review the submitted application and make a recommendation to the Director of Planning. ¶

Director of Planning Final Action¶

The Director of Planning must approve, approve with conditions or deny a TMED Site Plan application based on the review criteria below in Sec. 3.11.3 below. Approval of a TMED Site Plan results in the issuance of a TMED Site Plan Permit. ¶

Review Criteria ¶

The Director of Planning must approve, approve with conditions or deny a TMED Site Plan application based on the following criteria: ¶

The application exhibits conformance with the standards of the TMED zoning district, the

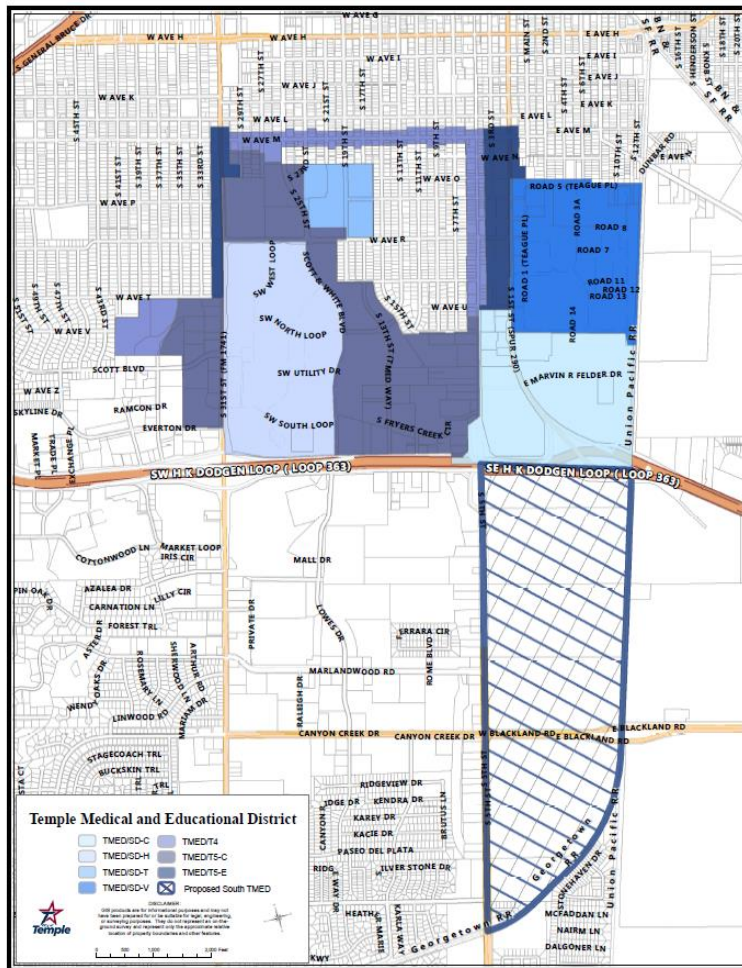
Sec. 6.3. **TMED, Temple Medical and Educational**

6.3.1 Purpose (see Sec. 4.3.24)

6.3.2 Boundary

The TMED zoning district is defined as shown in the map below.

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6.3.3 Transect Zones and Special Districts

The TMED zoning district includes Transect Zones (T) and Special Districts (SD) as defined below.

A. **T4 (General Urban Zone)**

The T4 transect zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, side yard and row houses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

B. **T5-e (Neighborhood Edge Zone)**

The T5-e transect zone consists of a mid-density mixed use but primarily commercial, retail and office urban fabric. It typically has a single row of teaser parking located in front of the principal building, with strong vehicular cross-connection among adjacent properties. It primarily has attached buildings with wide sidewalks, rhythmic street tree planting and buildings set close to the sidewalks.

C. **T5-c (Urban Center Zone)**

The T5-c transect zone consists of higher-density, mixed use buildings that accommodate retail, offices, row houses and apartments. It has a tight network of streets with wide sidewalks, rhythmic street tree planting and buildings set close to the sidewalks.

D. **T-South (TMED South)**

The T-South transect zone consists of medium to high density, mixed use buildings that accommodate retail, office, single-family attached and detached, multi-family and medical uses, while also compatibly integrating the historic agricultural character. It has a tight network of streets with wide sidewalks, rhythmic street tree planting and buildings set close to the sidewalks interspersed with common green and open space.

E. **Special Districts**

These districts consist of institutions with buildings that by their current function, disposition or configuration cannot, or should not, conform to one or more of the transect zones. The referencing to a particular institution in a Special District is as follows:

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S&W Memorial Hospital and Texas A&M Health Science Center (SD-h)

The Central Texas Veterans Health Care System (SD-v)

Temple College (SD-c)

Temple Independent School District (SD-t)

6.3.4 Applicability

The provisions of the TMED zoning district apply to nonresidential and multiple-family development as established in the table below.

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(See Applicability Tables currently in a separate document)

The provisions of the TMED zoning district apply to single-family development as established in the table below.

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Nonresidential and Multiple-Family Development Type ...

Single-Family Residential Development Type

	Review Process	General Standards	Use Standards	Circulation Standards	Parking and Loading Standards	Bicycle Facility Standards	Private Property Landscaping Standards	Screening Standards	Public Frontage Standards	General Planting Criteria	Architectural Standards	Common Area Standards	Sign Standards	Lighting Standards	Utility Standards
New construction (all types)	✓	✓	✓	✓	✓		✓		✓	✓	✓			✓	✓
Change in use from single-family residential to multiple-family and nonresidential use	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓		Sec. 7.5.4 applies						Sec. Error! Reference source not found. applies				
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓		Sec. 7.5.4 applies						Sec. Error! Reference source not found.				

Deleted: (See City Code 12-18 Business Registration)

Single-Family Residential Development Type

	Review Process	General Standards	Use Standards	Circulation Standards	Parking and Loading Standards	Bicycle Facility Standards	Private Property Landscaping Standards	Screening Standards	Public Frontage Standards	General Planting Criteria	Architectural Standards	Common Area Standards	Sign Standards	Lighting Standards	Utility Standards
											rce not found. applies				
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓	✓		Sec. 7.5.4 applies						Sec. Error! Reference source not found. applies				
Interior or exterior restoration or rehabilitation of existing structure with no increase in gross floor area															

6.3.5 Design Review

The City, through the Director of Planning, must review and approve a site development plan prior to construction for all developments within the TMED zoning district as required by this Section.

A. Subdivision Plat Required

Prior to the Design Review Process and Building Permit approval, any property to be developed in the TMED zoning district must undergo the subdivision review process required in Article 3.

Commented [KL1]: Pulled this language from 3.11.2(A)

B. Design Review Process

- This Section establishes a design review process to ensure that all development within TMED meets requirements set forth in these design standards. The review covers site planning, architecture,

landscaping, exterior lighting and exterior signage, as well as any changes, additions or renovations to any development on the site.

2. The design review process is divided into three steps:

- a. Design Orientation;
- b. Preliminary Design Review; and
- c. Permitting.

3. The applicant must meet with relevant staff at the design orientation step of the process, while the subsequent steps of the process may be addressed via electronic submittals, if agreed to by staff and the applicant.

B. Submittal Requirements

The information required below may be combined to reduce the number of sheet submittals, as long as all sheet detail is provided.

1. Design Orientation

A design orientation session is required between a representative of the City and the property owner, design architect, landscape architect, engineer and/or contractor. This session includes a discussion of the design concept and design standards for the ~~the I-35 Corridor Overlay zoning district~~ TMED District, the specific design standards for the particular site and the design review process.

a. When the initial design for the project is prepared, a minimum of one electronic set of plans must be submitted to the Planning Department for formal review. This review covers preliminary site planning, architecture, landscape areas, and sign location.

b. The purpose of this preliminary design review is to provide the owner and designer with written assurance that the fundamental designs are acceptable, before requiring plans suitable for City permitting. It also provides a clear list of any issues to be resolved in the permitting step.

c. These plans must include, but are not limited to the following:

- i. Preliminary Site Plan (scaled and dimensioned) showing:

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Deleted: <#>Questions, meetings and informal and partial submittals are encouraged to promote early communication and resolution of issues. Verbal responses are unofficial and are subject to change in written response. Only written approvals from the City are official.¶

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Deleted: Construction Documents Submittal

(A) Building footprint(s)

(B) Landscaping locations and types

(C) Public Frontage elements (all that are applicable) to include:

(1) Sidewalk location and width

(2) Planting strip location, width and landscaping

(3) Pedestrian lighting location (if applicable)

(4) Bench and trash receptacle location (if applicable)

(5) Trail location, width and material (if applicable)

ii. Preliminary Street Framework and Land Use Plan showing:

(A) Street locations and classifications

(B) Proposed land uses with conceptual building footprints

(C) Type of public frontage for each street (Types A, B, C, D, E or F)

iii. Preliminary Building Elevations showing:

(A) Principal exterior elevations of all proposed buildings:

(B) Roof pitch, articulation and materials

(C) Horizontal articulation

(D) Transparency calculation

(E) Top floor articulation

(F) Primary entrance articulation

(G) Maximum building heights on each elevation drawing; and

(H) Conceptual finish materials (with percentages), colors and textures under consideration.

Deleted: <#>See Sec. 3.11 for review process¶

Deleted: (minimum 15% of all street-facing facades must be doors and windows)

iv. Fence and Wall Plan (if applicable) showing:

(A) Locations, materials, colors and heights in relation to on-site grades; and

(B) Relationships to walls, fences and grades on adjacent parcels.

v. Sign Plan (if applicable) showing:

(A) Locations in relation to on-site grades; and

(B) Elevations and details of sign graphics with data table of permitted and proposed signs.

2. Permitting

a. The final construction drawings and specifications for the project must be submitted to the Planning Department for permitting. The submitted documents must include all design necessary for construction, including site development, architecture, signage, grading, driveways, parking, walkways, terraces, patios, walls, fences, planter beds, fountains, trellises, utilities, architecture, landscaping, walls, pools, mechanical equipment, plumbing, electrical, exterior lighting and exterior signs.

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6.3.6 Warrants and Variances

A. There are two types of deviations from the requirements of the TMED zoning district requirements: warrants and variances.

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All development in the TMED zoning district must follow the site plan review process as described in Sec. 3.11.

B. Whether a deviation requires a warrant or variance shall be determined by the Director of Planning in accordance with the following standards:

1. Warrants

a. A warrant is a ruling that would permit a practice that is not consistent with a specific provision of the TMED standards in Article 1 but is justified by the purpose of the TMED zoning district. The Planning Director has the authority to approve, approve with conditions or deny a request for a warrant after getting input from the relevant members of the Development Review Committee (DRC).

b. Warrant requests are permitted for the following:

- i. Signage standards related to materials, dimensions or lighting.
- ii. Public frontage amenities and specifications
- iii. Cul-de-sac locations
- iv. Maximum residential density:
- v. Increase in maximum height:
- vi. Alternative fence materials:
- vii. Alternative materials for hike and bike trails
- viii. Common area amenities;and
- ix. Exterior building materials

2. Variances

- a. Review of a Variance request must be in accordance with **Error! Reference source not found.** Such Section applies in its entirety with the exception of height, signage and landscaping.
- b. Variance requests are permitted for the following:
 - i. Minimum yard and setbacks;
 - ii. Minimum lot area;
 - iii. Maximum lot coverage;
 - iv. Secondary street frontage build out; and
 - v. Permitted encroachment into setbacks.

3. No Warrant or Variance Request Permitted

Warrants and variances may not be requested for the following:

- a. Permitted uses in a district;
- b. Maximum dimensions of traffic lanes; and
- c. Required provision of rear alleys.

Deleted: <#>Per Sec. 3.11.6.C.1., a warrant is a ruling that would permit a practice that is not consistent with a specific provision of the TMED standards but is justified by the purpose of the TMED zoning district.¶
Per Sec. 3.11.6.C.1 review of a variance request in relation to a TMED Site Plan must be in accordance with Sec. 3.15. Such Section applies in its entirety with the exception of items referenced herein that allow for a warrant. ¶

6.3.7 General Regulations

A. Applicability

The TMED general regulations in this Section apply to all [Transect Zones and Special Districts](#), to the extent set forth below.

B. General Requirements

The tables below establish the general requirements for the TMED [Transect Zones and Special Districts](#) as they relate to lot dimensions, setbacks, structure configuration and type permitted.

Lot Dimensional Standards	T4	T5-e	T5-c	T-South	SD-c; SD-t	SD-v; SD-h
Min. Lot Area	NA	NA	NA	NA	NA	NA
Min. Lot Width (ft.)	18	18	18	18 (50 for all detached single-family without alley access)	NA	NA
Max. Lot Width (ft.)	120	700	700	700	NA	NA
Min. Lot Depth (ft.)	NA	NA	NA	NA	NA	NA
Max. Lot Depth (ft.)	NA	NA	NA	NA	NA	NA
Max. Impervious Lot Coverage – Res. Uses (%)	70	70	80	80	NA	NA
Max. Impervious Lot Coverage – Nonres. Uses (%)	80	80	80	80	NA	NA

Setback Dimensional Standards	T4	T5-e	T5-c	T-South	SD-c; SD-t	SD-v; SD-h
Min. Front Yard Setback (ft.)	6	4	4	4	6	NA
Min. Front Yard Private Landscape Area (see Table 11) (ft.)	6	4	4	4	6	NA
Max. Front Yard Setback (ft.)	47*	47*	47*	47*	18	NA
Min. Side Yard Setback (ft.)	Per building or fire code	Per building or fire code	Per building or fire code	Per building or fire code	12	NA
Min. Side Yard Setback at Street (ft.)	Must meet visibility triangle requirements					
Min. Rear Yard Setback (ft.)	10	10	10	10	12	NA
Min. Rear Yard Setback - for garage or carport with alley access (ft.)**	6	6	6	6	6	6

*Allows a single row of teaser parking, a 2-way drive aisle and 5-foot landscape buffer for parking lot screening.

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Deleted: Max. Side Yard Setback at Street (ft.)

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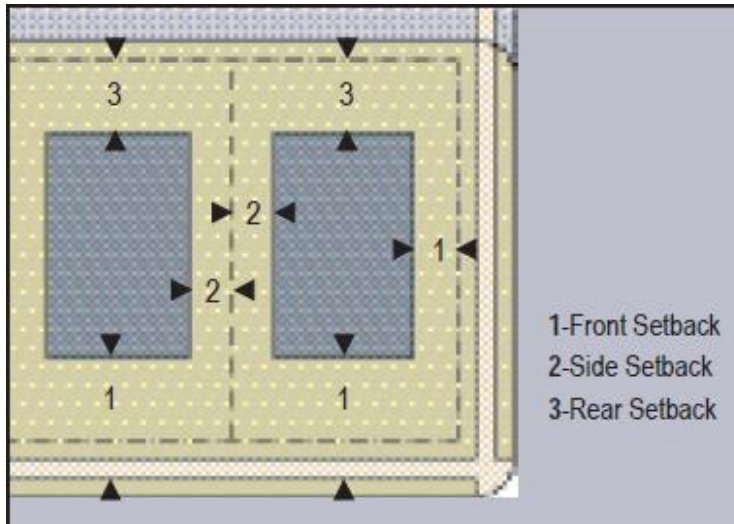
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**Parking in an alley is prohibited.



C. Permitted Encroachments into Setbacks

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1. The table below establishes encroachments that are permitted in required setbacks. Encroachments must comply with all other standards of this and other applicable Sections of this UDC.

Type of Encroachment	T4 & T-South			T5 & SD		
	Front	Side	Rear	Front	Side	Rear
Main Entry Stairways, single-family (%)	50	100	--	100	100	--
Main Entry Stairways, multifamily (%)	--	100	--	--	100	--
Balconies, 8' ground clearance required (%)	50	100	--	100	100	--
Awnings, Arcades, Galleries, 8' ground clearance required (%)	50	100	--	100	100	--
Covered Porches (%)	50	100	--	100	100	--
Bay Windows (%)	50	100	50	100	100	50
Fire Escapes (%)	--	100	--	--	100	--
Dining Areas, nonresidential (%)	100 outside of required front yard private landscape area	100	--	100 outside of required front yard private landscape area	100	--

-- = Encroachment not permitted

2. Buildings are not permitted to overlap property lines.

D. Building Configuration

The table below establishes the building configuration requirements for the TMED [zoning district](#). In the TMED zoning district, height is measured as the distance from finished floor to the top plate.

Setback Dimensional Standards	T4	T5-e	T5-c	T-South	SD-c; SD-t	SD-v; SD-h
Max. Building Height	3 stories	3 stories	5 stories	5 stories	NA	NA
Maximum Density (residential units per acre)	14 units per acre	24 units per acre	40 units per acre	40 units per acre	NA	NA
Maximum Density by Warrant (residential units per acre)	24 units per acre	30 units per acre	60 units per acre	NA	NA	NA
Maximum Residential Units Per Attached Structure	6	10	10	NA	NA	NA
Maximum Accessory Structures	1 per residential lot	1 per residential lot	1 per residential lot	1 per residential lot		

-- = Not permitted

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6.3.8 Use Standards

A. Applicability

The TMED use standards in this Section apply to all [Transect Zones and Special Districts, as set forth below](#).

B. Prohibited Uses

In addition to those uses prohibited in Sec. [5.1.1](#), the following uses are prohibited in the TMED zoning district:

Auto parts sales;

[Credit Access Business](#);

Commercial Uses as listed in the use table in [Sec. 5.1.3](#);

Industrial Uses as listed in the use table in [Sec. 5.1.3](#);

Kiosk;

Natural Resource Storage and Extraction Uses as listed in the use table in [Sec. 5.1.3](#);

Package [Store \(liquor but not including wine and beer\)](#);

Deleted: <#>Warrants and Variances¶

Per Sec. 3.11.4.C.1., A warrant is a ruling that would permit a practice that is not consistent with a specific provision of the TMED standards but is justified by the purpose of the TMED zoning district.¶

Per Sec. 3.11.4.C.1 Review of a Variance request in relation to a TMED Site Plan must be in accordance with Sec. 3.15. Such Section applies in its entirety with the exception of items referenced herein that allow for a warrant. ¶

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Deleted: Agricultural Uses as listed in the use table in [Sec. 5.1.3](#);¶

Pawn Shop;

Sexually Oriented Business;

Tattoo Studio;

Body Piercing Studio;

Two-family dwelling (Duplex);

Vape Shop; and

Vehicle Sales and Service Uses as listed in the use table in Sec. 5.1.3.

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C. Legend for Interpreting Use Table

The table below establishes the meaning of the symbols used in the use table in subsection D.

Symbol	Meaning
P	Permitted by right in district indicated
L	Permitted by right subject to limitations in district indicated
C	Requires Conditional Use Permit in district indicated
[blank cell]	Prohibited in district indicated

D. Use Table

The following principal uses are permitted by right, permitted subject to limitations or permitted with a Conditional Use Permit in accordance with Sec. 3.5.

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USES	T4	T5-e	T5-c	T-South	SD-t	SD-h	SD-v	SD-c	Standards
RESIDENTIAL USES									
Multiple-family dwelling	P	P	P	L				P	See Specific Use Standards #1, 6
Live/work unit	L	L	L	L					16
Single-family attached dwelling, Row house or Townhouse (3 or more attached units)	P	P	P	L				P	3
Single-family detached dwelling	P	P		L					2
Accessory dwelling unit	L	L	L	L					4, 9
NONRESIDENTIAL USES									
Artisan brewery, brewpub or winery	L	L	L	L					15, 17
Artisan craft production and	L	L	L	L					15, 18

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USES	T4	T5-e	T5-c	T-South	SD-t	SD-h	SD-v	SD-c	Standards
retail									
Assisted living/Nursing home		P	P	L		L	L		15
Barber shop or beauty shop	P	P	P	L					
Bus shelter	P	P	P	P	P	P	P	P	15
Childcare: family home	L	L	L	P					11, 15
Childcare: group day care center	L	L	L	L	L	L	L	L	11, 15
Childcare: group day care home	L	L	L	L					11, 15
Cleaning, pressing and pick up shop	P	P	P	L					15
College		P	P	P	P	P	P	P	15
Commercial surface parking lot						L	L	L	8, 15
Convention, conference or exhibition center		P	P	L	P	P	P	P	15
Drug store or pharmacy (drive-through permitted)	P	P	P	L		P	P		5, 12, 15
Exercise gym	P	P	P	L					15
Fountain or public art	P	P	P	P	P	P	P	P	
Governmental use	P	P	P	P	P	P	P	P	15
Hospital			P	L		P	P		15
Library		P	P	P	P	P	P	P	15
Medical clinic	P	P	P	L		P	P	P	15
Medical office or lab	P	P	P	L		P	P	P	15
Museum	P	P	P	L	P	P	P	P	15
Park, playground, open space	P	P	P	P	P	P	P	P	
Parking structure	P	P	P	L	L	L	L	L	10, 14, 15
Place of worship	P	P	P	P	P	P	P	P	15
Pre-school	P	P	P	P	L	L	L	L	15
Public or private education facility	P	P	P	P	P	P	P	P	15
Research facility		P	P	L	P	P	P	P	15
Studio: decorator, artist, photographer, music, dance or drama	P	P	P	L					15
Trade or vocational school		P	P	L	P	P	P	P	15
Veterinary hospital (no kennels)	P	P	P	L					15
Veterinary hospital (kennels)	C	C	C	C					15
Entertainment & Recreation, Office and Retail Sales & Service									
Alcoholic beverage sales for on-premise consumption – Less than 50% revenue	P	P	P	L					11, 15
Alcoholic beverage sales for on-premise consumption – Less than 75% revenue	C	C	C	C					11, 15

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...

USES	T4	T5-e	T5-c	T-South	SD-t	SD-h	SD-v	SD-c	Standards
Amusement, commercial (indoor)	P	P	P	L					15
Bar - Alcoholic beverage sales for on-premise consumption – More than 75% revenue	C	C	C	C					11, 15
Drug store or pharmacy (drive-through permitted)	L	L	L	L		P	P		5, 12, 15
Financial institution (drive-through permitted)	L	L	L	L		L	L	L	5, 12, 15
Fuel sales	L	L							13, 15
Grocery store	P	P	P	L					15
Live Theatre (indoor)		P	P	L	P	P	P	P	15
Live Theatre (outdoor)		P	P	L	P	P	P	P	15
Movie Theatre			P	L	P	P	P	P	15
Office	P	P	P	L	P	P	P	P	15
Outdoor Auditorium/Stadium			P	L	P	P	P	P	15
Restaurant or Coffee Shop (no drive-through permitted)	P	P	P	L	P	P	P	P	15
Restaurant or Coffee Shop (drive-through permitted)	L	L	L	L	L	L	L	L	5, 12, 15
Retail Sales not listed above (no drive-through permitted)	P	P	P	L		P	P	P	15

Overnight Accommodations									
Hotel	L	L	L	L	L	L	L	L	7, 15
Bed and breakfast (max. 5 sleeping rooms)	L	L	L	L					15
School dormitory			P		P	P	P	P	15

E. Specific Use Standards

The following specific limitations apply as set forth in the use table above.

- Multiple family dwellings in T-South are permitted to front only on streets classified as either an arterial or collector street, except that multiple family dwellings may not abut or front South 5th Street.
- Single-family detached dwellings in T-South are permitted only to front on streets classified as either a local street or a collector street with alley access. Single-family detached dwellings in T-South may not directly back up to South 1st Street.

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3. Single-family attached dwellings in T-South are permitted only to front on streets classified as either an arterial or collector street. Single-family attached dwellings in T-South must be accessed by an alley.

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4. Accessory dwelling units are only allowed above non-residential as part of a vertical mixed-use building or as a small unit accessory to a single-family detached dwelling, in which case the small unit accessory must front on an alley.

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5. In addition to vehicle space in front of a drive-through window, three spaces are required for stacking in the drive-through. The drive-through is only permitted to the rear or side of the principal building.

6. Multiple family dwellings are permitted only if they are part of a mixed use development which may be vertical or horizontal mixed use.

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Deleted: in which 40 percent of the nonresidential uses are constructed with or prior to multiple-family construction.

7. Hotels are permitted in accordance with the following provisions:

- a. External balconies and walkways must be set back 200 feet from any residential zoning district.
- b. Hotel staff must be present on-site 24 hours a day.
- c. All rooms must be accessed through an internal hallway, lobby or courtyard. Exterior entrances to individual rooms are prohibited.
- d. The hotel site must contain a minimum of three amenities from the list below:
 1. Indoor/outdoor pool;
 2. Spa/sauna;
 3. Weight room/fitness center;
 4. Playground;
 5. Sports court;
 6. Plaza/atrium;
 7. Game room;
 8. Conference room (1,000 square foot minimum); or
 9. Full service restaurant (minimum seating capacity of 35).
8. All commercial surface parking lots must adhere to screening requirements in subsection 6.3.12E.

Deleted: 6.3.13E

9. ~~Accessory dwelling units are only permitted on lots with single-family detached structures. Accessory dwelling units are only permitted in a required garage if located on a second floor above the parking area. Accessory dwelling units must comply with all setback and coverage requirements. Accessory dwelling units count toward the maximum of one accessory structure per lot.~~

Deleted: Overhead doors are prohibited. ¶

10. ~~Parking structures must integrate commercial uses on the first floor on primary and secondary frontages. Parking structures must be treated the same as nonresidential structures for the application of TMED standards.~~

11. ~~The Specific Use Standards in [Sec. 5.3](#) apply to these uses.~~

12. ~~The drive-through is only permitted to the rear or side of the principal building and must be screened in accordance with parking lot screening requirements in subsection [6.3.12E](#) and must be located at an end cap of the building, which must include a minimum of two other businesses.~~

Deleted: 6.3.13E

13. ~~Fuel pumps must be screened in accordance with parking lot screening requirements in subsection [6.3.12E](#). The number of pumps is limited to eight fueling stations.~~

Deleted: Fuel stations are only permitted on South 31st Street.

Deleted: located to the rear or side of the principal building and must be

Deleted: 6.3.13E

14. ~~All structured parking on public frontages in [Special Districts](#) must adhere to screening requirements in subsection [6.3.12E](#). In addition to screening requirements, one additional ornamental tree must be planted every 25 feet along the public frontages.~~

Deleted: Multiple-family dwellings are not permitted on the first floor of structures fronting on collectors or arterials without approval of a Warrant. ¶

Deleted: SD districts

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15. ~~All nonresidential [uses in T-South](#) are permitted to front only on streets classified as an arterial, collector or private street.~~

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16. ~~[Home occupations](#) are only permitted in multi-story attached single-family or multi-family dwelling units with ground floor access to a public sidewalk. Office, art and photography uses are the only permitted home occupations.~~

Deleted: Live/work units

Deleted: for any office or studio (art or photography use)

Commented [KL6]: Brian, let me know what you think about this language.

17. ~~Maximum of a 10,000 square foot floor area.~~

Deleted: , thereby differing from Sec. 5.5.4 for home occupations by allowing traffic generated by clients or students

18. ~~Craft production limited to a maximum of 3,500 square feet (excepting retail sales space).~~

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F. Uses Not Addressed

Uses not specifically addressed in the use table above are prohibited unless the Director of Planning determines the use to fall into a permitted category.

G. Outdoor Storage

Outdoor storage is not permitted in TMED. Prohibited outdoor storage includes open storage, portable containers, portable buildings or any other structure not fixed onto a permanent slab and that adheres to the architectural standards defined in Sec. ~~6.3.15~~.

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H. Outdoor Retail Display

Only temporary outdoor displays for a sidewalk sale are permitted as long as the display does not extend more than five feet from a front façade and reserves at least five feet of sidewalk or walkway for pedestrian use. Such sale must be an allowed use.

Deleted: Commodities must not be displayed outdoors for sale in a transect zone or Special District where such sale is not an allowed use.¶
Commodities must not be displayed outdoors for sale in the TMED zoning district, except that

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I. Home Occupations

Home Occupations are permitted in accordance with the standards in Sec. ~~Error! Reference source not found.~~

6.3.9 Circulation Standards

A. Applicability

The TMED circulation standards in this Section apply to all transect zones unless otherwise stated.

Deleted: in individual subsections

B. Thoroughfare Standards

1. Cul-de-sacs are prohibited in the TMED zoning district with the exception of property abutting a railroad or if approved by warrant.
2. New thoroughfares must comply with the TMED Design Guidelines, a copy of which may be obtained from the City's Planning Department.

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C. Block Perimeter

The table below establishes maximum block perimeter requirements for all newly constructed streets in the TMED zoning district.

	T4	T5-e	T5-c	T-South	SD
Maximum Block Perimeter	2,500	2,500	2,500	2,500	NA

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D. Access and Connectivity

1. General

- a. Access and Connectivity standards do not apply to Special Districts.
- b. Nonresidential driveway connections to adjacent property must be provided.
- c. All driveway connections must be constructed and stubbed or connected to any existing stub.
- d. Driveway spacing must be based on the [TMED Design Guidelines](#) and the appropriate alignment with any existing or proposed median breaks as approved by the City Engineer.
- e. The requirement for a driveway connection may be waived by the Director of Planning when unusual topography or site conditions would make such a driveway [useless to adjoining properties](#).

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Deleted: or access easement

Deleted: Specific to T5-e on

2. First Street

In order to reduce the number of pedestrian and vehicular conflicts at sidewalk and driveway intersections, driveway cuts [on First Street](#) are limited to a maximum of two per block face, regardless of currently allotted driveway cuts. [This restriction applies only in T5-e.](#)

6.3.10 Parking and Loading Standards

A. Applicability

[This Section](#) applies to all [Transect Zones and Special Districts](#) unless otherwise stated.

Deleted: The TMED parking and loading standards in this Section

B. Required Parking Ratios

1. Required Parking Ratios do not apply to Special Districts.
2. The standards in Sec. [7.5.4](#) apply [except that](#) [the](#) minimum requirements for all nonresidential uses and multiple-family uses are reduced by 25 percent.

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C. Parking Space Dimensions

The standards in [Sec. 7.5.5](#) apply to parking space dimension.

Deleted: <#>If parking in excess of 100 percent of the minimum parking spaces required is provided, additional landscaping area and planting equivalent to two percent of the parcel's impervious cover must be provided per each additional parking space.¶

D. Parking Requirements for New or Unlisted Uses

The standards in [Sec. 7.5.4](#) apply for uses that are determined to be permitted by the Director of Planning.

E. Off-Street Loading Regulations

The standards in Sec. [7.5.6](#) apply with the following exceptions:

Deleted: Error! Reference source not found.7.5.6

1. Common or shared loading and delivery entrances must be provided between adjacent buildings or developments.

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2. Off-street loading areas and truck staging areas must be located in the rear yard and must not be visible from the public right-of-way.

F. Shared Parking

The total amount of parking required may be adjusted according to the shared parking factor established in the table to the right to determine the effective parking. The shared parking factor is available for any two uses within any pair of adjacent property.

Use	With	Use
Residential		Residential
Overnight Accom.		Overnight Accom.
Office		Office
Retail Sales & Svc.		Retail Sales & Svc.

G. Parking Location

1. General

All surface parking shall be constructed on-site in accordance with the following standards:

a. Surface parking areas must be screened from all public rights of way by a building or screen in accordance with [Section 6.3.12E](#); and

Deleted: Screening Standards

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b. Surface parking areas must be constructed with curb and gutter.

2. Single-Family Detached or Attached Dwelling, Townhouses, Row Houses and Live/Work Units

All parking areas and garages must be located [to the rear of the principal structure](#) and must be accessed by rear alleys, [unless the lot is at least 50 feet in width or the dwelling unit directly abuts a park to the rear. A minimum of 20 percent of single-family attached or detached lots within a development \(as depicted in the preliminary or final plat\) must utilize alley access.](#)

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3. Mixed Use, Multiple family and Nonresidential Uses

Mixed use, multiple family and nonresidential driveways must be no wider than 24 feet in the first layer.

Parking areas and garages located either to the side or rear, will qualify for a reduction in overall site landscaping requirements. If all parking is to the rear, a 10% reduction of overall site landscaping requirements will be applied. If all parking is to the side, a 5% reduction of overall site landscaping requirements will be applied.

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H. On-Street Parking

On-street parking spaces may be located on streets as identified in the table in subsection Q.

On-street parking may be used to satisfy 50 percent of the off-street parking standards for nonresidential uses excluding multiple family dwellings.

On-street parking may only be achieved through parallel parking.

Deleted: To qualify for a reduction in landscaping requirements (10% reduction of overall site landscaping if all parking is to the rear and 5% reduction of overall site landscaping if all parking is to the side) all parking areas and garages must be located at the second or third layer of the principal frontage (to the side or rear) , and must be accessed by rear alleys. For example, if 20 percent overall site landscaping is required per Sec. 6.3.12.B. and parking is provided completely to the rear of the building, the overall site landscaping requirement is reduced to 10 percent.¶

6.3.11 Bicycle Facility Standards

A. Applicability

This Section applies to all Transect Zones and Special District as set forth below.

Deleted: Alleys ¶
When alleys are not in existence, right of way must be dedicated and access drive constructed as part of the development. Alleys must be constructed in accordance with the Design and Development Standards Manual.¶
Specific to Zone T5-e on First Street¶

B. Bicycle Facilities

The table below establishes minimum required bicycle rack spaces for multiple family, office, community center, educational and retail uses.

A single row of teaser parking not exceeding 40 feet in pavement depth is permitted parallel to South 1st Street. Where parking is located in the front of the building there must be a minimum setback of ten feet from the right-of-way line to the parking area.¶

Transect Zone	Min Required Bicycle Rack Spaces
T4	1 per 8 nonresidential spaces
T5-e	1 per 15 required parking spaces
T5-c	1 per 10 required parking spaces
<u>T-South</u>	<u>1 per 10 required parking spaces</u>
SD	1 per 10 required parking spaces

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Bicycle facilities must be placed in clearly designated, safe and convenient locations, so that no tenant entrance is greater than 200 feet from a bicycle facility.

Bicycle facilities must be separated from motor vehicle parking in order to protect both bicycles and vehicles from accidental damage. Facilities must be separated from the building or other walls, landscaping, and other features by a minimum of three feet.

Refer to the TMED Design Guidelines for the specific bicycle facility models and styles that are permitted in the TMED zoning district. The Planning Director may consider and approve alternate designs if they are determined to be consistent in quality and compatible in design with the Design Guideline options.

All collector or arterial streets must include a minimum of a five-foot wide bike lane in both directions or a shared use path for both bicycles and pedestrians that complies

with American Association of State Highway Transportation Officials (AASHTO) standards.

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6.3.12 Private Property Landscape Standards

A. Applicability

This Section applies to all Transect Zones and Special Districts as set forth below.

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B. General Site Landscape

A minimum percentage of the total area of the private property on which development, construction or reconstruction is proposed must be dedicated to landscape area including trees, shrubs, groundcover, sod or other living plant material.

The table below establishes minimum site landscape requirements for the TMED transect zones.

Transect Zone	Minimum Trees and Shrubs Per Lot				
	Minimum Landscape Area (%) with Parking in rear	Minimum Landscape Area (%) with Parking on side	Minimum Landscape Area (%) with Parking in front	Single-Family Detached or Attached Dwelling, Row House, Townhouse	Multiple family, Mixed Use and Non-residential uses
T4 (single-family attached and detached)	20	25	30	2 trees per lot 2 shrubs per 10' front foundation	NA
T4 (multi-family and non-residential)	10	15	20	NA	1 tree and 4 shrubs per 500 sq ft landscape area
T5-e	10	15	20	2 trees per lot 2 shrubs per 10' front foundation	1 tree and 4 shrubs per 600 sq ft landscape area
T5-c	10	15	20	2 trees per lot 2 shrubs per 10' front foundation	1 tree and 4 shrubs per 600 sq ft landscape area
T-South	10	15	20	2 trees per lot 2 shrubs per 10' front foundation	1 tree and 4 shrubs per 600 sq ft landscape area
SD			NA	NA	1 tree and 4 shrubs per 1,000 sq ft landscape area

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C. Tree Mix

Private property trees must be selected from the table in [Section 7.4.5.B of this UDC](#). [Requests to plant trees not listed in Sec. 7.4.5.B. may be made in writing and approved by either the Planning Director or City Arborist.](#)

A minimum of 50 percent of required trees must be selected from the medium or large size tree list.

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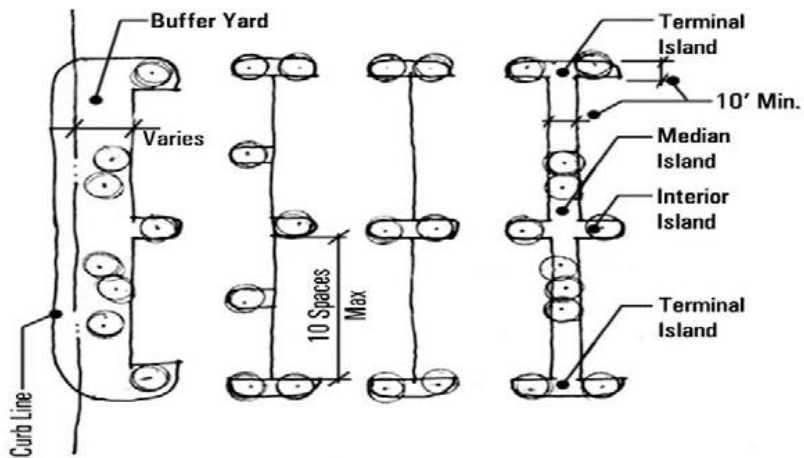
D. Parking Lot Landscaping

Landscaped parking islands are required in all parking lots.

One landscaped island must be provided for every 10 parking spaces. Islands may be located throughout the parking lot except all parking rows must begin and terminate in a curbed landscape island.

Deleted: or the landscaping can be consolidated into a combination of individual buffer yard, median islands and terminal islands with the equivalent landscaped area to provide additional flexibility

Islands must be a minimum of 170 square feet in area and eight feet in width back-of-curb to back-of-curb. One small, medium or large tree from the approved planting list is required in each island (either 2-inch diameter at breast height, which is defined as 4 feet 6 inches above grade/dbh or 65-gallon in size). For parking to the rear on lots of one-half acre or less, parking islands are not required as long as the perimeter of the parking areas abutting a street (public or private) are screened with shrubs and trees (2-inch dbh or 65-gallon).



All islands must be raised at least six inches, curbed and planted with approved landscaping materials.

Parking island shrubs, trees and landscape area may be counted towards the general site landscaping requirements established in Sec. [6.3.12](#).

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[The Planning Director may approve landscaping consolidated into a combination of individual buffer yard, median islands and terminal islands provided that the equivalent landscaped area is accomplished.](#)

E. Parking Lot Screen

This subsection applies to nonresidential and multiple family development and uses in TMED.

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All parking must be screened from public rights-of-way a minimum 36 inches in height, through one of the following methods:

Planting screen of evergreen shrubs;

Masonry wall;

Combination of evergreen shrubs and berm; and

Combination of evergreen shrubs and wall.

Planted screening must be capable of providing a solid, opaque 36-inch screen within two years, and must be planted in a prepared bed that is at least three feet in width.

Parking lot screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. [6.3.12](#).

Commented [KL12]: May want to double check this cross reference. I changed it from 6.3.13 to 6.3.12.

In addition to required parking lot screen shrubs, four small canopy street trees are required in accordance with the [TMED Design Guidelines](#) on First Street at all intersections.

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F. Screening of Mechanical Equipment

This subsection applies to all nonresidential and multiple family development and uses in TMED.

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All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from view or isolated so as not to be visible from any residential districts or uses, streets, rights-of-way or public park areas within 150 feet of the property line of the subject lot or tract, measured from a point five feet above grade in accordance with this Section.

Roof-mounted mechanical equipment must be shielded from view on all sides using parapet walls.

Wall or ground-mounted equipment screening must be constructed of:

Vegetative screens; or

Brick, stone, architecturally finished concrete, or other similar masonry materials; and

All fence or wall posts must be concrete-based masonry or concrete pillars.

Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the building.

Mechanical equipment screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. [6.3.12](#).

G. Screening and Location of Waste Containers

This subsection applies to all nonresidential and multiple family development and uses in TMED.

Waste containers must be located [to](#) the rear of the building and screened from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the structure.

Waste containers must be located a minimum of 50 feet away from any residential use or district's property lines with the exception of multiple family [unless separated by an alley that is used for solid waste service](#).

Waste containers must be screened on all four sides, using an enclosure that screens the waste container from view at the property line.

Screening must be at least as tall as the waste container(s) and comprised of materials and color schemes that are visually and aesthetically compatible with the overall project that incorporate the following:

Brick;

Stone;

Stucco;

Architecturally finished concrete; or

Other similar masonry materials.

Waste containers with fence posts must be rust-protected metal, concrete based, masonry or concrete pillars; and waste containers must have six-inch concrete filled steel pipes (bollards) that are located to protect the enclosure from truck operations and not obstruct operations associated with the waste container.

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Waste container enclosures must have steel gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tie-backs must be used to secure the steel gates in the open position.

Waste container screening must be maintained by the owner at all times.

The ingress, egress, and approach to all waste container pads must conform to fire lane requirements.

Waste container pad and apron requirements must be constructed in accordance with the [TMED Design Guidelines](#).

Waste container screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. [6.3.12](#).

H. Screening of Loading Docks

This subsection applies to all nonresidential development and uses in TMED.

Loading and service areas must be located at the rear of the building and screened from public view to minimize visibility.

Loading areas must not be located closer than 50 feet to any single-family lot, unless [the loading area is separated by an alley that is used for solid waste service or is](#) wholly within an enclosed building.

Off-street loading areas must be screened from view from any street or adjacent property of differing land use.

All loading areas must be enclosed on three sides by a wall or other screening device a minimum of eight feet in height.

Loading areas that are visible from any public right-of-way must also include a combination of evergreen trees and shrubs that will result in solid opaque vegetative screening a minimum of eight feet in height within two years of planting. The planting area must be a prepared bed that is at least three feet in width.

Loading dock screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. [6.3.12](#).

I. Fence and Wall Standards for All Uses

This subsection applies to all development and uses in TMED.

Fences and walls [within the front building setback are allowed](#) a maximum height of three feet.

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Fences and walls to the ~~side or~~ rear of the site ~~are allowed~~ a maximum height of six feet, unless they are required for loading dock screening.

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Fencing and walls must not be placed within the required line of sight as determined by the sight triangle established in [Sec. 4.4.8](#).

Chain link, barbed wire, razor wire and metal or corrugated panels are prohibited.

J. Nonresidential and Multiple Family Uses

Deleted: -

This subsection is applicable to all nonresidential and multiple family development and uses in TMED.

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Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, woodcrete ~~or~~ wrought iron. Alternative materials may be approved by Warrant.

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Breaks in the fence or wall must be made to provide for required pedestrian connections to the perimeter of the site and to adjacent developments.

K. Single-Family Uses

This subsection is applicable to all single family-detached or attached dwelling, row house and townhouse uses in TMED. Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, wood, woodcrete ~~or~~ wrought iron. Alternative materials may be approved by Warrant.

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6.3.13 Public Frontage Standards

A. Applicability

The TMED public frontage standards in this Section apply to all ~~Transect Zones and Special Districts as set forth below~~.

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Moved down [1]: The developer, property owner, home owner association or property owner association is responsible for the maintenance of all public frontage elements unless stated otherwise in the Code or in a City Council approved agreement with the City of Temple.

B. Public Frontage

Public frontage is the space between the existing or proposed back-of-curb and the property line.

~~The developer, property owner, home owner association or property owner association is responsible for the maintenance of all public frontage elements unless stated otherwise in this Code or in a City Council approved agreement with the City of Temple.~~

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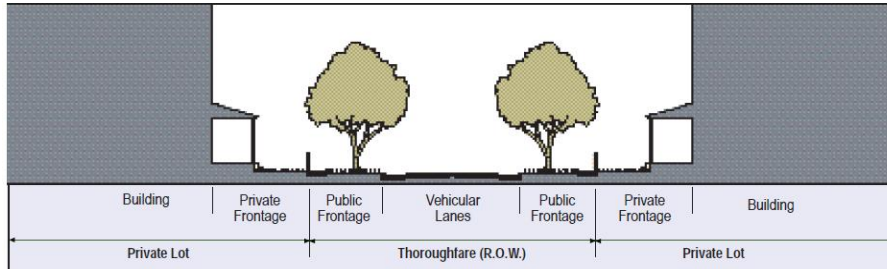
Total public frontage depth is measured from back-of-curb. If existing right-of-way does not accommodate all requirements, private property must be used to account for the additional required depth.

Refer to the TMED Design ~~Guidelines~~ for examples of Public Frontage requirements.

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Curb and gutter installation is required.



The table below establishes five public frontage types and assigns standards to each public frontage type.

Public Frontage Type	On-Street Parking Permitted	Total Public Frontage Depth (ft.)	Street Yard Planting Strip (ft.)	Sidewalk Width (ft.)
Type A (Arterial)	No	20	10	10
Type B (Urban 1)	No	12	6	6
Type C (Urban 2)	Yes	14	6	8
Type D (Urban 3)	No	14	6	8
Type E (Collector)	Yes	12	6	6
Type F (Local)	Yes	10	6	4

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C. Public Frontage Implementation

The table below assigns specific streets in the TMED zoning district with a public frontage type.

Street Name	Type A	Type B	Type C	Type D	Type E	Type F
New Streets in T4			✓		✓	
New Streets in T5-c			✓			
New Streets in SD		✓	✓		✓	
1st Street	✓					
5th Street from Friar's Creek to Avenue V	✓					
5th Street North of Avenue V		✓				
25th Street		✓				
S 31st Street (trail on west side)				✓		
13th Street				✓		
17th Street				✓		
West Avenue R (trail on north side)				✓		
West Avenue M					✓	
New detached single-family residential streets in T-South						✓

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Street Name	Type A	Type B	Type C	Type D	Type E	Type E
(local)						
All others					✓	

D. Public Frontage Landscape Standards

1. Street Trees

One 2-inch dbh or 65-gallon large or medium canopy tree must be planted every 35 feet of linear street frontage. Trees must be selected from the list found in Sec. 7.4.5.B, except that live oaks, bur oaks, and pecan trees are not allowed. Trees must be planted in a regularly spaced pattern. The spacing of trees may be offset to allow for a view corridor into the primary entry of a nonresidential use.

Public frontage trees may be a single species or two alternating species.

Public frontage trees must be planted within the required street yard planting strip adjacent to the back-of-curb at the following distances:

i. Type A Public Frontage

Trees must be planted eight and one-half feet from back-of-curb in the required planting strip.

[Ord. 2012-4505]

ii. Type B, C, D, E and F Public Frontage

Trees must be planted a minimum three feet from back-of-curb in the required planting strip.

Small canopy trees must be planted if overhead utilities are present.

2. Planting Area

a. Type A, B, C and D Public Frontage

At street intersections and for a minimum length of 15 feet, the street yard planting strip must be entirely filled, at the specified spacing, with approved types of vegetation, selecting from the variations described below:

- A single species of evergreen groundcover from the approved groundcover list in Sec. 7.4.5.D, of 4" pot size, spaced every 15" on center. The groundcover must be cultivated so that 70% of the required planting area is covered within 2 years from the time of planting. A complete covering

Deleted: One 2-inch dbh or 65-gallon large or medium canopy trees from Sec. 7.4.5.B. (excluding live oaks, bur oaks and pecan) per 25' 35' linear street frontage is required. Tress Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a nonresidential use. ¶

Type A, B, C and D Public Frontage¶

Street trees must can either be a single species or alternating two different species selected from the table in subsection Sec. 7.4.5.B. ¶

Type E Public Frontage. ¶

Street trees must be an alternating species selected from the table in subsection 6.3.12B. ¶

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of the planting strip with mulch a minimum of 3" deep, consisting of fine-ground shredded hardwood bark (double ground) is required; or

ii. ~~A~~ minimum of 2 shrub species, which may be only Dwarf Yaupon Holly, Red Yucca, or Mexican Feather Grass, of 3-gallon container size, spaced every 30" on center. The shrubs must be cultivated so that they reach a height of 24 inches within 2 years from time of planting.

Deleted: A single species of evergreen groundcover from the approved groundcover list in , of 4" pot size, spaced every 15" on center, plus a

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~~In~~ addition, for variations outlined in Sections (i) and (ii), a complete covering of mulch a minimum of 3" deep, consisting of fine-ground shredded hardwood bark (double ground), decomposed granite, or a combination of those materials are required. Café River Rock, 1-3" or 3-5" in size, may also be used for mulch, but may not cover more than 40% of the planting area and must be used in combination with either fine-ground shredded hardwood bark or decomposed granite, but not both.

Deleted: iii. A minimum of 2 shrub species, which may be only Dwarf Yaupon Holly, Red Yucca, or Mexican Feather Grass, of 3-gallon container size, spaced every 30" on center. The shrubs must be cultivated so that they reach a height of 24 inches within 2 years from time of planting.¶

[The remaining mid-block sections of the planting strip must contain, at a minimum, grass and trees.](#)

b. Types E and F Public Frontage

The street yard planting strip must be planted in living ~~grass or~~ evergreen groundcover as shown on the approved groundcover list (Subsection 6.3.12C) at a rate of 4" container spaced every 15" on center or approved sod material as listed in [the](#) General Planting Criteria. If evergreen groundcover is used, a complete covering of the planting strip with mulch a minimum of 3" deep, consisting of fine-ground shredded hardwood bark (double ground) is required.

Commented [KL17]: Check cross reference.

[Ord. No. 2014-4631]

E. Public Frontage Sidewalk Standards

Sidewalks must extend the entire length of the development's frontage on a public street and must be constructed in accordance with the [TMED Design Guidelines](#), and related provisions in this UDC.

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Sidewalks must be constructed before the Chief Building Official issues a Certificate of Occupancy.

Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.

Sidewalks of different widths must be transitioned within a length of sidewalk by two expansion joints not less than six feet apart as required by Texas Accessibility Standards.

Sidewalks must connect to parking within the lot and to primary entrances of each nonresidential building.

Pedestrian walkways must also connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.

Residential sidewalks must be installed from the primary entrance of the residence to the perimeter street sidewalk system.

F. **Public Frontage Amenities**

In addition to required landscaping and sidewalks, pedestrian amenities are required as follows:

- Benches must be provided at all intersections within the public ROW surrounding the development. Refer to the TMED Design Guidelines for the specific bench models and styles that are permitted in the TMED zoning district. Alternate locations can be approved by Warrant. The City of Temple is responsible for the maintenance of all benches in the public ROW.
- Trash receptacles must be placed next to required seating areas. Refer to the TMED Design Guidelines for the specific trash receptacle models and styles that are permitted in the TMED zoning district. The City of Temple is responsible for the maintenance, including emptying, of any trash receptacles in the public ROW.
- Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways for all new attached single-family, multi-family, non-residential or mixed-use development with frontage exceeding 200 feet in length. Refer to the TMED Design Guidelines for the specific pedestrian-scale lighting models and styles that are permitted in the TMED zoning district. The developer or property owner is responsible for the installation and connection of pedestrian-scale lighting to electricity, while the City of Temple is responsible for the maintenance and operation costs.

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G. Public Frontage Hike and Bike Trail Implementation

Hike and bike trail dedication is required in locations identified on the Citywide Trails Master Plan.

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6.3.14 General Planting Criteria

A. Applicability

The TMED general planting criteria in this Section apply to all transect zones.

B. Approved Tree List – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria: B Approved Tree List.

C. Approved Groundcover - Article 7: General Development Standards; Section 7.4.5.D.

Deleted: List

D. Approved Shrubs – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; C Approved Shrub List.

Deleted: The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in TMED. ¶

E. Approved Lawn Grass – Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; E Approved Lawn Grass.

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F. Landscape Installation – Applicable to TMED

1. Trees

All required large, medium, or small trees must be a minimum of two inches in diameter at breast height or 65-gallon container size at planting. Non-irrigated trees planted as part of a renovation to existing buildings project require slow release watering bags for a minimum of 1 year after planting.

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2. Shrubs

All required shrubs must be a minimum three-gallon container size at planting.

Deleted: All required medium trees must be a minimum of two and one-half inches in diameter at breast height at planting.¶
All required small trees must be a minimum of two inches in diameter at breast height at planting at planting.¶

3. Groundcover

All required groundcover must be a minimum one-gallon container size at planting.

4. Lawn Grass

Grass areas must be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia or Buffalo.

Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

5. Stone and Mulch

Up to 1/3 of the total required landscaping (total percentage) may consist of any of the following as long as it abuts grass (in buffers) and/or includes trees (such as in parking islands):

- i. A minimum of two-inch river rock (with weed barrier installed underneath)
- ii. Decomposed granite
- iii. Stone pavers
- iv. Stone blocks or boulders
- v. Mulch

6. Landscape Maintenance

All new plant material must be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance.

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All required public frontage and private frontage landscaping must be maintained in good condition after installation. The owner must replace any plant material that ever becomes diseased, deteriorates or dies within 30 days of death of the plant material.

7. Irrigation

Permanent irrigation is required for all landscape associated with new construction and is encouraged for all new landscaping. City Code Chapter 7, Buildings, Article 7, Landscape Irrigation Standards, applies in its entirety for projects related to a renovation of existing buildings that includes the requirement to have access to a hose connection within 100 feet of all landscaping.

[Ord. No. 2013-4580]

6.3.15 Architectural Standards

A. Applicability

The TMED architectural standards in this Section apply to all transect zones unless otherwise stated in individual subsections.

B. Materials Required

Primary Materials (Max. 80%, Min. 70% excluding window %)		Accent Materials (Max. 30%, Min. 20% excluding window %)	
Residential*	Non-Residential*	Residential*	Non-Residential*
<u>Brick</u>	<u>Brick</u>	<u>Architectural metal</u>	<u>Architecturally finished concrete block</u>
<u>Cementitious siding (smooth finish)</u>	<u>Painted Tilt Wall</u>	<u>Brick</u>	<u>Brick</u>
<u>Stone</u>	<u>Stone</u>	<u>Cast stone</u>	<u>Cementitious siding (smooth finish)</u>
<u>Stucco</u>	<u>Stucco</u>	<u>Cementitious siding (smooth finish)</u>	<u>Granite</u>
-	-	<u>Glass block</u>	<u>Marble</u>
-	-	<u>Stone</u>	<u>Stone</u>
-	-	<u>Stucco</u>	<u>Stucco (or EIFS)</u>
-	-	<u>Wood</u>	<u>Textured or patterned concrete</u>
-	-	-	<u>Tile</u>
<u>Other materials approved by warrant</u>	<u>Other materials approved by warrant</u>	<u>Other materials approved by warrant</u>	<u>Other materials approved by warrant</u>
<u>*Vertical mixed-use buildings may use any of the eligible materials from either the "Residential" or "Non-Residential" categories</u>			

A minimum of two distinct materials are required on all façades. Materials may be combined on each façade only horizontally, with the heavier below the lighter.

C. Building Design

Building design standards do not apply to Special Districts. The table below establishes building design requirements based on the type of use in the T4, T5 and T-South transect zones.

Deleted: The exterior finish material on all façades is limited to brick, stone, cementitious siding and stucco. ¶
Cementitious siding is limited to a maximum 20 percent per façade plane for multiple-family and nonresidential uses. ¶

Deleted: Balconies and porches must be made of painted wood, concrete or metal. ¶
Accent Materials ¶
The following may be permitted as accent materials for a maximum of 20 percent of each façade face: ¶
Tile; ¶
Exterior Insulation Finishing System (EIFS); ¶
Wood Siding or shingles; ¶
Architecturally finished concrete block; ¶
Architectural metal; and ¶
Other materials may be approved by warrant. ¶

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Design Element	Single-Family Detached	Single-Family Attached, Row House, Townhouse	Multiple-Family and Mixed Use Structures	Nonresidential Structures
Roof Pitch	Flat roof – require parapet screening minimum of 42 inches high, or as required to conceal mechanical equipment			
Permitted Roof Materials	30 year asphalt shingles Standing seam metal Tile Other materials as approved by the Director of Planning			
Roof Articulation (does not apply to flat roofs)	1 Element from the following: • 2 roof materials: • Masonry chimneys • Dormers along public façade (1/20') • Eaves that overhang a minimum of 24" with a minimum fascia depth of 8" <u>or with exposed rafter tails</u>			
Horizontal Articulation	No more than <u>30</u> linear feet (horizontally) without <u>one of the following</u> : - <u>A minimum 2' deep x 10' long offset</u> - <u>Porches or patios (covered or uncovered)</u> - <u>Stoops</u> - <u>Balconies</u> - <u>Structural window awnings or canopies (regularly spaced)</u> - <u>Roof dormers</u> - <u>Masonry chimneys</u> - <u>Projecting bay or box windows</u> - <u>Arcades or porte cocheres</u>			
Transparency (windows and doors)	Minimum <u>15</u> % of all <u>street-facing</u> façades must be doors and windows. Burglar bars or other exterior coverings are prohibited			
Window and Door Treatment	Minimum 4" trim required on all windows and doors appropriate to style of structure			NA
Façade Repetition	No elevation <u>may</u> be repeated on the same <u>side of the street and block</u>			
		All units <u>on the same side of the street and block</u> must be designed to have distinct characteristics	<u>NA</u>	NA
Top Floor Articulation	Shall contain a distinctive finish, consisting of cornice, banding or other architectural termination			
Building Orientation	All buildings must be oriented towards the public right of way or public open space			
Primary Entry Location	Main entrances must be from a public sidewalk or common open space (if not adjacent to Public ROW)			
Entry Articulation	Entry must <u>include 1) an inset or offset from the front building plane by at least four feet with display/storefront or bay windows; or 2) a parapet or vertical architectural element at least 3-feet taller than the roof line, display/storefront windows and a metal window canopy or awning; or 3) a covered porch or stoop</u>			
Building Access –	<u>NA</u>	<u>50% of residential</u>	50% of all ground	NA

Deleted: Pitch roof – minimum 5:12¶

Deleted: Shed roof, porch roof and arcade roofs - minimum 2:12.

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Minimum one horizontal offset per building

Deleted: No more than 50 linear feet (horizontally) without a minimum 5' offset ¶
¶
Minimum one horizontal offset per building

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Deleted: Window Articulation

Deleted: 50% of all public façade windows must include one of the following:¶

- Balcony (accessible for single units) minimum 2' deep¶
- Trellis¶
- Shed roof awning¶
- 20" projection¶
- Bay window¶
- Transom Windows¶
- Shutters

Deleted: 25% of all public façade windows must include one of the following:¶

- Balcony (accessible for single units) minimum 2' deep¶
- Trellis¶
- Shed roof awning¶
- 20" projection¶
- Bay window¶
- Transom Windows¶
- Shutters

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Deleted: covered or inset with distinct architectural detail such as:

Deleted: 50% of residential entrances must be raised from the finished ground floor level of the sidewalk a minimum of 15"

Design Element	Single-Family Detached	Single-Family Attached, Row House, Townhouse	Multiple-Family and Mixed Use Structures	Nonresidential Structures
Ground Floor Residential Units		<u>entrances must be raised from the finished ground floor level of the sidewalk a minimum of 15"</u>	floor units adjacent to a public ROW must have exterior entrances from a public sidewalk or common open space. Entrances must be raised from the finished ground floor level of the sidewalk a minimum of 15"	
Building Access – Above Ground Floor Residential Units	NA		Multi-family uses above the ground floor shall have interior unit entrances from a centralized corridor except: Exterior stairs are permitted for access to second and third floor units only if they are oriented towards a central courtyard not visible from any street	NA

6.3.16 Parking and Garage Standards

The table below establishes parking and garage standards. Parking and garage standards do not apply to Special Districts.

Design Element	Single-Family Detached	Single-Family Attached, Row House or Townhouse	Multiple-Family
Required Enclosed Garages	1 (20' x 20') space per unit with a front-facing garage	Not required; (20' x 20' spaces for all garages)	1 garage or carport required per 3 units
Minimum Driveway Width	10' (ribbon drives are allowed)	10' (ribbon drives are allowed)	NA
Garage and Carport Location general	Garages and carports must be located to the rear with alley access for lots less than 50' wide; may front onto public ROW if the lot backs up to a park	Garages and carports must be located to the rear with alley access	NA
Garage and Carport Materials	Same materials and mix as primary structures (for carports, that means posts must be clad in same primary material as residential unit)		

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6.3.17 Private Property Common Area Standards

Private property common area requirements do not apply to Special Districts or single-family detached and single-family attached residential uses in T4, T5 and T-South.

Common area requirements are in addition to required public and private landscaping.

Multiple open space areas may be created, however all open space areas must contain a minimum of 100 sq ft.

Common areas must have defined edges, either through grade change, perimeter edging or the integration of buildings as perimeter edging.

The table below establishes minimum private property common area standards for the TMED zoning district.

Design Element	Non-Residential
Minimum Common Area Size for non-residential uses	Minimum of 5% of the gross floor area of buildings is required; to encourage shared common areas among multiple buildings, the required common area would be a minimum of 4% of the gross floor area of buildings if shared by multiple buildings; Up to 50% of required common area can consist of irrigated landscaping
Common Area Amenities	Non-residential common areas must include one of the following: <ul style="list-style-type: none"> - A water feature with seating; - A stone, brick or decoratively paved patio with a seating area (4 seat minimum); - A pavilion, gazebo or other covered outdoor space; or

Deleted: Multi-Family and Mixed Use Structures

Deleted: Minimum 500 sq ft and additional 100 sq ft per 1000 sq ft gross floor area

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Design Element	Non-Residential
	<u>Tree-lined trails/sidewalks surrounding an irrigated open green/park space with outdoor seating or picnic areas</u>

Deleted: Multi-Family and Mixed Use Structures

Deleted: For each 5,000 sq ft of open space required a minimum of 1 amenity from the following:¶
 • 1 Water feature¶
 • 1 Pavilion, gazebo, or other covered outdoor space (minimum 144 sq ft)¶
 • Sculpture garden¶

Design Element	Multi-Family
	<u>One of the following is required for every 50 units:</u> - <u>Resident Clubhouse</u> - <u>Community Garden Area</u> - <u>Swimming Pool</u> - <u>Tennis Court</u> - <u>Basketball Court</u> - <u>Volleyball Court</u> - <u>Billiards Room</u> - <u>Amphitheatre</u> - <u>Gazebo or other covered shelter</u> - <u>Exercise Facility</u> - <u>Office Center</u> - <u>Media Room – Theatre</u> - <u>Sauna</u> - <u>Irrigated park with trees and trails (minimum of ¼ acre)</u> - <u>Racquetball Court</u> - <u>Other amenity as approved by Director of Planning</u>
<u>Common Area Amenities</u>	

Deleted: For each 200 sq ft of open space provided a minimum of 1 amenities from the following:¶
 • 1 Bench or seating area (4 seats minimum)¶
 • 1 Dining area (4 seats minimum)¶
 • 1 Tree (3" caliper at the time of planting)¶
 • 2 Large Planters¶
 • Decorative paving (2 locations) (minimum 64 sq ft)¶
 • Decorative lighting (2 locations) (above ground)

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6.3.18 Sign Standards

A. Applicability

The TMED sign standards in this Section apply to all Special Districts and Transect Zones with the exception of SD-v.

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B. Permitted Sign Types

The table below establishes the sign types that are permitted in the TMED zoning district.

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- Sandwich Board
- Projecting
- Wall
- Monument
- Multi-tenant
- Directional

C. Specific Sign Type Standards

1. Sandwich Board Sign

One sandwich board sign may be used during normal operating hours for each business. The sign must be placed on private property and not interfere with pedestrian access. Sandwich board signs may not exceed a total of six square feet.

2. Projecting Sign

Projecting signs are permitted as long as they have a:

- Minimum clearance of 8 feet above the ground
- Maximum square footage of 32 square feet

3. Wall Sign

Wall signs must:

- Have a minimum clearance of 8 feet above the sidewalk or walkway
- Not extend past the top of the structure
- Be a maximum area 100 square feet
- Be either externally illuminated or be raceway mounted with channel letters

A maximum length of 50 percent of each tenant's façade, excluding doors, canopies/awning, windows and vertical architectural elements above the roofline, may be utilized for a wall sign

4. Freestanding signs

Freestanding signs must not interrupt the required tree planting and spacing or be located within three feet of a hike and bike trail.

Single-tenant freestanding signs are subject to the following restrictions:

- Maximum height of 10 feet;
- Maximum area of 50 square feet per sign face;
- Limited to a masonry clad 2-legged base or A monument sign with masonry as the primary material; and

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Sign Type

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Deleted: A single permanent attached band sign, board sign, window sign or painted wall sign may be applied to the façade of each building. Attached signs may be a maximum of three feet in height by 50 percent of the total length of the tenant space or building, whichever is less.

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Deleted: A maximum .length of 50 percent of each tenant's façade, excluding doors, canopies/awning, windows and vertical architectural elements above the roofline, may be utilized for a wall sign¶

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Deleted: Monument Sign

Deleted: Monument signs may be approved by Warrant only. If approved, they are limited to one per lot with a maximum of 50 square feet per sign face, a maximum height of six feet and a maximum width of two feet.

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Limited to 1 per front and 1 per driveway access if driveways are to the side or rear (choice between a single-tenant or multi-tenant freestanding sign at each location, not both).Multi-tenant freestanding signs are subject to the following restrictions:

- Maximum height of 20 feet;
- Limited to a masonry clad 2-legged base or a monument sign with masonry to match the building;
- Limited to 1 per front and 1 per driveway access if driveways are to the side or rear (choice between a single-tenant or multi-tenant freestanding sign at each location, not both); and,
- Maximum area of 32 square feet per sign face

Such sign must not interrupt the required tree planting and spacing or be located within 3 feet of a Hike and Bike Trail.

Other materials must be approved by warrant if architecturally compatible.

a) Banners are subject to the following restrictions:

- i. Must be affixed flush to a façade or attached flush to a fence or wall
- ii. Maximum Size: 50 square feet
- iii. Permit required
- iv. Temporary sign limited to 30 days to advertise grand openings, sales or special events
- v. Limited to two per year

b) Window signs are subject to the following restrictions:

- i. Limited to 25% of window area
- ii. 2 per tenant or building
- iii. Permit required

c) Prohibited signs

- i. Pole
 - a) Existing pole signs can remain, but stone, stucco or brick must be applied to a rectangular frame or box on the pole(s) for either a minimum of 20 feet in height or the entire pole height when a sign face is replaced.

Deleted: Sign material must consist of a limestone or brick base and columns that are architecturally compatible to the principal building. Other materials may be approved by Warrant if architecturally compatible. ¶

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Deleted: <#>Multi-Tenant Sign¶

Multi-tenant signs may be approved by Warrant only. If approved they must be limited to one per lot and a maximum of 60 square feet per sign face, 8 feet in height and 2 feet in width. ¶

Deleted: Signage material must consist of limestone or brick that is architecturally compatible to the Principal Building.

Deleted: <#>Directional Sign¶

Directional signs may be approved by warrant only. Directional signs may not be located off-site. If approved, they are limited to a maximum of eight square feet per sign face, a maximum height of four feet and a maximum width of two feet. Directional signs must comply with the standards in the Traffic Manual of Uniform Control Devices. ¶

Exceptions¶

Entertainment and recreational uses such as movie theaters or bowling alleys may have a neon or specially designed sign if approved by Warrant. ¶

Lighting¶

Monument signs must be externally illuminated, except for signs within the shop front windows, which may be neon-lit. ¶

Prohibited Signs ¶

Signs other than those stated in the table in paragraph B above are prohibited. ¶

- ii. Inflatable devices (excluding standard helium balloons but does include hotair balloons used for advertising)
- iii. Message boards
- iv. Pole banners
- v. Streamers
- vi. Searchlight
- vii. Commercial signs on any residential unit other than a “live work” unit

d) All other signage regulated per Sec. 7.6 of the UDC

6.3.19 Street Light Standards

A. Applicability

The TMED lighting standards in this Section apply to all TMED Transect Zones.

B. Street Light Policy

Street light design and installation must comply with the City’s Street Light Policy.

6.3.20 Utility Standards

A. Applicability

The TMED utility standards in this Section apply to all Transect Zones.

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B. Underground Utilities Required

All proposed new electric, telephone and cable television wires along the public street right-of-way must be located underground.

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6.3.21 Definitions

A. Artisan brewery, brewpub, or winery: An establishment which holds a permit from the Texas Alcoholic Beverage Commission (TABC) for the manufacture, blending, fermentation, processing and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A tasting or retail sales area with or without food service and/or outdoor seating is allowed. A facility that only provides tasting or retail sale of alcoholic beverages is not included in this definition.

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B. Artisan craft production and retail: Any business which produces on the premises articles for sale of artisan quality or effect or handmade workmanship. Examples include, but are not limited to: candle making, soap making, glass blowing, woodworking, printmaking, sculpture, artwork, metal work, ceramic art, and jewelry. Craft production area excepting retail sales space shall be limited to 3,500 square feet.

C. Vape shop: A business establishment that allows for the mixing, display, retail sale of electronic cigarette and/or use of electronic cigarette devices, nicotine-enriched solutions and/or liquid products that are manufactured for the use with electronic cigarettes.

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[Ord. 2010-4415]; [Ord. 2011-4438]

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Applicability¶

The TMED utility standards in this Section apply to all transect Transect zonesZones.¶
Underground Utilities Required¶

All proposed new electric, telephone and cable television wires along the public street right-of-way must be located underground.¶

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6.3.4 Applicability

All of the standards from Sec. 6.3 apply to new construction, which is defined as 1) 50% or more of the existing building footprint(s) on-site is/are proposed to be demolished or 2) there are no existing buildings on-site.

A. Architectural Standards apply in proportion to the project scope for exterior building modifications and expansion of building footprint. Thresholds for proportional compliance apply as shown in the following table per Sec. 6.3.15 Architectural Standards:

Nonresidential and Multi-Family Development				
PROJECT SCOPE		Building Materials*	Entry Articulation	Horizontal Articulation
Exterior Building Modifications	Cost equal to 10% - 24% of the assessed value of improvements per the current tax roll	Applies	N/A	N/A
	Cost equal to 25% - 49% of the assessed value of improvements per the current tax roll	Applies	Applies	N/A
	Cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	Applies	Applies	N/A
Increase in Gross Floor Area	10% - 24% increase in GFA	Applies	Applies	N/A
	25% - 49% increase in GFA	Applies	Applies	Applies
	50% or greater increase in GFA	Applies	Applies	Applies

*For homes converted to non-residential uses that are clad with siding or wood, compliance with the "Building Materials" category may consist of 1) a combination of repair to the exterior, paint and a stone or brick wainscot (minimum of 3 feet high on front and sides)

B. Sidewalk, landscape and bike rack requirements apply in proportion to the project scope for exterior building modifications or expansion of building footprint. The Director of Planning is authorized to approve adjustments to landscaping compliance for a project where unique site characteristics constrain full compliance. The applicant's request and the Director's decision must be made in writing. The Director may substitute "Option 6: Curbing & Landscaping of Parking Lot "Deadspace" for one of the other requirements as an appropriate choice only for sites that are too small to achieve Options 1-5.

Nonresidential and Multi-Family Development							
PROJECT SCOPE							
	Exterior Building Modifications	Progressive Requirement 1 Public Frontage: Sidewalk and Planting Strip in Right-Of-Way*	Progressive Requirement 2 Parking Lot Screening	Progressive Requirement 3 Bike Racks**	Progressive Requirement 4 Parking Islands with Trees	Progressive Requirement 5 Foundation Planting	Alternative Option Curbing & Landscaping of Unusable Parking Lot Deadspace
Exterior Modifications	Cost equal to 10% - 24% of the assessed value of improvements per the current tax roll	Applies	N/A	N/A	N/A	N/A	Alternative Option
	Cost equal to 25% - 49% of the assessed value of improvements per the current tax roll	Applies	Applies	N/A	N/A	N/A	Alternative Option
	Cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	Applies	Applies	Applies	Applies	N/A	Alternative Option
Increase in Gross Floor Area	10% - 24% increase in GFA	Applies	Applies	Applies	N/A	N/A	Alternative Option
	25% - 49% increase in GFA	Applies	Applies	Applies	Applies	N/A	Alternative Option
	50% or greater increase in GFA	Applies	Applies	Applies	Applies	Applies	Alternative Option

*TMED frontage regulations (Sec. 6.3.13) require the planting strip to be located between the curb and sidewalk. Depending on right-of-way (ROW) width, sidewalk location may need to shift to BOC (back-of-curb) and width adjusted to be completely within ROW with planting strip on private property behind the sidewalk.

**Applies to retail, office, personal service and multi-family uses. The Planning Director can waive the requirement for uses not conducive to bicycle mobility.

TMED Land Use Table Amendment Summary
February 1, 2018

USE	T4	T5-e	T5-c	T-South	SD-t	SD-h	SD-v	SD-c	Limitations
Alcoholic beverage sales for on-premise consumption – Less than 50% revenue	P	P (C)	P (C)	L					T-South: fronting collector, arterial or private streets; provision that would match GR (General Retail) District and would encourage new restaurants in TMED
Amusement, commercial (indoor)	P	P	P	L					T-South: fronting collector, arterial or private streets
Artisan craft shop	L	L	L	L					T-South: fronting collector, arterial or private streets; craft production area limited to 3,500 sf
Barber or beauty shop	P	P	P	L	P	P	P	P	T-South: fronting collector, arterial or private streets
Bed and Breakfast	P	P	P	L					T-South: fronting collector, arterial or private streets; previously only allowed in T4 with no limitations
Cleaning, pressing and pick up shop	P	P	P	L	P	P	P	P	T-South: fronting collector, arterial or private streets
Craft brewery	C	C	C	C					T-South: fronting collector, arterial or private streets; Limit of 10,000 sf
Exercise gym	P	P	P	L	P	P	P	P	T-South: fronting collector, arterial or private streets
Grocery store	P	P	P	L	P	P	P	P	T-South: fronting collector, arterial or private streets
Live/Work	P	P	P	L					Ground floor of multi-family or attached single-family
Restaurant or Coffee Shop (drive-through permitted)	L	L	L	L	L	L	L	L	T-South: fronting collector, arterial or private streets; end of building with a minimum of 3 tenants
Restaurant or Coffee Shop (no drive-through permitted)	P	P	P	L	P	P	P	P	T-South: fronting collector, arterial or private streets
Studio: decorator, artist, photographer, music, dance or drama	P	P	P	L					T-South: fronting collector, arterial or private streets
Veterinary hospital (kennels)	C	C	C	C					Conditional Use Permit
Veterinary hospital (no kennels)	P	P	P	L					T-South: fronting collector, arterial or private streets

P = Permitted

C = Conditional Use Permit Required

L = With Limitations

Red Text = New Use or Change from Current Code

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING TEMPLE UNIFIED DEVELOPMENT CODE ARTICLE 2 (SECTIONS 2.5.2, 2.5.4, 2.6 AND 2.7), ARTICLE 3 (SECTION 3.11), AND ARTICLE 6 (SECTION 6.3), RELATED TO THE TEMPLE MEDICAL AND EDUCATIONAL ZONING DISTRICT TO ESTABLISH THE TMED SOUTH TRANSECT ZONE; AND TO AMEND TMED APPLICABILITY, USES ALLOWED, REVIEW PROCESS AND DEVELOPMENT STANDARDS SUCH AS LANDSCAPING, ARCHITECTURE, SIGNAGE AND PUBLIC FRONTAGE IMPROVEMENTS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Medical and Educational District (TMED) zoning district and enabling Ordinance was adopted by City Council on January 6, 2011, followed by rezoning of individual properties to TMED on February 3rd and May 19th 2011;

Whereas, TMED is considered the first Form-Based Code in Temple, which focuses more on the form of buildings with a mix of uses, rather than single-purpose land uses, while also creating a pedestrian-friendly environment with enhanced landscaping and architectural standards, wide sidewalks, rear parking and increased open/common space;

Whereas, the other main objective of these amendments, is to establish the TMED South transect (sub-district) that would allow for future implementation of the TMED South Master Plan when development is proposed by private property owners; 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 the Unified Development Code: Article 2 (Sections 2.5.2, 2.5.4, 2.6 and 2.7), Article 3 (Section 3.11) and Article 6 (Sec. 6.3), related to the Temple Medical and Educational (TMED) zoning district, to establish the TMED South (T South) Transect Zone, and to amend TMED applicability, uses allowed, review process and development standards such as landscaping, architecture, signage and public frontage improvements, 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.

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **February**, 2018.

PASSED AND APPROVED on Second Reading on the **15th** day of **February**, 2018.

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, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution approving a modification to a formerly approved exception to the Parkland Dedication requirements for Carriage House Trails Subdivision.

STAFF RECOMMENDATION: Staff recommends approval of the modified exception to the Parkland Dedication for Carriage House Trails, thereby allowing the existing private, HOA maintained, pool with amenities to serve the needs of the subdivision versus the initially approved exception to include development of trails and a pocket park to contain a sport court, pavilion and irrigated landscape.

ITEM SUMMARY: The preliminary plat for Carriage House Trails was presented to the Planning & Zoning Commission with exceptions to Section 8.3.1 of the Unified Development Code concerning park land dedication and/or fees and was approved in November of 2013. Since that time, a number of changes were made on site that have modified the requested exception. For that reason, the attached letter requesting exceptions to the park land dedication ordinance was submitted by the developer with the preliminary plat. Also attached is the preliminary plat showing the intent of the approved exception. However, since this exception was approved, a pool with small pool house and pavilion was built in place of the sport court with pavilion with irrigated landscaping.

The change was seen as acceptable by City staff and not a deviation that would take away from the intent of the originally approved exception. The developer also intended to build some amount of trail in addition to the pool development at that time.

Unfortunately, the trails intended to be built as sidewalks, to connect with links through drainage easements, were overlooked during home construction. The development of these sidewalks / trails are now difficult to construct due to existing features within the right of way such as driveways. Additionally, the developer does not desire to build a trail within the Brazos Transmission Easement.

Due to the cost of the pool exceeding what the public park fees would have been, staff feels it is appropriate to allow the pool and amenities to take the place of the proposed trails and pocket park as originally approved.

The required park fees would have been \$42,875 and the pool, with amenities, is estimated at three to four times this amount.

FISCAL IMPACT: As stated above, the required park fees would have been \$42,875 and the pool, with amenities, is estimated at three to four times this amount.

ATTACHMENTS:

[Request Letter](#)

[Site Plan](#)

[Resolution](#)

Carothers Properties
50 South Wheat Road
Belton, Texas 76513
Tel 254-939-5100 Fax 254-939-5122



OCTOBER 23, 2013

Mark Baker, Planner
City of Temple
2 North Main Street
Temple, Texas 76502

Dear Mr. Baker,

In response to our DRC Meeting yesterday we would like to request the following exceptions to the UDC.

1. Required – 3 Entrances to subdivision. We are asking for an exception to the temporary emergency access due to the fact that there is no current access to the subdivision or feasible access further than the 2 entrances shown on plat. We will keep a stub at Briar Hollow on the south side of development for possible future use.
2. Park Fees. We are requesting an exception to UDC 8.3.1A. We are constructing a sport court and park facilities on approximately 1.5 acres outside flood plain of Tract C (± 6.38 acres). The cost of the sport court is \$30,000. The pavilion, landscaping, and irrigation installation will cost \$28,000. In addition to these park amenities we are constructing trails through the subdivision as shown on the plat. Park construction will be completed prior to the commencement of work on Phase II.

Thank you again for your time this week, and please let me know if you have any further questions or needs from me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Carothers', is written over a horizontal line.

Jason Carothers

PRESIDENT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING AN EXCEPTION TO THE PARKLAND
DEDICATION REQUIREMENTS FOR CARRIAGE HOUSE TRAILS
SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in November, 2013, the preliminary plat of Carriage House Trails Subdivision was presented at Planning and Zoning with exceptions to Section 8.3.1 of the Unified Development Code concerning park land dedication and/or fees;

Whereas, since that time, a number of changes were made on-site that have modified the requested exception and Staff presented the new request to the Planning and Zoning Commission on February 5, 2018;

Whereas, these modifications are seen as acceptable by Staff and in no way a deviation that would take away from the intent of the originally approved exception;

Whereas, the developer also intended to build trails in addition to the pool development - the trails which were intended to be built as sidewalks, and connect with links through drainage easements, were overlooked during home construction and the development of these sidewalks / trails are now difficult to construct due to existing features within the right of way such as driveways;

Whereas, due to the cost of the pool exceeding what the public park fees would have been, Staff believes it to be appropriate to allow the pool and amenities to take the place of the proposed trails and pocket park as originally approved;

Whereas, Staff recommends Council approve the modified exception to the Parkland Dedication for Carriage House Trails, thereby allowing the existing private, HOA maintained, pool with amenities to serve the needs of the subdivision versus the initially approved exception to include development of trails and a pocket park to contain a sport court, pavilion and irrigated landscape;

Whereas, the required park fees would have been \$42,875 and the pool, with amenities, is estimated at three to four times this amount; 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 modification of a formerly approved exception to the Parkland Dedication requirements for Carriage House Trails Subdivision as outlined above.

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 **15th** day of **February**, 2018.

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 finding that two properties situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, are remnant areas of land resulting from right of way acquisitions that cannot be used independently pursuant to Local Government Code § 272.001(b)(1) and authorizing the conveyance of such properties to the adjacent property owner.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently owns two properties located along Prairie View Road. These properties were purchased for right of way necessary for the expansion of Prairie View Road, Phase 1. The properties are legally described as follows:

Property 1: Being a 0.274-acre tract situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 2.5-acre tract conveyed to William E. Barnes, Jr. and wife, Mary June Barnes in Vol. 1053, Pg. 169, Deed Records of Bell County, Texas, same being conveyed in an Affidavit of Heirship to Billie June Reagan et al in Document No. 2014-00011900, Official Public Records of Real Property, Bell County, Texas.

Property 2: Being a 0.348-acre tract situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, and being a part or portion of that certain 0.323-acre tract of land described in a General Warranty Deed dated February 18, 2015 from Jon Karl von Rosenberg, Gretchen Kateri von Rosenberg Cormier, Charles Walter von Rosenberg Jr., and Amanda Ann von Rosenberg Davis now known as Amanda Ann von Rosenberg to the City of Temple and being of record in Document Number 2015-00006438, Official Public Records of Real Property, Bell County, Texas and being a portion of the existing right of way of Prairie View Road (a publicly maintained roadway).

The properties were acquired for right of way needed for the expansion of Prairie View Road, Phase 1. Construction of the road expansion is now complete and has resulted in remnant properties. These remnants are small areas of land that cannot be used independently under their current zoning or under applicable development control ordinances. Local Government Code § 272.001(b)(1) provides that such properties are an exception to the notice and bidding requirements and may be conveyed to the abutting property owner at fair market value. Short-Term Lending GP, Inc. (Short Term) is the abutting property owner to both properties. Short-Term is seeking to purchase the remnants of the two

properties. Property 2 contains 0.104-acre, more or less, of old right of way. Short-Term has filed an application seeking abandonment of the 0.104-acre of right of way.

The remnant properties are legally described as follows:

Remnant Property 1: Being a 0.108-acre tract situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a part or portion of that certain 0.274-acre tract of land described in a General Warranty Deed dated March 11, 2015 from Mary Lucille Barnes Warner to the City of Temple, Texas and being of record in Document Number 2015-00009477, Official Public Records of Bell County, Texas.

Remnant Property 2: Being a 0.244-acre tract situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas and being a part or portion of that certain 0.323-acre tract of land described in a General Warranty Deed dated February 18, 2015 from Jon Karl von Rosenberg, Gretchen Kateri von Rosenberg Cormier, Charles Walter von Rosenberg Jr., and Amanda Ann von Rosenberg Davis now known as Amanda Ann von Rosenberg to the City of Temple and being of record in Document Number 2015-00006438, Official Public Records of Real Property, Bell County, Texas.

Fair market value for remnant properties 1 and 2 is \$1,728.00 and \$3,904.00, respectively. The City will convey the remnant properties at fair market value to Short-Term Lending GP, Inc.

For the reasons outlined above, Staff recommends authorizing the conveyance of the remnant properties to the adjacent property owner, Short-Term Lending GP, Inc.

FISCAL IMPACT: The original properties listed above were purchased for the Prairie View Road, Phase 1 project with Certificate of Obligation Bond funds as part of the Transportation Capital Improvement Program. The proceeds from the conveyance of the remnant properties in the total amount of \$5,632.00 will be deposited into the TCIP Bond Fund, account 365-0000-461-0423, Sale of Land.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT TWO PROPERTIES SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, ARE REMNANT AREAS OF LAND RESULTING FROM RIGHT OF WAY ACQUISITIONS THAT CANNOT BE USED INDEPENDENTLY PURSUANT TO LOCAL GOVERNMENT CODE § 272.001(B)(1), AND AUTHORIZING THE CONVEYANCE OF SUCH PROPERTIES TO THE ADJACENT PROPERTY OWNER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently owns two properties located along Prairie View Road - these properties were purchased for right of way necessary for the expansion of Prairie View Road, Phase 1;

Whereas, construction of the road expansion is now complete and has resulted in remnant properties - these remnants are small areas of land that cannot be used independently under their current zoning or under applicable development control Ordinances;

Whereas, Local Government Code § 272.001(b)(1) provides that such properties are an exception to the notice and bidding requirements and may be conveyed to the abutting property owner at fair market value;

Whereas, Short-Term Lending GP, Inc. is the abutting property owner to both properties and is seeking to purchase the remnants of the two properties legally described as follows;

Remnant Property 1: Being an approximately 0.108-acre tract situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a part or portion of that certain 0.274-acre tract of land described in a General Warranty Deed dated March 11, 2015 from Mary Lucille Barnes Warner to the City of Temple, Texas and being of record in Document Number 2015-00009477, Official Public Records of Bell County, Texas.

Remnant Property 2: Being an approximately 0.320-acre tract situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a part or portion of that certain 0.323 acre tract of land described in a General Warranty Deed dated February 18, 2015 from Jon Karl von Rosenberg, Gretchen Kateri von Rosenberg Cormier, Charles Walter von Rosenberg, Jr., and Amanda Ann von Rosenberg Davis now known as Amanda Ann von Rosenberg to the City of Temple and being of record in Document Number 2015-00006438, Official Public Records of Bell County, Texas

Whereas, fair market value for remnant property 1 is \$1,728, and fair market value for remnant property 2 is \$3,904 - the City will convey the remnant properties at fair market value to Short-Term Lending GP, Inc.;

Whereas, Staff recommends Council authorize the conveyance of the above remnant properties to Short-Term Lending, GP, Inc.

Whereas, the two properties were originally purchased for the Prairie View Road, Phase 1 project with Certificate of Obligation Bond funds as part of the Transportation Capital Improvement Program - the proceeds from the conveyance of the remnant properties in the total amount of \$5,632, will be deposited into the TCIP Bond Fund, Account No. 365-0000-461-0423; and

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

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

Part 1: 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 hereby finds and determines that the following two properties situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, are remnant areas of land resulting from right of way acquisitions that cannot be used independently pursuant to Local Government Code § 272.001(b)(1) and authorize the conveyance of the remnant properties to the adjacent property owner, Short-Term Lending, GP, Inc. in the amount of \$1,728.00 and \$3,904, respectively:

Remnant Property 1: Being an approximately 0.108-acre tract situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a part or portion of that certain 0.274-acre tract of land described in a General Warranty Deed dated March 11, 2015 from Mary Lucille Barnes Warner to the City of Temple, Texas and being of record in Document Number 2015-00009477, Official Public Records of Bell County, Texas.

Remnant Property 2: Being an approximately 0.320-acre tract situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a part or portion of that certain 0.323 acre tract of land described in a General Warranty Deed dated February 18, 2015 from Jon Karl von Rosenberg, Gretchen Kateri von Rosenberg Cormier, Charles Walter von Rosenberg, Jr., and Amanda Ann von Rosenberg Davis now known as Amanda Ann von Rosenberg to the City of Temple and being of record in Document Number 2015-00006438, Official Public Records of Bell County, Texas

Part 3: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents necessary for the conveyance of these two remnant properties.

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 **15th** day of **February**, 2018.

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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Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution approving a Memorandum of Understanding between Central Texas Council of Governments and the City of Temple regarding the transferring of hazardous material response equipment and supplies to be used by the fire department for its hazardous materials response mission.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Fire Department is a participating member in the CTCOGs hazardous material regional response program. When originally conceived it consisted of three response teams, one each in Lampasas, Killeen and Temple which were operated by the respective fire department. Last year the Lampasas Fire Department decided to withdraw from participation in the regional team concept. As a result, they returned a portion of the equipment and supplies that was supplied to them by the CTCOG. This agreement is to allow the transfer of that Haz-Mat equipment and supplies originally assigned to the Lampasas Fire Department and later returned to the CTCOG to be reassigned to Temple Fire and Rescue Haz-Mat response team.

The city agrees to participate as an active member by responding as part of the regional response team as we have done since 2004. The city also agrees to maintain the equipment in a state of readiness for response.

FISCAL IMPACT: The Fire Department will be receiving a Wells Cargo Trailer with a fair market value of \$11,903. There are no costs associated with the acquisition of the equipment. Any required maintenance or repair costs related to the City's participation will be absorbed in the Fire Department's Operating Budget.

ATTACHMENTS:

[Memorandum of Understanding
Resolution](#)



Between
Central Texas Council of Governments
and
City of Temple Hazmat Fire & Rescue

Purpose

This Memorandum of Understanding (MOU) sets forth the terms, conditions and understanding between Central Texas Council of Governments and the City of Temple Hazmat Fire & Rescue in regard to transferring and receiving equipment purchased with State and or Federal grant funds.

Duration

This MOU shall become effective upon signature by the authorized officials from each party and may be modified, and/or terminated, upon mutual consent of both authorized officials.

Certification

This is to certify that the equipment being transferred was acquired by the expenditure of grant funds awarded to the Central Texas Council of Governments.

The City of Temple Hazmat Fire & Rescue further certify that they are duly authorized and empowered by their governing body to enter into this agreement.

Equipment being transferred:

(Note: It is acceptable to append an attachment to this agreement containing the information noted below for each equipment item. This may be especially useful with transferring multiple equipment items under this MOU.)

Item Description: Wells Cargo Trailer

Serial Number/VIN: 1WC200R2X420551705

Model Number: N/A

Acquisition Date: 8/1/2017

Unit Cost/Fair Market Value: \$11,903 1/29/2018 Bragg Trailers Belton, TX

Grant Year/Program: 2004

Date of Transfer: 1/1/2018

Sub-recipient Responsibilities:

The Central Texas Council of Governments agrees to:

- Notify City of Temple Hazmat Fire & Rescue of any known modifications to applicable award requirements within 15 business days of receipt.

Receiving Jurisdiction/Agency Responsibilities:

The City of Temple Hazmat Fire & Rescue agrees to:

- Maintain compliance with the requirements of federal and state granting agencies
- Maintain all aspects of the asset including property records, physical inventory, control system, maintenance procedures, records retention, disposition, and comply with all grant requirements



- Make available to federal and state granting agencies or the Texas State Auditor's Office, or designees of these agencies, any equipment items and related records upon request
- Ensure the Central Texas Council of Governments is notified when pass-through equipment is disposed of by the receiving entity in accordance with 2 CFR 200.313 (e) and the Uniform Grant Management System (UGMS), Subpart C, Section_.32 (e) Disposition
- Ensure the equipment is maintained in good working order
- Ensure a physical inventory is conducted every 2 years
- Ensure the equipment is used only as allowable under the grant
- Ensure any deployable equipment will be made available during an event requiring a regional, statewide, or national response

Certified & Agreed by:

Central Texas Council of Governments
Name of Sub-Recipient

2180 N. Main St., Belton, TX 76513
Street/Mailing Address, City, County, Zip

Jesse Hennage Homeland Security/Criminal Justice Coordinator
Printed Name and Title

Signature

Date

Certified & Agreed by:

City of Temple Hazmat Fire & Rescue
Name of Receiving Jurisdiction/Agency

210 North 3rd St., Temple, TX 76501
Street/Mailing Address, City, County, Zip

Printed Name and Title

Signature

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND THE CITY OF TEMPLE REGARDING THE TRANSFERRING OF HAZARDOUS MATERIAL RESPONSE EQUIPMENT AND SUPPLIES TO BE USED BY THE FIRE DEPARTMENT FOR ITS HAZARDOUS MATERIALS RESPONSE MISSIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Fire Department is a participating member in the Central Texas Council of Governments (CTCOG) hazardous material regional response program;

Whereas, when originally conceived, it consisted of three response teams from Lampasas, Killeen and Temple which were operated by the respective Fire Departments, however, last year the Lampasas Fire Department decided to withdraw from participation in the regional team concept;

Whereas, as a result Lampasas Fire Department returned a portion of the equipment and supplies that was supplied to them by the CTCOG;

Whereas, this Memorandum of Understanding will allow the transfer of the Haz-Mat equipment and supplies originally assigned to the Lampasas Fire Department and later returned to the CTCOG to be reassigned to Temple Fire and Rescue Haz-Mat response team;

Whereas, Fire Department Staff agrees to maintain the equipment in a state of readiness for response and to participate as an active member by responding as part of the regional response team as has been done since 2004;

Whereas, the Fire Department will be receiving a Wells Cargo Trailer with a fair market value of \$11,903 and there are no costs associated with the acquisition of the equipment - any required maintenance or repair costs related to the City's participation will be absorbed in the Fire Department's Operating Budget; 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 a Memorandum of Understanding between Central Texas Council of Governments and the City of Temple regarding the transferring of hazardous material response equipment and supplies to be used by the fire department for its hazardous materials response mission.

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 **15th** day of **February**, 2018.

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, Interim City Manager
Brian Kosel, Chief Building Official

ITEM DESCRIPTION: Consider adopting a resolution approving an updated building permit fee schedule for permits processed through the City of Temple Permits Office and authorizing the City Manager to establish an effective date for the updated schedule.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the FY 17 Budget, an additional Combination Building Inspector position was added to maintain timely plan review and inspection services in response to growth and increased development activities within the community. The ongoing cost associated with this additional Combination Building Inspector position was proposed to be recovered through an adjustment to the Building Permit Fee schedule.

Additionally, a restructure to the fee schedule is recommended to allow for on-line permit fee payment options to be implemented as part of the implementation of the new permit software system.

Staff recommends the fee adjustments become effective upon implementation of the new software system so that a major reprogramming of fees in the current system is not required. Because the exact implementation date of the software system is not known at this time, Staff is requesting the City Manager be authorized to establish the effective date.

FISCAL IMPACT: The revenue association with these adjustments depends on the number of permits for these types of projects issued each year.

ATTACHMENTS:

[Permit Fee Schedule](#)
[Resolution](#)



Permit Fee Schedule

New Single Family Residential & Duplex Construction

\$0.135 per square foot

This fee is calculated based on the total square footage under roof and includes permits for the structure, electrical, mechanical, plumbing, flatwork, certificate of occupancy, and plans review. This fee does not include permits for fences, storage buildings, accessory structures, lawn irrigation, or swimming pools.

New Commercial Construction

Building	\$35 base permit fee plus \$0.12 per square foot
Electrical	\$35 base permit fee plus \$0.01 per square foot
Mechanical	\$35 base permit fee plus \$0.01 per square foot
Plumbing	\$35 base permit fee plus \$0.01 per square foot
Plan Review Only	\$35 base permit fee plus \$0.01 per square foot

This category includes new townhouse, multi-family, & commercial construction including shell buildings, warehouses, and parking garages. This fee is calculated based on the total square footage under roof. This fee does not include permits for fences, storage buildings, accessory structures, lawn irrigation, or swimming pools.

Remodeling, Alterations, Additions, Repairs, and Finish-Out

Building	\$35 base permit fee plus \$4 per \$1,000 of job costs
Electrical	\$35 base permit fee plus \$0.40 per \$1,000 of job costs
Mechanical	\$35 base permit fee plus \$0.40 per \$1,000 of job costs
Plumbing	\$35 base permit fee plus \$0.40 per \$1,000 of job costs
Plan Review Only	\$35 base permit fee plus \$0.40 per \$1,000 of job costs

This category includes remodeling, alterations, additions, repairs, and finish-out for residential or commercial construction.

Miscellaneous

Annual Contractor Registration	\$80 annually
Accessory Structure	\$35
Approach	\$35
Carport, Shed, Deck, or Patio	\$35
Curb Cut	\$35
Demolition	\$55
Fence	\$35
Flatwork, Driveway, or Paving	\$35
House Moving	\$55
Lawn Irrigation	\$110
Manufactured Home Set-Up	\$110
Pool or Spa (In Ground)	\$110
Pool or Spa (Above Ground)	\$35
Re-inspection Fee (paid in person after 3rd time)	\$50
Retaining Wall	\$35
Roof (Residential)	\$35
Roof (Commercial)	\$35 base permit fee plus \$4 per \$1,000 of job costs
Siding	\$35 base permit fee plus \$4 per \$1,000 of job costs
Sign or Billboard	\$110
Tap Administration Fee (Water, Sewer, Irrigation)	\$30
Temporary Pole	\$35
Temporary Use Permit Fee	\$35
Tower- New or Modification	\$35 plus \$4 per \$1,000 of job costs
Water Service Inspection Fee- Outside City Limits	\$50
Wireless Service in ROW- ROW Rate	\$250 per node, annually
Wireless Service in ROW- Small Cell or Node Fee	\$500 up to 5 nodes, \$250 for each additional
Wireless Service in ROW- Support Pole	\$1,000
Working Without a Permit	\$50 plus doubling of permit fees
Any Other Permit Required	\$50.00

Fire Permit Fees

Above Ground Tank Install	\$105
Above Ground Tank Removal	\$60
Blasting Permit (one time)	\$100
Blasting Permit (annual)	\$1,030
Boarding Home	\$55
Burning	\$105
Day Care	\$45
Day Home	\$15
Family Care	\$25
Fire Alarm Installation	\$105
Fireworks	\$250
Foster Homes	\$40
Fuel Dispenser Replacement	\$80
Fuel Tank Installation	\$105
Fuel Tank Removal	\$60
Hauling or Transporting LPG	\$55
Hauling or Transporting Flammable or Combustible Liquid	\$50
Hospital	\$300
LPG Tank Hauling/Transport	\$55
LPG Tank Installation	\$55
New Fire Alarm Installation	\$105
Nursing Homes	\$65
Other New Suppression Systems	\$80
Public Displays Inside Malls	\$100
Smoke Control Systems	\$50
Sprinkler Installations	\$130
Sprinkler Installations with Fire Pump	\$180
Sprinkler Test Remodel	\$105
Standpipe Systems	\$105
Suppression System	\$80
Underground Installations	\$105
Underground Tank Install	\$105
Underground Tank Removal	\$60
Water Line Installation	\$105
Welding Permit	\$80

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, UPDATING THE BUILDING PERMIT FEE SCHEDULE FOR PERMITS PROCESSED THROUGH THE CITY OF TEMPLE PERMITS OFFICE; AUTHORIZING THE CITY MANAGER TO ESTABLISH AN EFFECTIVE DATE FOR THE UPDATED SCHEDULE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the fiscal year 2017 budget, an additional Combination Building Inspector position was added to maintain timely plan review and inspection services in response to growth and increased development activities within the community;

Whereas, the ongoing costs associated with this additional position was proposed to be recovered through an adjustment to the Building Permit Fee schedule;

Whereas, additionally, a restructure to the fee schedule is recommended to allow for on-line permit fee payment options to be implemented as part of the implementation of the new permit software system;

Whereas, Staff recommends Council authorize an adjustment to the building fee schedule effective upon implementation of the new software system so that a major reprogramming of fees in the current system is not required;

Whereas, because the exact implementation date of the software system is not known at this time, Staff is requesting the City Manager be authorized to establish the effective date;

Whereas, the revenue associated with these adjustments depends on the number of permits for these types of projects issued each year; 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 adopts an updated building permit fee schedule, attached hereto as Exhibit A and incorporated herein for all purposes, for permits processed through the City of Temple Permits Office and authorizes the City Manager to establish an effective date for the updated schedule.

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 **15th** day of **February**, 2018.

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

02/15/18
Item #3(R)
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Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: This item will present in detail the first quarter ending December 31, 2017, for the General, Water & Sewer, Hotel/Motel Tax, and Drainage Funds.

Included with these first quarter results will be various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Quarterly Financial Statements](#)
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING THE FIRST QUARTER FINANCIAL RESULTS FOR
FISCAL YEAR 2018; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Director of Finance has prepared the first quarter 2018 fiscal year financial results which details the first quarter ending December 31, 2017, for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund and Drainage Fund;

Whereas, included with these first quarter results are various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones; and

Whereas, the City Council deems it in the public interest to approve the first quarter financial results for fiscal year 2018.

**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 the first quarter financial results for fiscal year 2018, 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 **15th** day of **February**, 2018.

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

02/15/18
Item #3(S)
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 2017-2018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2017-2018 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$113,130.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2018 BUDGET
February 15, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-0000-313-0330		Reserved for Drug Enforcement / Reserve for Seized Funds	\$ 601	
110-2011-521-6229	101806	Capital Equipment / OCU State Seized Funds		\$ 601
To unappropriate state seized funds that were allocated for the purchase of barcode scanning hardware and software for inventory control. Project was completed under budget.				
110-3400-531-2334		Repair & Maintenance / Traffic Signal/Signs	\$ 130	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 130
To appropriate insurance proceeds received from Home State County Mutual Insurance Company for damages to a stop sign located at the corner of West Calhoun and North 7th Street.				
110-0000-318-0000		Fund Balance Reserved / Vital Statistics Preservation Fund	\$ 4,118	
110-0000-441-0654		Vital Statistics / Vital Statistics Preservation		\$ 4,118
To adjust funding for City Secretary's Administrative Assistant III position. 45% of the position is funded with Vital Statistics Preservation funds. The total amount to fund is \$23,527. Currently there is \$19,409 available in the reserve account. The additional \$4,118 of funding needed will be appropriated from current Vital Statistics Preservation revenues.				
240-4620-551-2129		Supplies / Advertising/Marketing	\$ 73,307	
240-0000-412-0927		Hotel/Motel Taxes / Bell County HOT		\$ 73,307
To recognize revenue and appropriate expenditure related to payment for Bell County hotel occupancy taxes.				
260-2000-521-2116		Supplies / Supplies & Tools	\$ 25,000	
260-0000-431-0163		Federal Grants / Federal Grants		\$ 25,000
To allocate grant funding awarded through the Rifle-Resistant Body Armor Grant Program through the Criminal Justice Division of the Governor's Office for the purchase of 50 rifle plate carriers for the Police Department.				
110-0000-461-0841		Other / Donations/Gifts	\$ 243	
110-5921-529-6211	101650	Capital Equipment / Instruments/Special Equipment		\$ 243
To unappropriate a portion of the match from Greater Temple Foundation for the walk in cooler at Animal Shelter due to the project coming in under budget.				
110-2033-521-2120		Supplies / Education/Recreation	\$ 1,100	
110-0000-442-0722		Police Revenue / Police Donations/Gifts		\$ 1,100
To appropriate donation received from Booster Calendar Company for the proceeds from the Poster 2018.				
110-2020-521-2516		Judgments & Damages - SRO	\$ 3,156	
110-2031-521-2516		Judgments & Damages - Patrol	\$ 2,924	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 6,080
To appropriate insurance proceeds from TML for damages to asset # 14461 and asset # 14468. In addition, this budget adjustment is to appropriate restitution received through Bell County related to damages caused to asset # 14048.				
365-2200-522-6803	101671	Capital - Bonds / Portable Digital Radios (Fire)	\$ 2,551	
365-2000-521-6803	101671	Capital - Bonds / Portable Digital Radios (Police)		\$ 2,551
To reallocate funding for travel charges and bluetooth access for Fire's P25 radios.				
TOTAL AMENDMENTS			\$ 113,130	\$ 113,130

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2018 BUDGET
February 15, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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	\$	25,182
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(10,000)
		Net Balance of Judgments & Damages Contingency Account	\$	15,182
		Beginning Compensation Contingency	\$	343,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(343,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Council Contingency	\$	15,182
		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	\$	65,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(4,884)
		Net Balance of Contingency Account	\$	60,116
		Beginning Compensation Contingency	\$	63,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(63,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Water & Sewer Fund Contingency	\$	60,116
		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	\$	19,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(19,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	-
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	807,065
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(305,900)
		Net Balance of Contingency Account	\$	501,165
		Beginning Compensation Contingency	\$	12,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(12,500)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Drainage Fund Contingency	\$	501,165

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2018 BUDGET
February 15, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		FED/STATE GRANT FUND		
		Beginning Contingency Balance		\$ -
		Carry forward from Prior Year		39,299
		Added to Contingency Sweep Account		6,926
		Taken From Contingency		(37,343)
		Net Balance Fed/State Grant Fund Contingency		\$ 8,882

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2017-2018 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 25th day of August, 2017, the City Council approved a budget for the 2017-2018 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2017-2018 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 2017-2018 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 15th day of **February**, 2018.

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

02/15/18
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sandra Esqueda, Civil Service Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance changing the classification title of Deputy Chief to that of Battalion Chief in the Fire Department.

STAFF RECOMMENDATION: Conduct a public hearing and consider adopting an ordinance as presented in item description on first reading, with second and final reading set for March 1, 2018.

ITEM SUMMARY: Chapter 143 of the Local Government Code requires that the Council establish by ordinance the classifications in the Police and Fire Departments.

At this time, the Fire Chief requests a title change from “Deputy Chief” to “Battalion Chief”. This title change is necessary to align the job requirements, tasks and expectations of the classified position with the title commonly used in the industry. A Battalion Chief is a shift commander who oversees a shift in the department. This title change will not alter the essential functions of the position, or the salary and benefits of fire fighters in the position. The title change does not impact the rank of any Fire Department personnel.

At this time, the Fire Chief respectfully requests the approval of the title change to Battalion Chief. There will be no changes to the positions within any of the classifications, and all classifications will maintain the current number of personnel as follows:

Fire Chief	1
Assistant Fire Chief	1
Battalion Chief	5
Captain	25
Driver	33
Fire Fighter	56
TOTAL	121

FISCAL IMPACT: The title change from “Deputy Chief” to “Battalion Chief” will not have an impact on the operating budget. The FY 2018 Operating Budget includes funding for five Deputy Chief positions.

ATTACHMENTS:
[Classification Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CLASSIFICATION TITLE OF DEPUTY CHIEF TO THAT OF BATTALION CHIEF IN THE FIRE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 143 of the Local Government Code requires that the City Council establish by Ordinance, the classifications in the Police and Fire Departments;

Whereas, Staff requests a title change from Deputy Chief to Battalion Chief in the Fire Department, which Staff believes is necessary to align the job requirements, tasks and expectations of the classified position with the title commonly used in the industry;

Whereas, a Battalion Chief is a shift commander who oversees a shift in the department - this title change will not alter the essential functions of the position, the salary and benefits of fire fighters in the position, or impact the rank of any Fire Department personnel;

Whereas, Staff recommends that Council amend the classification title of Deputy Chief to that of Battalion Chief in the Fire Department;

Whereas, all remaining classifications will maintain the current number of personnel as follows:

Fire Chief – 1 position;
Assistant Fire Chief – 1 position;
Battalion Chief – 5 positions;
Captain – 25 positions;
Driver – 33 positions;
Fire Fighters – 56 positions;

Whereas, this title change will not have an impact on the fiscal year 2018 operating budget which includes funding for five Battalion Chief positions; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: Findings. All 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: Council amends the classification title of Deputy Chief to that of Battalion Chief in the Fire Department:

CLASSIFICATIONS AND POSITIONS OF CERTIFIED FIREFIGHTERS

I. UNCLASSIFIED POSITIONS

A. *FIRE CHIEF* – 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

II. CLASSIFIED POSITIONS

A. *ASSISTANT CHIEF* – 1 Position

No person shall be eligible for appointment as Assistant Chief who has not served continuously in the Department in a rank not lower than that of Captain, for at least two years.

B. *BATTALION CHIEF* – 5 Positions

No person shall be eligible for appointment as a Battalion Chief who has not served continuously in the Department, as a Captain, for at least 2 years. In addition to base pay, every Battalion Chief having 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *CAPTAIN* – 25 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *DRIVER* – 33 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Firefighter, for at least 2 years. In addition to base pay, every Driver having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

E. *FIREFIGHTER* – 56 Positions

No person shall be eligible for appointment as a Firefighter who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay, every Firefighter having 1, 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

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 **March 1, 2018**.

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 **15th** day of **February, 2018**.

PASSED AND APPROVED on Second Reading on the **1st** day of **March, 2018**.

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

02/15/18
Item #5
Regular Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - A-FY-18-04: Consider adopting an ordinance authorizing abandonment and conveyance of 0.104 +/- acre portion of Prairie View Road, being located on the north side of Prairie View Road, approximately 765 feet east of its intersection with Westfield Blvd, City of Temple, Bell County, Texas.

STAFF RECOMMENDATION: Staff recommends approval for abandonment and conveyance of 0.104 +/- Acres of Prairie View Road as identified by the Item Description and further described in survey sketch and field notes attached as Exhibit A.

ITEM SUMMARY: The applicant, Short Term Lending Group, Inc. is requesting abandonment and conveyance of 0.104 +/- acre portion of Prairie View Road. The abandonment is needed to expand the developable land area of Lot #2 of the North Gate, Phase II subdivision.

Conveyance will allow the applicant to purchase the abandoned right of way in the amount of \$1,664. as established by the fair market rate. Proceeds will be deposited as further described in the "Fiscal Impact" section of this report.

The subdivision plat for North Gate, Phase II, Replat No. 1 (P-FY-18-09) was reviewed by the Design Review Committee (DRC) on November 22, 2017 and it was during the review that additional land area was desired.

The final plat is scheduled review and consideration by the Planning & Zoning Commission on February 19, 2018 but City Council's consideration of the abandonment needs to occur first. Since no exceptions to the Unified Development Code (UDC) are needed, the Planning & Zoning Commission is the final plat authority.

Outside utility providers as well as the City of Temple Public Works Department have been notified of the proposed abandonment. No issues have been identified. Public Works is in agreement with the abandonment as proposed.

FISCAL IMPACT: The original property listed above was purchased for the Prairie View Road, Phase 1 project with Certificate of Obligation Bond funds as part of the Transportation Capital Improvement Program. Upon approval, the applicant will purchase the abandoned road right-of-way at the fair market value of \$16,000 per acre, as recommended by comparable valuations used from the area. Therefore, the fair market value for the 0.104 acre abandonment is \$1,664.00. The proceeds from the purchase of abandoned Right of Way in the amount of \$1,664.00 will be deposited into the TCIP Bond Fund, account 365-0000-461-0423, Sale of Land.

ATTACHMENTS:

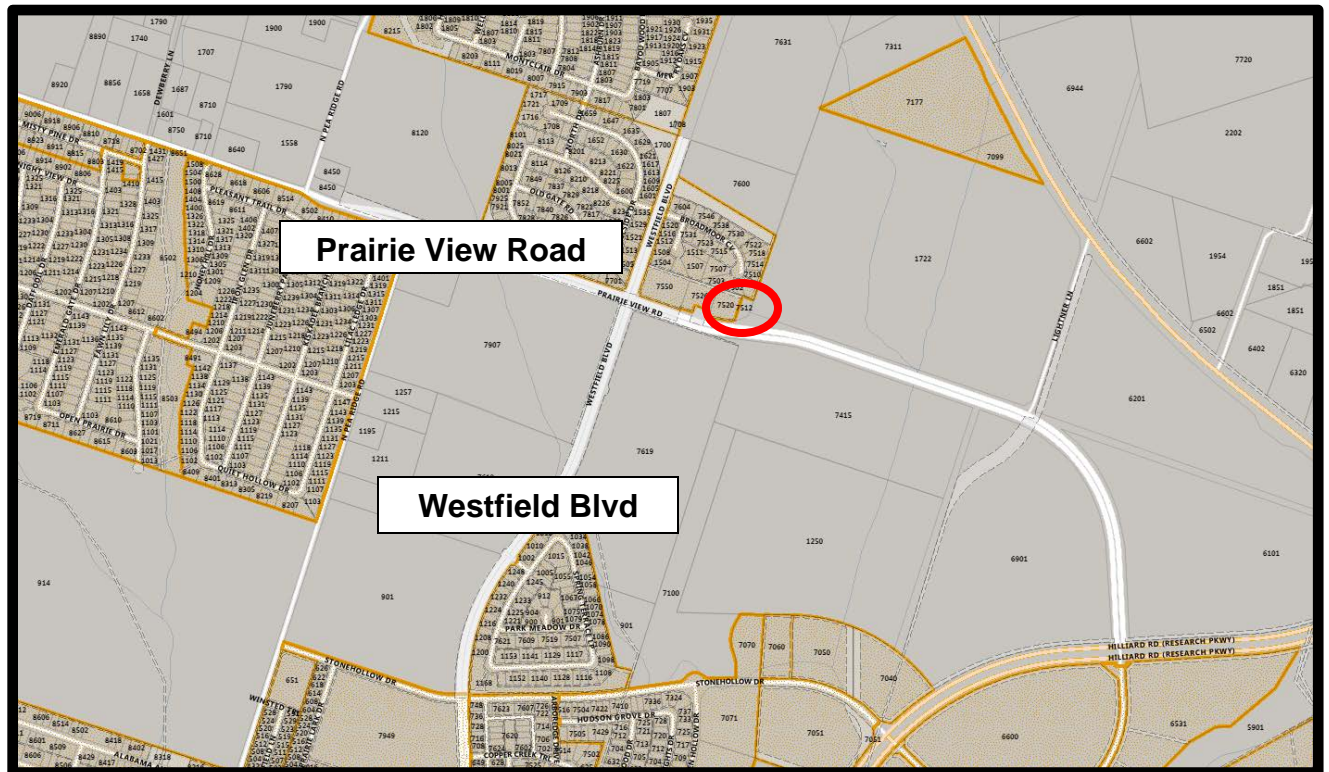
[Vicinity Map](#)

[Replat No. 1 - North Gate, Phase II Final Plat \(Area of abandonment highlighted\)](#)

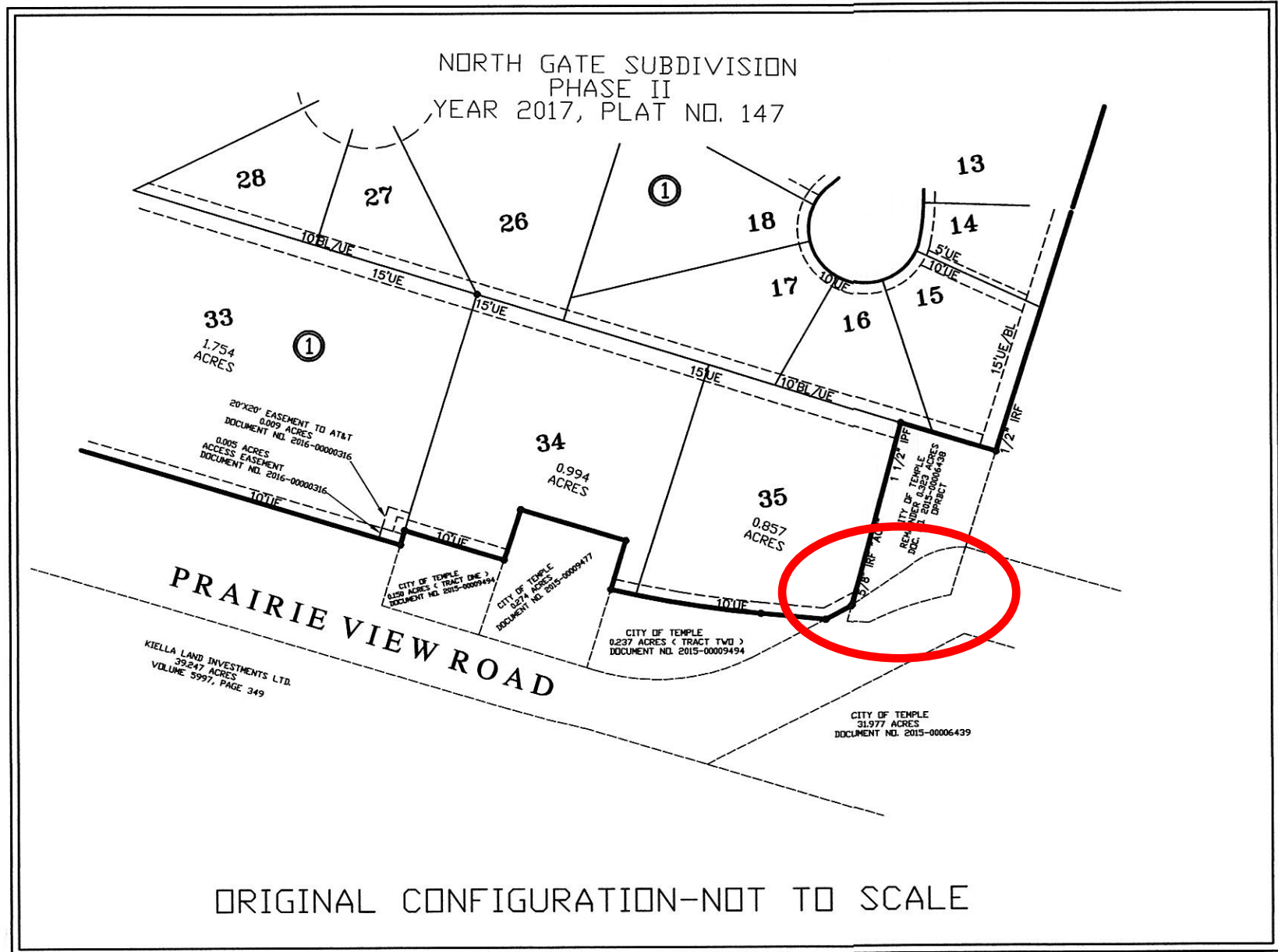
[Abandonment Survey & Field Notes \(Exhibit A\)](#)

[Ordinance](#)

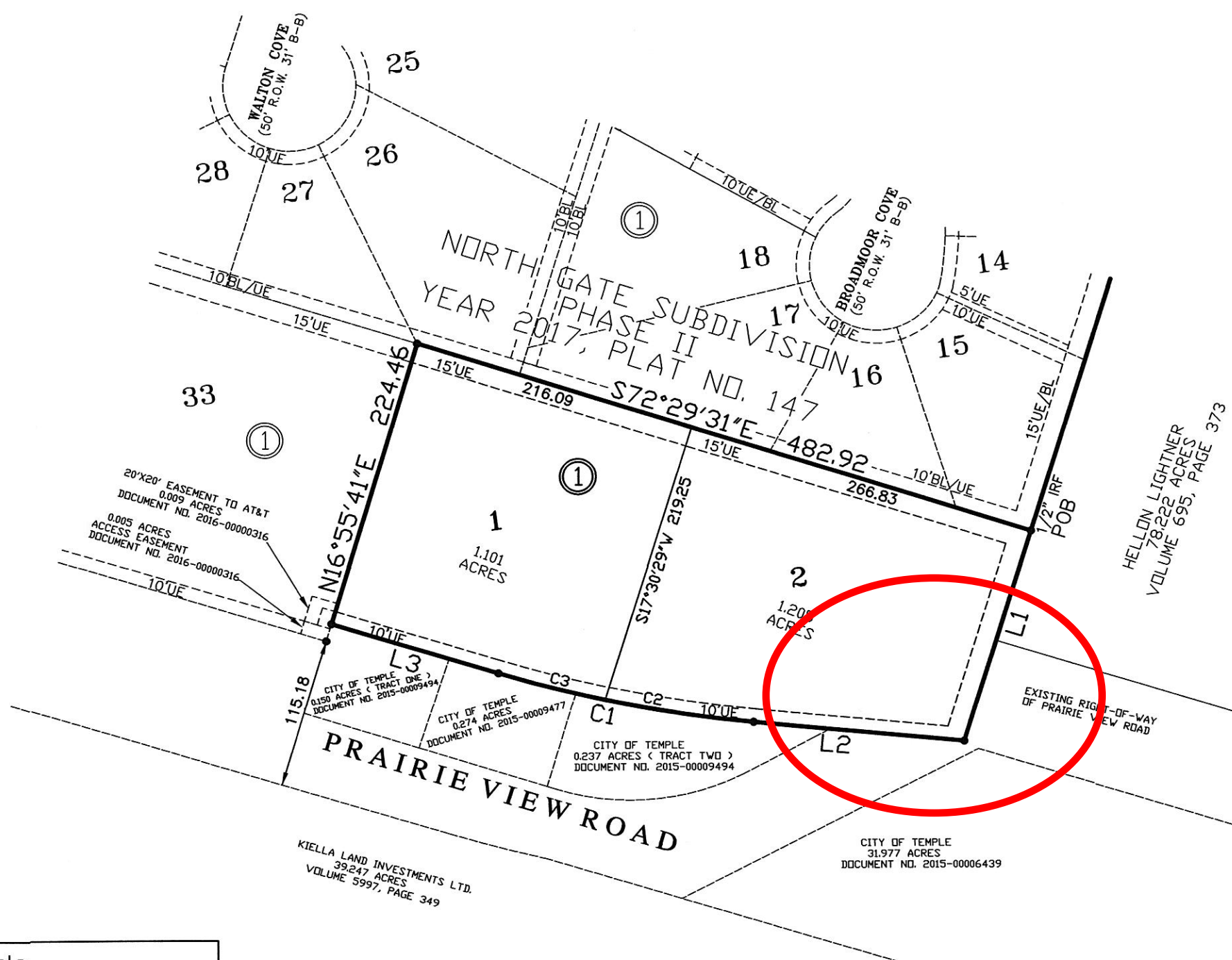
Vicinity Map



Vicinity Map (City of Temple GIS Maps) - Area of requested abandonment shown in **RED**



THE PURPOSE OF THIS REPLAT IS TO INCORPORATE PORTIONS OF THE TWO CITY OF TEMPLE TRACTS (DOCUMENT NO. 2015-00009477 AND DOCUMENT NO. 2015-00006438) INTO LOTS 34 AND 35, BLOCK 1, NORTH GATE, PHASE II AS DESCRIBED IN PLAT YEAR 2017, PLAT NO. 147, PLAT RECORDS OF BELL COUNTY, TEXAS.



Line Table			
Line #	Direction	Length	
L1	S17°28'11"W	169.17'	
L2	N84°29'59"W	158.91'	
L3	N72°56'23"W	131.10'	

Curve Table			
Curve #	Length	Radius	Delta
C1	195.71	970.00	11°33'36"
C2	112.86	970.00	6°39'59"
C3	82.85	970.00	4°53'37"

SCALE: 1"=100'

NOTES:

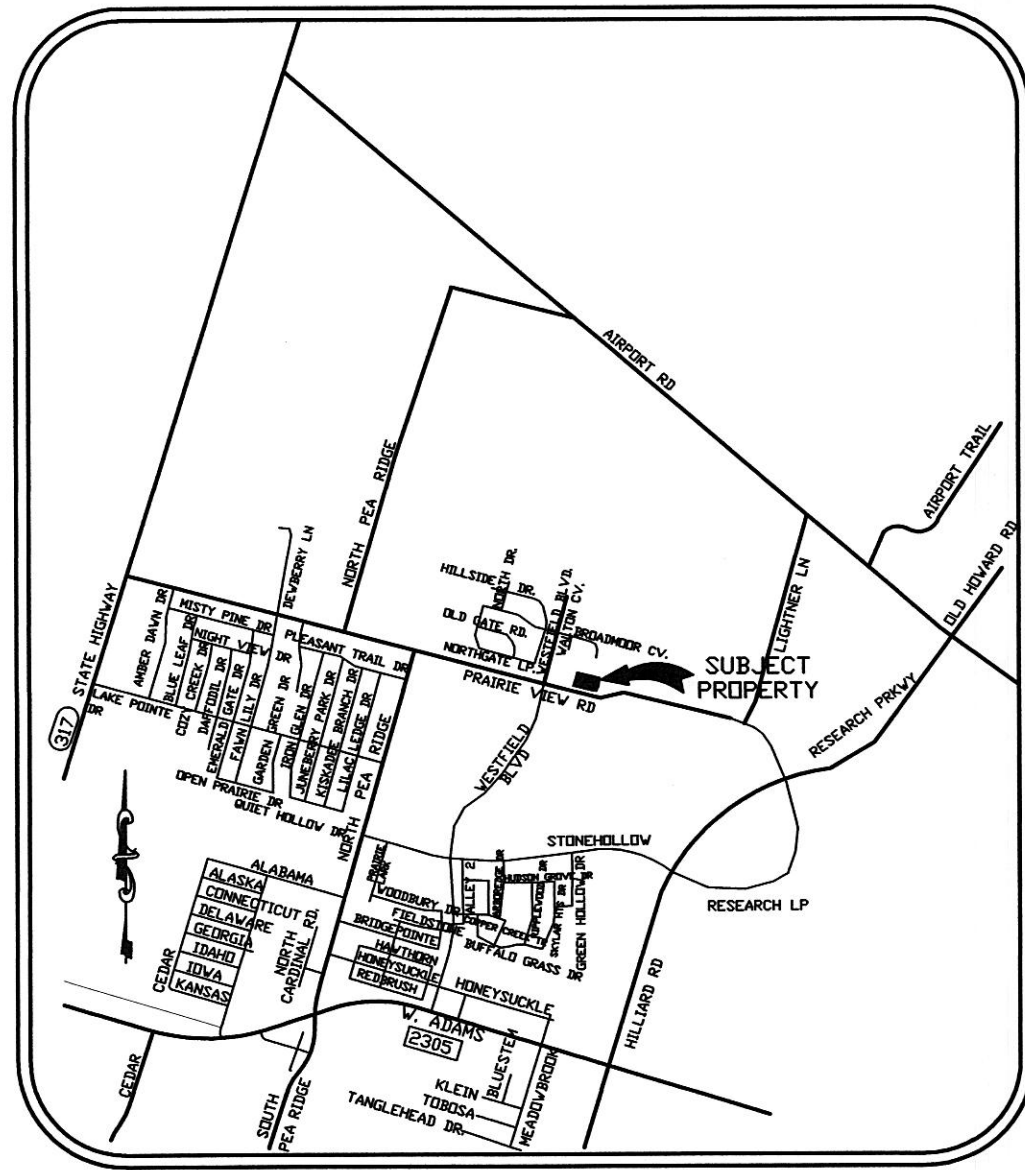
- THIS PROPERTY IS NOT WITHIN THE 100-YEAR FLOOD BOUNDARY PER F.E.M.A. FEDERAL INSURANCE RATE MAP No. 48027C0170E DATED SEPTEMBER 26, 2008
- THERE SHALL BE A 10' REAR BUILDING LINE UNLESS OTHERWISE SHOWN HEREON.
- ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP STAMPED "RPLS 2475" SET UNLESS OTHERWISE NOTED HEREON.
- UTILITY COMPANIES HAVE BEEN PROVIDED A COPY OF THIS PLAT FOR THEIR REVIEW.

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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 510 THE THETA ANGLE AT SAID CITY MONUMENT IS 01°29'57" THE COMBINED CORRECTION FACTOR (CCF) IS 0.999853 PUBLISHED CITY COORDINATES ARE X=3,207,137.72 Y=10,388,529.14 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS S81°48'28"E, 2155.64 FEET

FILED FOR RECORD THIS _____ DAY OF _____, 2018, IN YEAR _____, PLAT # _____, PLAT RECORDS OF BELL COUNTY, TEXAS.

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



VICINITY MAP: Not To Scale



STATE OF TEXAS
COUNTY OF BELL

SHORT TERM LENDING GP, INC., A TEXAS CORPORATION, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS FINAL PLAT OF NORTH GATE PHASE II, REPLAT NO. 1 A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

SHORT TERM LENDING GP, INC.
A TEXAS CORPORATION

THOMAS BAIRD
PRESIDENT

STATE OF TEXAS
COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2018 BY THOMAS BAIRD, PRESIDENT OF SHORT TERM LENDING GP, INC., A TEXAS CORPORATION.

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF BELL

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

Victor D. Turley
VICTOR D. TURLEY, PE
NO. 32525

STATE OF TEXAS
COUNTY OF BELL

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

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

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS _____ DAY OF _____, 2018

CHAIRMAN, PLANNING and ZONING COMMISSION DATE

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS _____ DAY OF _____, 2018.

SECRETARY TO PLANNING & ZONING COMMISSION:

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY RECOMMENDED FOR APPROVAL BY SUCH COUNCIL.

DATED THIS _____ DAY OF _____, 2018

MAYOR:

AFFIDANT:
THE TAX APPRAISAL DISTRICT OF BELL COUNTY, TEXAS DOES HEREBY CERTIFY THERE ARE CURRENTLY NO DELINQUENT TAXES DUE TO THE TAX APPRAISAL DISTRICT OF BELL COUNTY, TEXAS ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS _____ DAY OF _____, 2018.
BELL COUNTY TAX APPRAISAL DISTRICT

BY: _____

FINAL PLAT of:
**NORTH GATE PHASE II
REPLAT NO. 1**
2.306 ACRES
1 BLOCK, 2 LOTS
LOTS 1 thru 2, BLOCK 1

PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT #17,
A SUBDIVISION IN THE CITY OF TEMPLE
BELL COUNTY, TEXAS

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

SURVEY FIRM # 10056000
ENGINEER FIRM # F-1658

FINAL PLAT of:
NORTH GATE PHASE II REPLAT NO. 1

PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT #17,
A SUBDIVISION IN THE CITY OF TEMPLE
BELL COUNTY, TEXAS

PREPARED FOR:

SHORT TERM LENDING GP, INC.

REVISIONS		
11/28/17	COMMENTS	MEA

DATE: 07/10/17
DRN. BY: MEA
REF.:
FB/LB
JOB NO.: 16-516
SHEET 1 OF 1
COMPUTER DWG. NO. 16-516

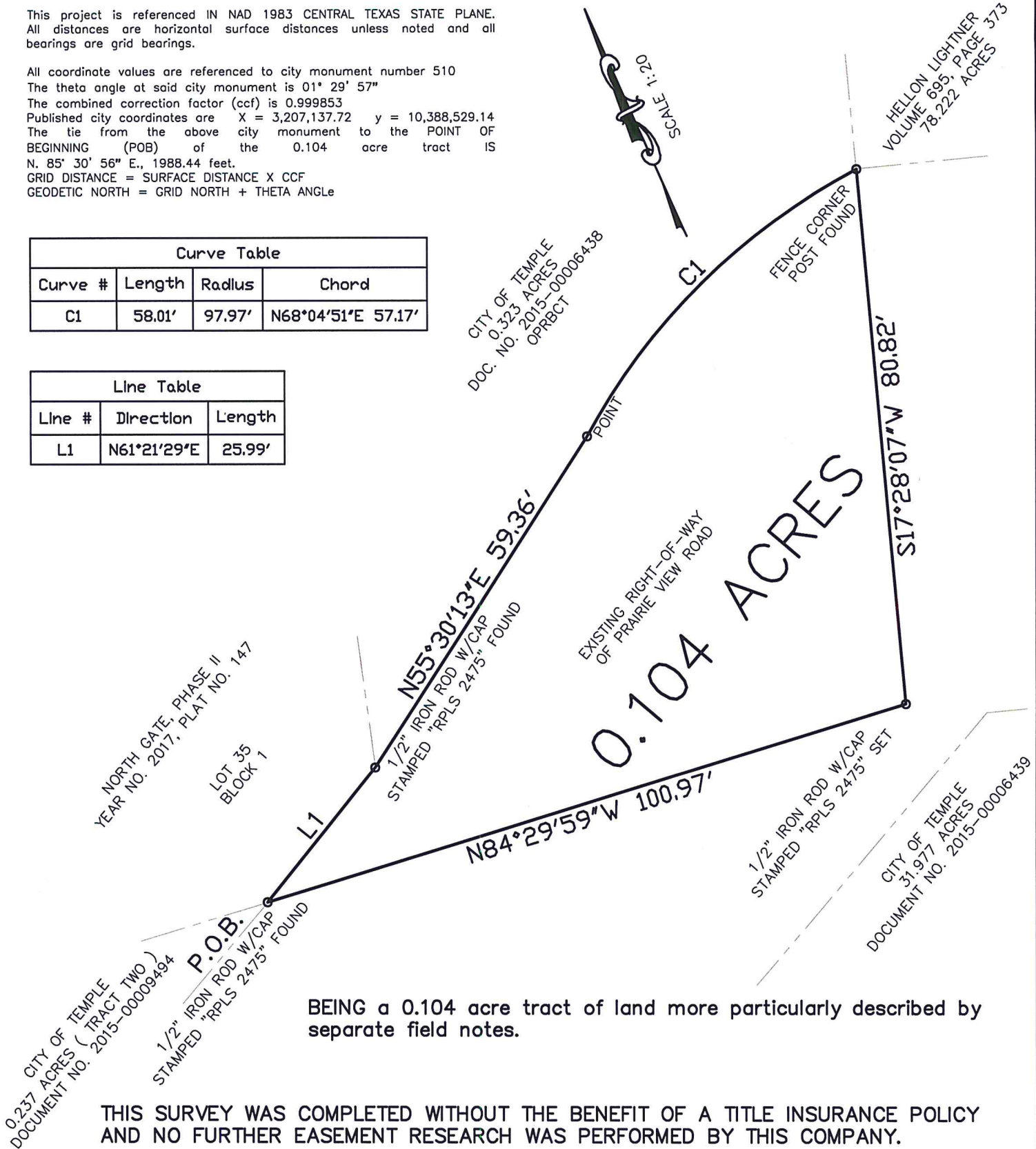
16516-D
FILE NO.

This project is referenced IN NAD 1983 CENTRAL TEXAS STATE PLANE.
All distances are horizontal surface distances unless noted and all bearings are grid bearings.

All coordinate values are referenced to city monument number 510
The theta angle at said city monument is 01° 29' 57"
The combined correction factor (ccf) is 0.999853
Published city coordinates are X = 3,207,137.72 y = 10,388,529.14
The tie from the above city monument to the POINT OF BEGINNING (POB) of the 0.104 acre tract IS N. 85° 30' 56" E., 1988.44 feet.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

Curve Table			
Curve #	Length	Radius	Chord
C1	58.01'	97.97'	N68°04'51"E 57.17'

Line Table		
Line #	Direction	Length
L1	N61°21'29"E	25.99'



BEING a 0.104 acre tract situated in the BALDWIN ROBERTSON SURVEY, ABSTRACT No. 17, Bell County, Texas and being a part or portion of the existing occupied and evidenced right-of-way of Prairie View Road (a publicly maintained roadway) and which also encompasses a portion of that certain 0.323 acre tract of land described in a General Warranty Deed dated February 18, 2015 from Jon Karl von Rosenberg, Gretchen Kateri von Rosenberg Cormier, Charles Walter von Rosenberg, Jr. and Amanda Ann von Rosenberg Davis now known as Amanda Ann von Rosenberg to the City of Temple and being of record in Document No. 2015-00006438, Official Public Records of Bell County, Texas.



STATE OF TEXAS ✕ KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, COUNTY OF BELL ✕ do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 13th day of December, 2017.

Michael E. Alvis

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

EXHIBIT A

BEING a 0.104 acre tract situated in the BALDWIN ROBERTSON SURVEY, ABSTRACT No. 17, Bell County, Texas and being a part or portion of the existing occupied and evidenced right-of-way of Prairie View Road (a publicly maintained roadway) and which also encompasses a portion of that certain 0.323 acre tract of land described in a General Warranty Deed dated February 18, 2015 from Jon Karl von Rosenberg, Gretchen Kateri von Rosenberg Cormier, Charles Walter von Rosenberg, Jr. and Amanda Ann von Rosenberg Davis now known as Amanda Ann von Rosenberg to the City of Temple and being of record in Document No. 2015-00006438, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "RPLS 2475" found being the most southerly southeast corner of Lot 35, Block 1, North Gate, Phase II according to the map or plat of record in Year No. 2017, Plat No. 147, Plat Records of Bell County, Texas and being the northeast corner of that certain 0.237 acre tract of land (TRACT TWO) described in a General Warranty Deed dated March 13, 2015 from Billie June Barnes Reagan to the City of Temple, Texas and being of record in Document No. 2015-00009494, Official Public Records of Bell County, Texas and being in the existing north right-of-way line of the said Prairie View Road for corner;

THENCE N. 61° 21' 29" E., 25.99 feet departing the said 0.237 acre tract (TRACT TWO) and with the southeast boundary line of the said Lot 35, Block 1, North Gate, Phase II and with the said existing north right-of-way line of Prairie View Road to a 1/2" iron rod with cap stamped "RPLS 2475" found being the most easterly southeast corner of the said Lot 35, Block 1 and being in the west boundary line of the said 0.323 acre tract for corner;

THENCE departing the said Lot 35, Block 1 and the said west boundary line and over and across the said 0.323 acre tract and continuing with the existing north right-of-way line of Prairie View Road the following two (2) calls:

- 1) N. 55° 30' 13" E., 59.36 feet to a point being at the beginning of a curve to the right having a radius equals 97.97 feet, chord bearing equals N. 68° 04' 51" E., 57.17 feet for corner;
- 2) 58.01 feet along the arc of said curve to the right to a fence corner post found being in the east boundary line of the said 0.323 acre tract and being the occupied and evidenced southwest corner of that certain 78.222 acre tract of land described in a Deed to Hellon Lightner and being of record in Volume 695, Page 373, Deed Records of Bell County, Texas for corner;

THENCE S. 17° 28' 07" W., departing the said 78.222 acre tract and the said existing north right-of-way line and over and across the said existing right-of-way of Prairie View Road and with the east boundary line of the said 0.323 acre tract at 48.73 feet pass a point being the southeast corner of the said 0.323 acre tract and continuing over and across the said existing right-of-way at 80.82 feet in all to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE N. 84° 29' 59" W., continuing over and across the said existing right-of-way of Prairie View Road at 62.59 feet pass a point being in the southeast boundary line of the said 0.323 acre tract and over and across the said 0.323 acre tract and continuing over and across the said existing right-of-way at 81.99 feet pass a point being in the west boundary line of the said 0.323 acre tract and continuing over and across the said existing right-of-way at 100.97 feet in all to the Point of BEGINNING and containing 0.104 acres of land.

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

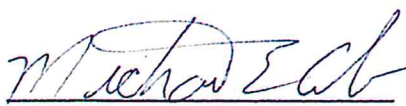

 Michael E. Alvis, R.P.L.S. #5402
 December 11, 2017



EXHIBIT A

Page 1 of 2

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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 510

THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 29' 57''$

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999853

PUBLISHED CITY COORDINATES ARE $X = 3,207,137.72$ $Y = 10,388,529.14$

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) OF THE 0.104 ACRE TRACT IS $N. 85^{\circ} 30' 56'' E., 1988.44$ FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT A

Page 2 of 2

ORDINANCE NO. _____
(A-FY-18-04)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ABANDONMENT AND CONVEYANCE OF AN APPROXIMATELY 0.104-ACRE PORTION OF PRAIRIE VIEW ROAD, LOCATED ON THE NORTH SIDE OF PRAIRIE VIEW ROAD, APPROXIMATELY 765 FEET EAST OF ITS INTERSECTION WITH WESTFIELD BOULEVARD, TEMPLE, BELL COUNTY, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Short Term Lending Group, Inc., has requested abandonment and conveyance of an approximately 0.104-acre portion of Prairie View Road, being located on the north side of Prairie View Road, approximately 765 feet east of its intersection with Westfield Boulevard, Temple, Bell County, Texas, which is more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes;

Whereas, the area proposed to be abandoned is not needed by the City and can be used by the applicant to expand the developable land area of lot 2 of the North Gate, Phase II subdivision;

Whereas, conveyance of this property will allow the applicant to purchase the abandoned right-of-way in the amount of \$1,664, as established by the fair market value;

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the right of way may be abandoned, as the providers' responses indicated there are no objections to the abandonment;

Whereas, the original property listed above was purchased for the Prairie View Road, Phase 1 project with Certificate of Obligation Bond funds as part of the Transportation Capital Improvement program;

Whereas, upon approval, the applicant will purchase the abandoned right-of-way at the fair market value of \$16,000 per acre, as recommended by comparable valuations used from the area - the fair market value for the 0.104-acre abandonment is \$1,664.00 and the proceeds from the purchase of abandoned right of way in the amount of \$1,664.00 will be deposited into the TCIP Bond Fund, Account No. 365-0000-461-0423; and

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

NOW, THEREFORE, BE IT RESOLVED 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: The City Council abandons and conveys an approximately 0.104-acre portion of Prairie View Road, being located on the north side of Prairie View Road, approximately 765 feet east of its intersection with Westfield Boulevard, Temple, Bell County, Texas, and more particularly described in Exhibit A to this Ordinance.

Part 3: The City Council authorizes the Mayor of the City of Temple, Texas, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas to the abutting property owner.

Part 4: 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 5: Effective Date. 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: Open Meetings. 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.

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **February**, 2018.

PASSED AND APPROVED on Second Reading on the **1st** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

 This instrument was acknowledged before me on the _____ day of _____,
2018, by Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:

*City Attorney's Office
2 North Main Street, Suite 308
Temple, TX 76501*



COUNCIL AGENDA ITEM MEMORANDUM

02/15/18
Item #6
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-18-09: Consider adopting an ordinance authorizing rezoning of two tracts of land comprised of 3.625 +/- acres from General Retail and Light Industrial districts to Commercial district, located on West Nugent Avenue, approximately 180 feet west of its intersection with North General Bruce Drive, addressed as 1410 & 1300 North General Bruce Drive.

STAFF RECOMMENDATION: Staff recommends approval of a rezoning to C for the following reasons:

1. The proposed Commercial zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
2. The proposed Commercial zoning is a compatible compromise between the existing GR & LI districts;
3. The proposal is in compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their January 16, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the proposed rezoning per staff's recommendation.

ITEM SUMMARY: The subject property consists of 3.625 +/- acres and comprised of two unplatted tracts of land which have been impacted by recent TxDOT acquisition for the realignment of Interstate 35. The property is within the boundaries of two zoning districts, General Retail (GR) and Light Industrial (LI). The proposed Commercial (C) district will provide a single zoning across the property and is being requested by the applicant to consolidate the property under one zoning district. The former site of Hidden Valley Moving & Storage, is within the I-35 Overlay. Although, the property is within the I-35 Overlay, as discussed below, the Commercial district is considered to be a compromised balance between the two existing designations that are assigned to the property.

Prior to application submittal, the applicant met with staff to discuss the rezoning and both staff and the applicant were in agreement that the Commercial zoning district was a balanced compromise for this location's future development within the I-35 Corridor.

SUBDIVISION PLAT: A subdivision plat will be required prior to development. The subdivision plat will address parcel tract lines that as well as a TxDOT right-of-way acquisition from a larger tract that is reflected in deed records. Compliance to subdivision standards will be identified during the review by the Development Review Committee (DRC).

I-35 CORRIDOR OVERLAY: The subject property is within the Retail sub-district of the I-35 Corridor Overlay. Redevelopment of the property is subject to compliance to the sub district and Overlay standards. It should be noted that dimensional standards as well as buffering and screening standards are more restrictive than base zoning. Applicability to the provisions are triggered by the type of improvement and costs associated with the improvement, per UDC Section 6.7.4. Identification and compliance to the provisions of the corridor overlay will be made during the review of the building permit.

While the applicant is requesting rezoning to clean-up the existing zoning and consolidate under one zoning district, there are a number of other uses that are permitted by-right or require a conditional use permit in the Retail sub-district of the I-35 Corridor Overlay. While not inclusive, uses are compiled in the attached table.

COMPREHENSIVE PLAN (CP) COMPLIANCE: Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Land Use Map (CP Map 3.1)

The subject property is within the Auto-Urban Commercial Future Land Use Map (FLUM) designation. The Auto-Urban Commercial designation, is identified for commercial uses, generally concentrated at intersections versus strip development along major roads. The Auto Urban Commercial designation supports both GR and C zoning districts. Therefore, the requested commercial **is** consistent with the FLUM designation.

Thoroughfare Plan (CP Map 5.2)

Although the subject property is addressed off North General Bruce Drive, it also takes access from West Nugent Avenue, a proposed arterial. The required subdivision plat will address any needed right-of-way dedication for both. To date, no dedication issues have been identified by staff but will be further evaluated with a forthcoming plat. No Transportation Capital Improvement Program (TCIP) improvements scheduled through FY 2024 have been identified.

Availability of Public Facilities (CP Goal 4.1)

Water is available through a 12-inch water line along North General Bruce Drive and an eight-inch waterline in West Nugent Avenue. Sewer is available through either a six-inch sewer line on the south side of West Nugent Avenue or along the north property line.

Temple Trails Master Plan Map and Sidewalks Ordinance

No trails are shown on the Trails Master Plan, however, as a minor arterial, a 6' sidewalk is required along West Nugent Avenue. Provisions for the sidewalk will be addressed during the plat review stage.

DEVELOPMENT REGULATIONS: The attached table show the required dimensional standards within the I-35 Corridor Overlay as well as buffer and screening standards that are applicable provided for in UDC Sections 6.11C & 7.7 respectively.

PUBLIC NOTICE: Fourteen notices to 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 Thursday, January 11, 2018 at 12:00 PM, six notices in disagreement have been received within the 200-foot buffer area and a number of notices for residents outside the buffer area. The notices outside the buffer area are distinguished by "Not located within the 200' radius" label toward the top of the notice. In addition, one notice in agreement has been received.

The newspaper printed notice of the public hearing on January 4, 2018, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Survey Map \(Exhibit A\)](#)

[Photos](#)

[Tables](#)

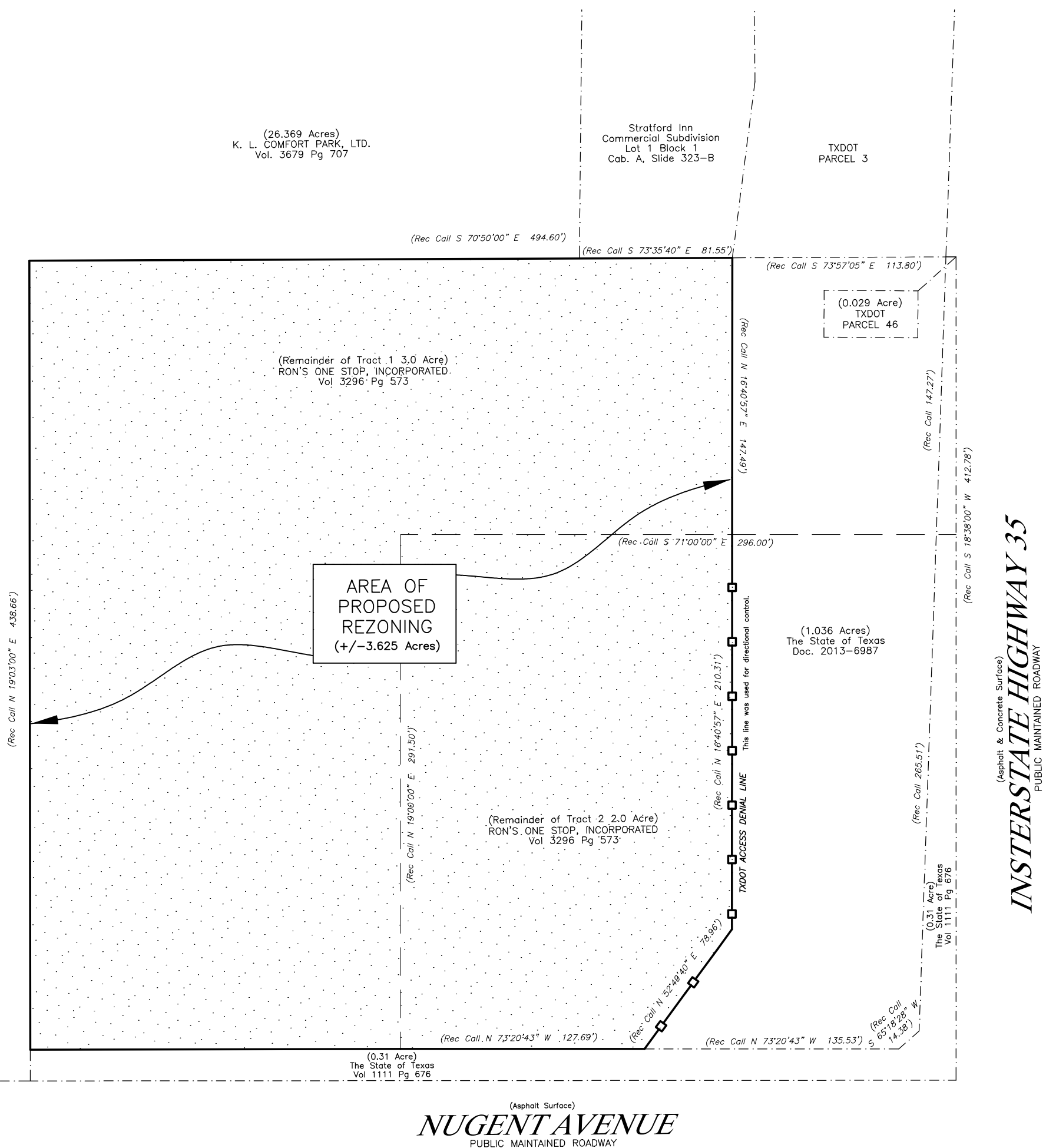
[Maps](#)

[Returned Property Notices](#)

[PZ Excerpts \(January 16, 2018\)](#)

[Ordinance](#)

Exhibit drawing showing a deed plot of the remainder property (+/-3.625 acres), after TXDOT acquisitions, of the called 3.0 Acre "Tract One" and 2.0 Acre "Tract Two" described and conveyed to RON'S ONE STOP, INCORPORATED, of record in Volume 3296, Page 573 of the Official Public Records of Bell County, Texas.



NOTE:

This is not a certified boundary survey for conveyance of property. It is an exhibit for use in planning, design & zoning purposes only.

I, Timothy Lane Kennedy, Registered Professional Land Surveyor No. 6119 in the State of Texas, do hereby certify to the title agency, underwriter, lender, mortgage company and/or purchaser that this drawing represents a survey performed on the ground. To the best of my knowledge the drawing correctly represents the facts found at the time of the survey.

Advanced Surveying & Mapping, LLC

1610 South 31st St., Ste. 102-299
Temple, Texas 76504
254-760-1894 254-760-4633
www.asm-tx.com Firm Reg. #10193722
Copyright 2017 Advanced Surveying & Mapping, LLC

Scale: 1" = 50'
Job No. 170251
Surveyor TLK #6119
Revised: 12-13-17

Site & Surrounding Property Photos



**Site: (Looking across West Nugent Ave toward site -
Vacated Hidden Valley Moving & Storage)
(GR & LI)**



**North: (Looking Across the Site toward Bird Creek MH Park
(GR))**



**North: Looking toward site from Navajo St (Bird Creek MH Park)
(GR)**



**South: Looking Across W. Nugent Ave
(LI)**



**East: Recent Activity Associated with I-35 Improvements
(LI)**



**West: SF Residential (Bird Creek MH Park & subdivision)
(MH)**

Tables

**Compiled Permitted & Conditional Use Table
I-35 Corridor Overlay (Retail Sub District)**

Use	Retail Sub District
Residential	
All Residential Uses listed in the use table in Sec. 5.1 except as follows:	Prohibited
Multiple-family dwelling (apartment)	CUP
Recreational vehicle park	Prohibited
Nonresidential	
Animal feed lot	Prohibited
Animal shelter (public or private)	CUP
Auto storage or auto auction	Prohibited
Boat sales or repair	CUP
Body Piercing Studio	Prohibited
Bottling works	Prohibited
Building material sales (indoor or to the rear with screening)	Prohibited
Car wash	CUP
Child care facility	CUP
Contractor storage and equipment yard	Prohibited
Correctional facility	Prohibited
Day camp for children	Prohibited
Drag strip or commercial racing	Prohibited
Flea market (outdoors)	Prohibited
Fuel Sales	Permitted
Greenhouse or nursery (retail)	CUP
Hatchery, fish or shrimp, fish farm	Prohibited
Hatchery, poultry	Prohibited
Heavy machinery sales, storage and repair	Prohibited
Hotel / Motel	Permitted
Industrial Uses listed in the use table in Sec. 5.1	Prohibited
Kennel	Prohibited
Livestock auction	Prohibited
Major vehicle repair	CUP
Milk depot, dairy or ice cream plant	Prohibited
Minor vehicle servicing	CUP
Motorcycle or scooter sales and repair	Prohibited

Open/outdoor storage of lawn/garden furniture, appliances or machinery	Prohibited
Retail & Service Uses	Permitted
Parking Lot, (trucks, autos, trailers, moving trucks & vans)	Permitted
Paint shop	CUP
Sexually oriented business	Prohibited
Shooting range (outdoor)	Prohibited
Stable, residential or noncommercial	Prohibited
Tattoo Studio	Prohibited
Recreational vehicle sales or rental	Prohibited
Restaurant	Permitted
Transitional or emergency shelter	Prohibited
Truck Sales	Permitted
Truck Stop	Permitted
Upholstery shop	CUP
Veterinarian hospital (kennels)	CUP
Wrecking or salvage yard	Prohibited

Surrounding Property Uses

	<u>Surrounding Property & Uses</u>		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	GR & LI	Hidden Valley Moving & Storage (Vacated)
North	Auto Urban Commercial	GR & LI	Bird Creek MH Park
South	Auto Urban Commercial	LI	Undeveloped
East	Auto Urban Commercial	LI	I-35
West	Auto Urban Commercial	MH & AG	SF Residential Uses (Bird Creek subdivision)

Comprehensive Plan Compliance

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 Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan STP = Sidewalk and Trails Plan		

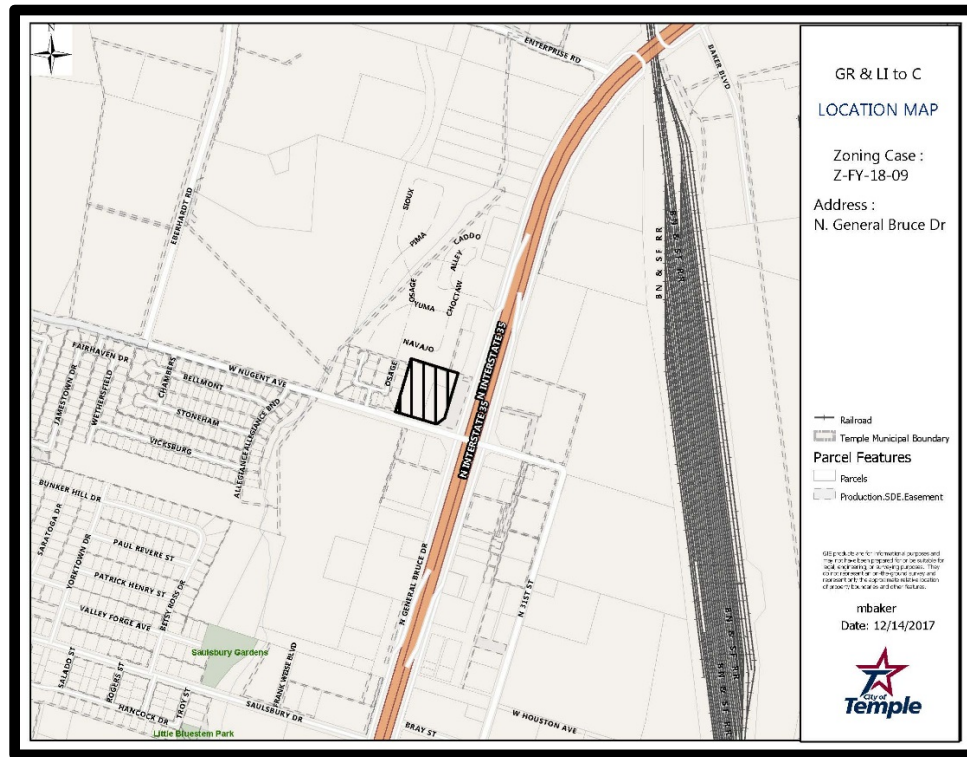
**I-35 Overlay (Retail Sub-District) Dimensional Standards
(UDC Section 6.7)**

<u>I-35 Corridor Overlay</u> <u>Retail Sub-District</u> <u>Dimensional Standards</u>	
Minimum Lot Size	12,500 SF
Minimum Lot Width	80 Feet
Minimum Lot Depth	80 Feet
Front Setback	25 Feet
Side Setback	20 Feet
Side Setback (corner)	25 Feet
Rear Setback	❖ 10 Feet / 20 Feet (adjacent to residential)
Minimum Landscape Buffer	25 Feet front & adjacent to public street 10 Feet rear (20 Feet adjacent to residential) 10 Feet interior side 10 Feet street side
Max Building Height	6 Stories or 100 Feet including mechanical and roof structure

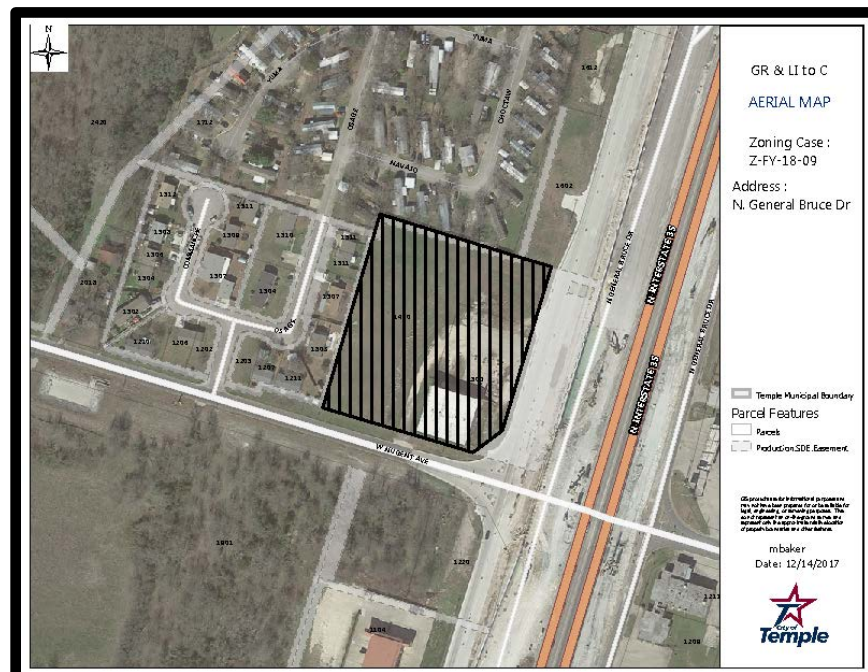
❖ **General provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include but not limited to:**

- * **Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),**
- * **Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and**
- * **Screened outdoor storage (UDC Section 7.7.8.B1).**

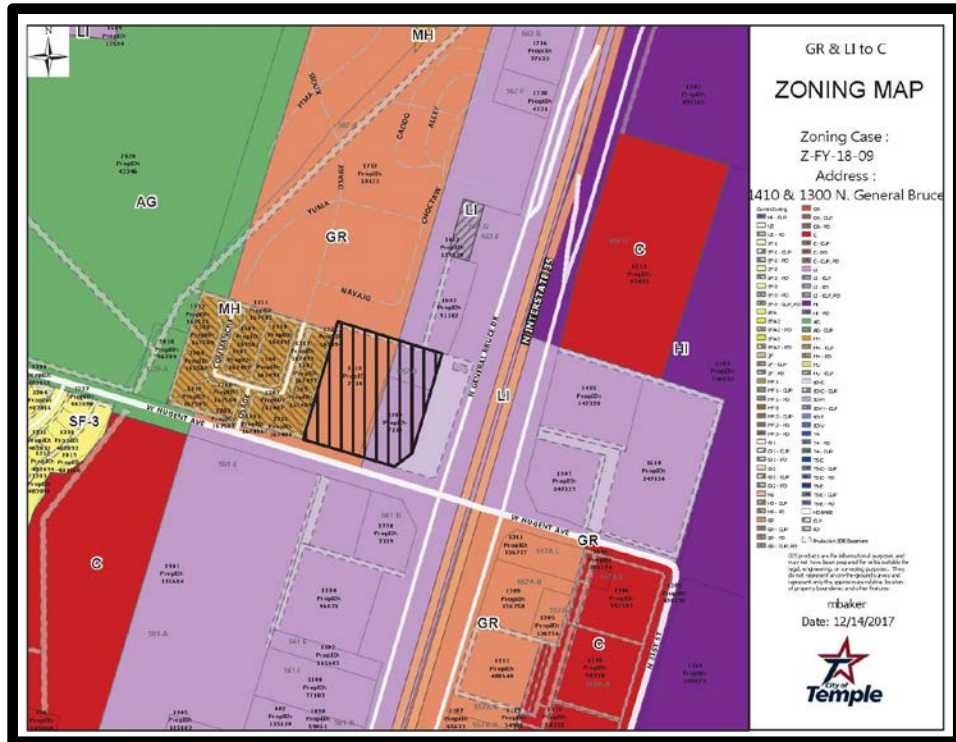
Maps



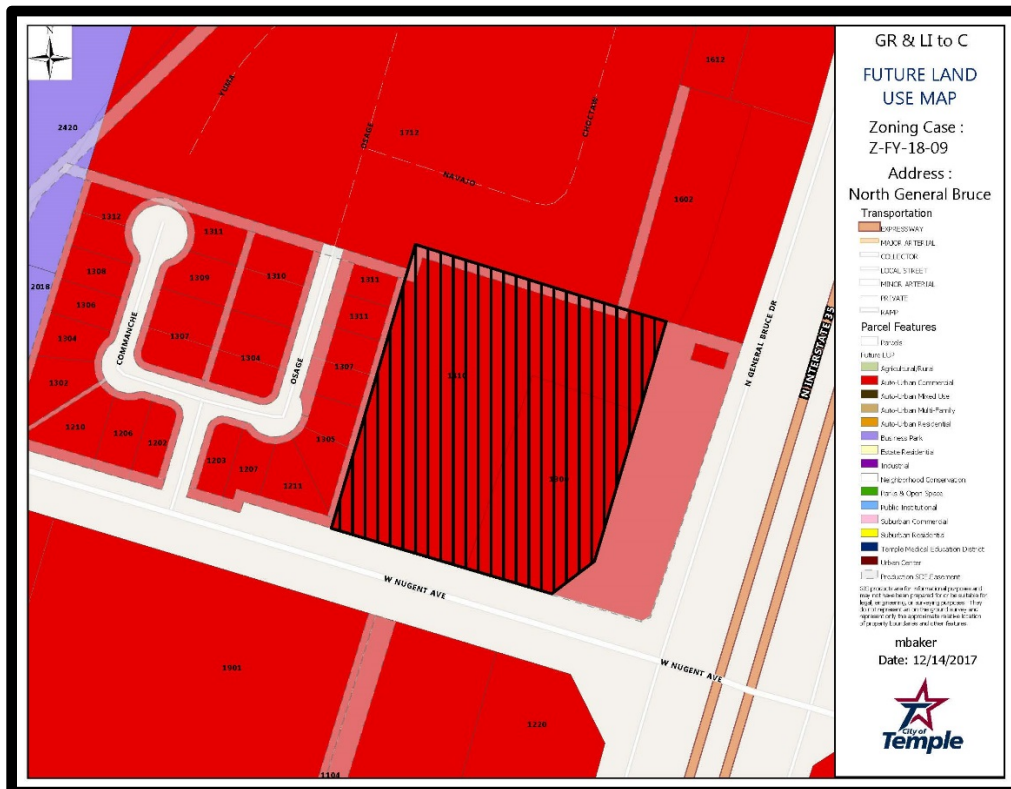
Location Map



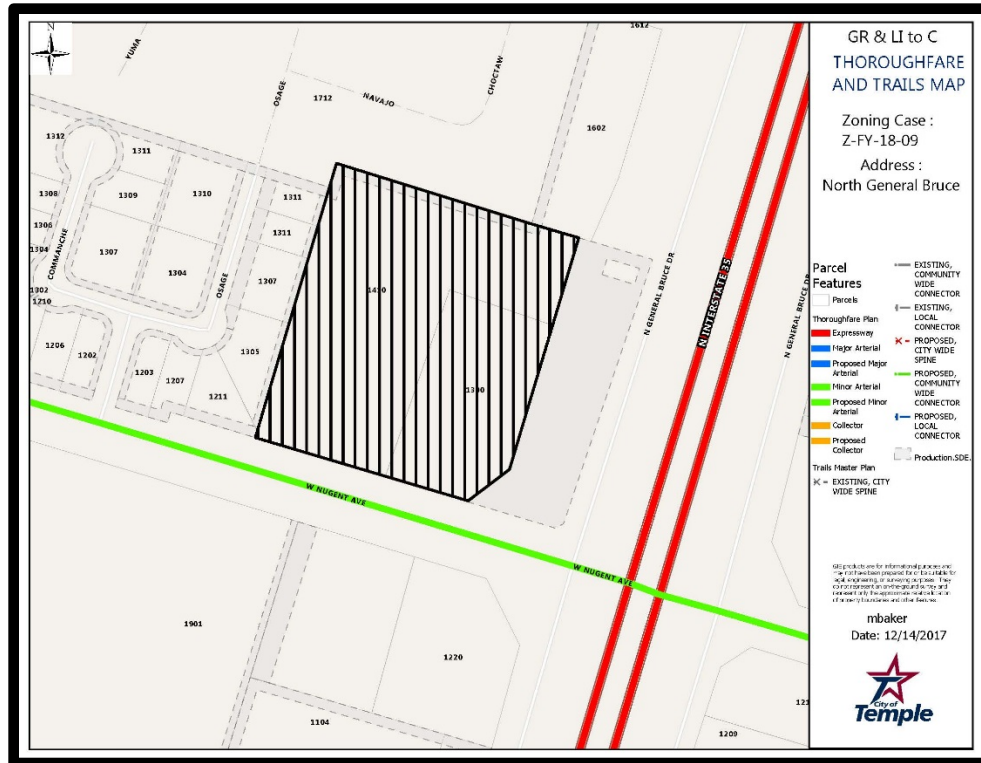
Aerial Map



Zoning Map



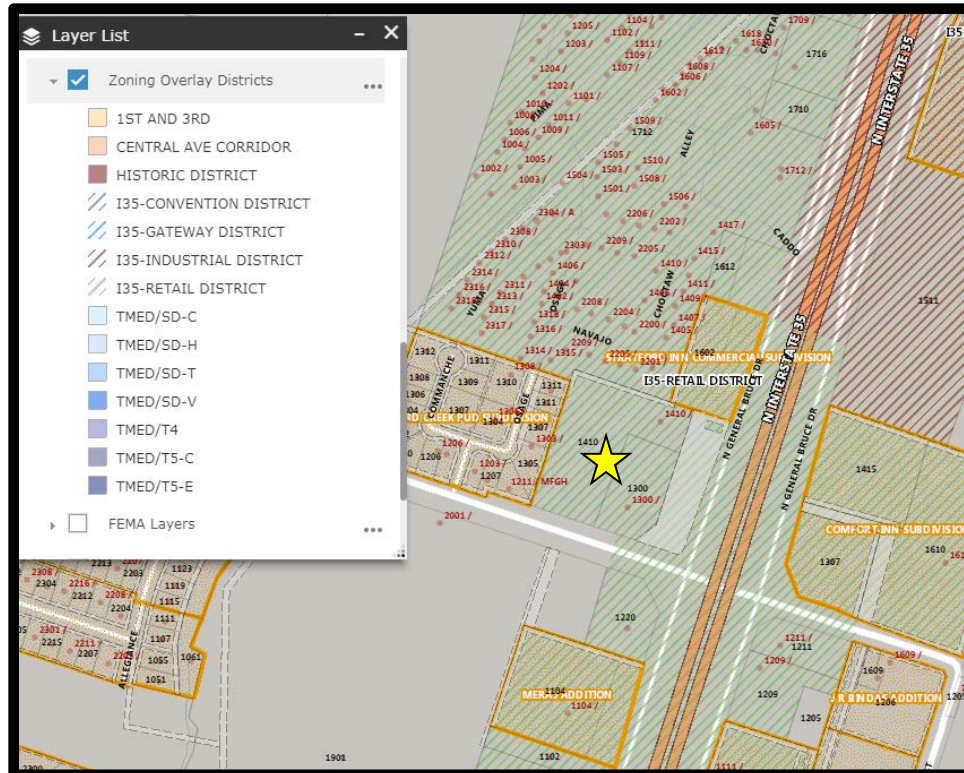
Future Land Use Map



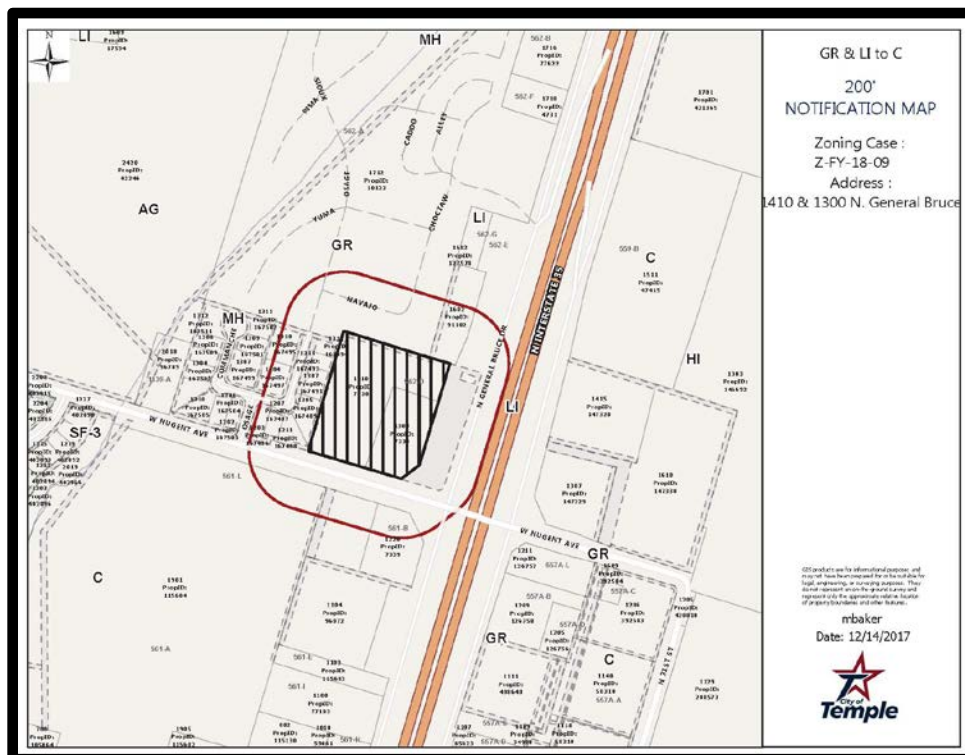
Thoroughfare & Trails Map



Utility Map



I-35 Corridor Overlay Map (Retail Sub-District)



Notification Map



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

ZAMORA, TERRI
1304 OSAGE
TEMPLE, TX 76504-1108

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, 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

Comments:

Safety and Security
Raise of fees for trucks
taxes

Teri Zamora
Signature

Teri Zamora
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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than January 16, 2018.

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

RECEIVED

JAN - 9 2018

City of Temple
Planning & Development

Number of Notices Mailed: 14

Date Mailed: January 4, 2018

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

SMITH, SHERRI ANN
14 MORGANS POINT BLVD
BELTON, TX 76513-6438

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I () agree

☒ disagree with this request

Comments:

My elderly mother Carol A. Babrokey, lives alone in a trailer located on the property that runs adjacent to the property that is the subject of the proposed rezoning area on N. General Bruce Dr. Her health is questionable at times in that she suffers from COPD. She has become very upset about the possibility of a truck stop convenience store being built at this site not only because she feels it might be environmentally hazardous but also cause greater concern for her personal safety.

Sherril Smith

Signature

Sherril Smith

Print Name

Thank you,
Sherril Smith

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than January 16, 2018.

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

JAN 10 2018
City of Temple
Planning & Development

Number of Notices Mailed: 14

Date Mailed: January 4, 2018

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

Dona Nickels
1311 Soage
Temple, TX
76504

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I () agree

☒ disagree with this request

RECEIVED

Comments:

JAN 11 2018

City of Temple
Planning & Development

Dona Nickels
Signature

Dona Nickels
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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018**.

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

Number of Notices Mailed: 14

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

Michelle Nickels

1311 Osage

Temple, TX

76504

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I () agree

☒ disagree with this request

Comments:

RECEIVED

JAN 11 2018

City of Temple
Planning & Development

Michelle Nickels

Signature

Michelle Nickels

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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018**.

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

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Date Mailed: January 4, 2018

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

RITTER, STEVEN R
1305 OSAGE
TEMPLE, TX 76504-1107

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, 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

Comments:

JAN 11 2018

City of Temple
Planning & Development


Signature

RANDY RITTER (STEVEN)
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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018**.

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

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Date Mailed: January 4, 2018

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

WHITE, BARBARA K
1206 COMMANCHE DR
TEMPLE, TX 76504-1124

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I () agree

(X) disagree with this request

RECEIVED

JAN 11 2018

Comments:

City of Temple
Planning & Development

Barbara K. White
Signature

Barbara K. White
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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018.**

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

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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**

Not located within the 200' radius

RITTER, MYRA
1307 COMMANCHE DR
TEMPLE, TX 76504

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I () agree

(X) disagree with this request

Comments:

TO MUCH NOISE IN A RESIDENTIAL AREA

RECEIVED

JAN 11 2018

City of Temple
Planning & Development

Myra Ritter

Signature

MYRA RITTER

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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018.**

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

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RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Not located within the 200' radius

PEDRO ESAMILLA
1702 COMMANDER DA

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I () agree

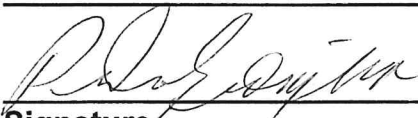
(X) disagree with this request

Comments:

RECEIVED

JAN 11 2018

City of Temple
Planning & Development


Signature

PEDRO ESAMILLA
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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018**.

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

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

Not located within the 200' radius

CHARLES MITCHELL
1307 COMMANCHE
TEMPLE TX 76504

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, 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

Comments:

RECEIVED

JAN 11 2018

City of Temple
Planning & Development

CHARLES MITCHELL

Signature

CHARLES MITCHELL

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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018**.

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

Number of Notices Mailed: 14

Date Mailed: January 4, 2018

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RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Not located within the 200' radius

Louise & Alice Scott 1210 Comanche Dr.
Zoning Application Number: Z-FY-18-09 **Case Manager:** Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I () agree

☒ disagree with this request

RECEIVED

Comments:

JAN 11 2018

City of Temple
Planning & Development

Alice Scott

Signature

Alice Scott

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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018**.

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

Number of Notices Mailed: 14

Date Mailed: January 4, 2018

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

Not located within the 200' radius

MICHAEL CARTER
1303 COMMANDER DR.
TEMPLE TX 76504

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I () agree


(X) disagree with this request

Comments:

RECEIVED

JAN 11 2018

City of Temple
Planning & Development


Signature

MICHAEL CARTER
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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018**.

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

Number of Notices Mailed: 14

Date Mailed: January 4, 2018

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RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Not located within the 200' radius

Merrilee McDowell
1616 Caddo
Temple, TX 76504

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I () agree

☒ disagree with this request

RECEIVED

Comments:

JAN 11 2018

City of Temple

Planning & Development

Merrilee McDowell
Signature

MERRILEE McDowell
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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018**.

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

Number of Notices Mailed: 14

Date Mailed: January 4, 2018

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RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Not located within the 200' radius

Steven Ritter II

1307 Commanche Drive

Temple TX
76504

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, 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

Comments:

RECEIVED

JAN 11 2018

City of Temple
Planning & Development

Signature

Print Name

Steven Ritter II

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018**.

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

Number of Notices Mailed: 14

Date Mailed: January 4, 2018

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RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

NANCY FITZGERALD
1312 COMMANCITE DR
TEMPLE TX 76504

Not located within the 200' radius

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I () agree

☒ disagree with this request

Comments:

RECEIVED

JAN 11 2018

City of Temple
Planning & Development

NANCY FITZGERALD BY MYRA RITTER
Signature

NANCY FITZGERALD
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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 16, 2018**.

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

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

RECEIVED

JAN 12 2018

City of Temple
Planning & Development

K L COMFORT PARK, LTD
1102 MARTIN AVE
ROUND ROCK, TX 78681-7324

Zoning Application Number: Z-FY-18-09

Case Manager: Mark Baker

Location: 1410 & 1300 North General Bruce Drive, Temple, TX

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I ☒ agree

() disagree with this request

Comments:

**X with contingency*

I own the adjacent property. We experience a great deal of run off of water and drainage from this site. I would like to be assured that the run off issue is corrected during construction (seeUMP)

Signature

Print Name

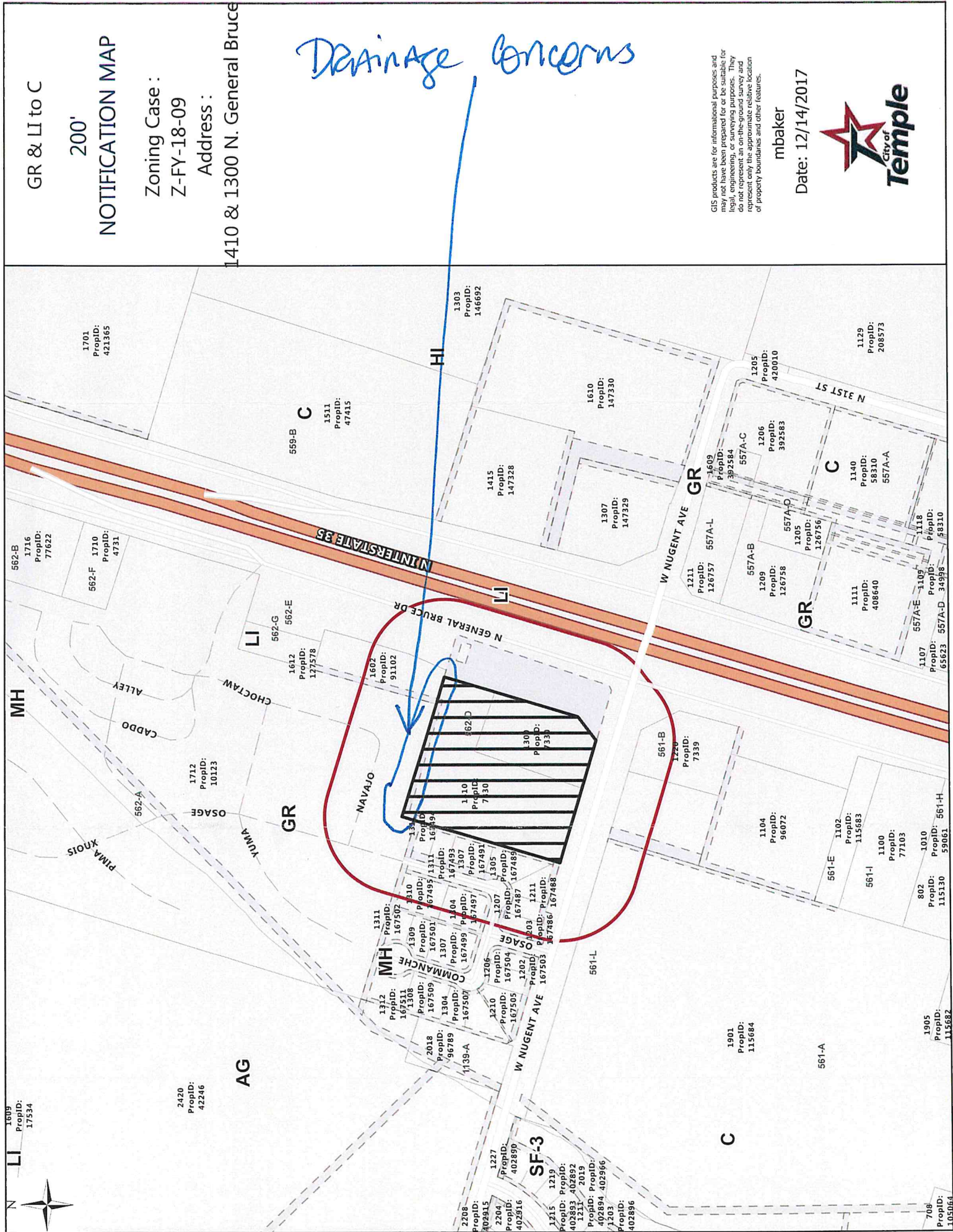
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City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

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GR & LI to C

200'

NOTIFICATION MAP

Zoning Case :

Z-FY-18-09

Address :

1410 & 1300 N. General Bruce

DRAINAGE CONCERNS

GIS products are for informational purposes and may not have been prepared for or be suitable for use in making decisions. The City of Temple does not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

mbaker

Date: 12/14/2017



GR & LI to C

AERIAL MAP

Zoning Case :
Z-FY-18-09

Address :
N. General Bruce Dr

Drainage
Issues



Temple Municipal Boundary

Parcel Features

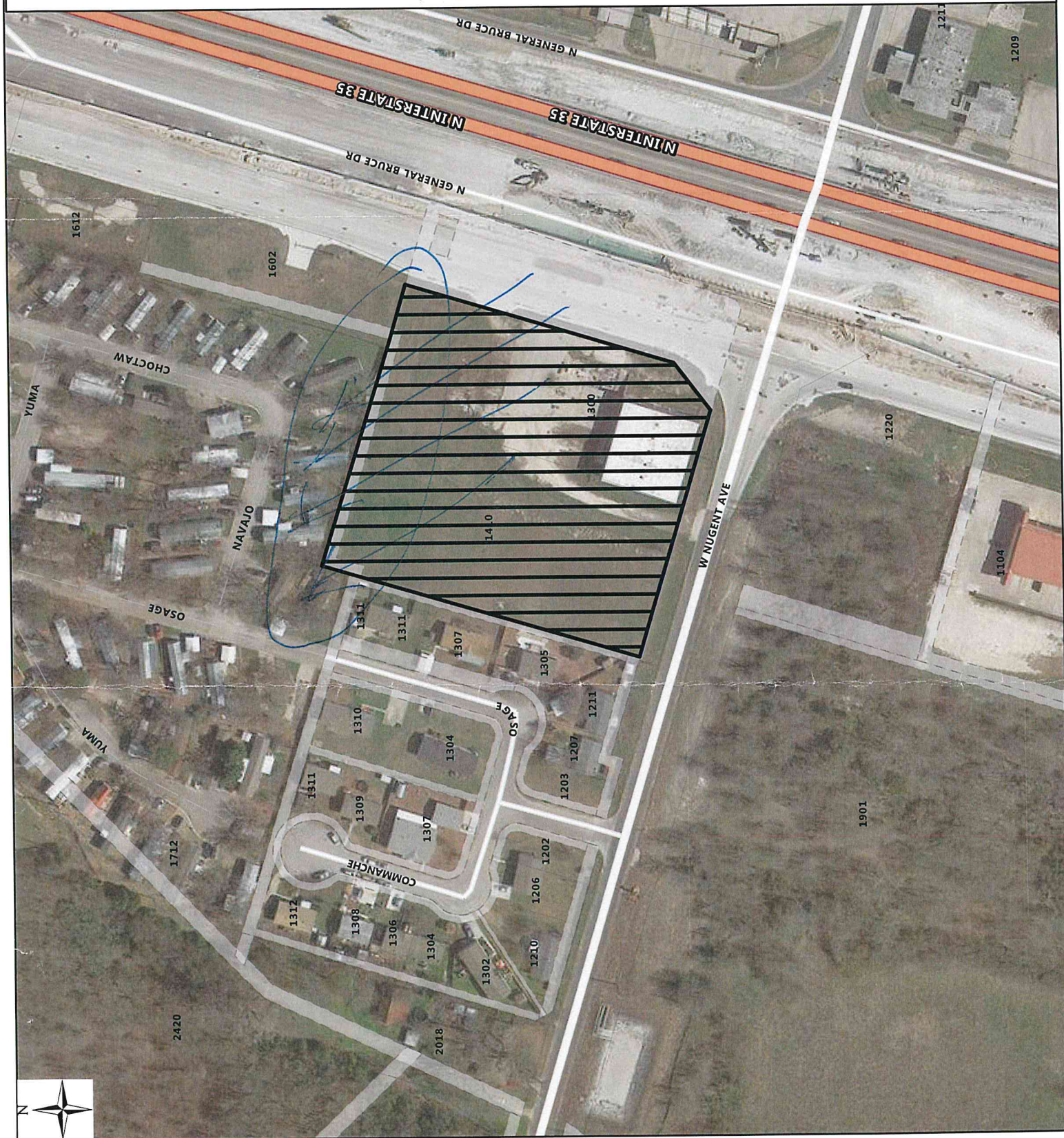
Parcels

Production: SDE: Easement

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

mbaker

Date: 12/14/2017



**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JANUARY 16, 2018**

ACTION ITEMS

Item 2: [Z-FY-18-09](#) – Hold a public hearing to discuss and recommend action for rezoning of two tracts of land comprised of 3.625 +/- acres from General Retail (GR) and Light Industrial (LI) districts to Commercial (C) district, located on West Nugent Ave, approximately 180 feet west of its intersection with North General Bruce Drive, addressed as 1410 and 1300 North General Bruce Drive.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on February 15, 2018 and second reading on March 1, 2018.

The subject property is located at the northwest corner of West Nugent Avenue and I-35/General Bruce Drive, and east of the Bird Creek Mobile Home Park.

Mr. Baker clarified the request is being initiated by the applicant to “clean-up” the existing zoning under one district for future marketability within the I-35 Corridor; not a specific use as originally indicated by notification documents.

A subdivision plat will be required prior to development.

The subject property is located within the I-35 Corridor Overlay, Retail Sub-District.

Purpose (UDC Sec. 4.3.28)

Overlay Zoning district is limited to specific areas encompassing land that has already been assigned conventional base zoning district classifications. Supplements the standards of the base zoning districts with enhanced landscaping, architectural, and land use standards.

Zoning Map shown. The current zoning is GR and LI.

- Proposed for Commercial (C)
- Consolidates property under one zoning district
- Compromise between the two existing districts
- Consistent with surrounding (C) within the area
- (C) is more restrictive than existing Light Industrial

The Future Land Use and Character Map designates the subject property as Auto Urban Commercial which is:

- Identified for commercial uses, generally concentrated at intersections versus strip development along major roads; and

- Supports both General Retail (GR) & Commercial (C) zoning

Both water and sewer are available to serve the property.

The Thoroughfare Plan designates West Nugent Avenue as a Minor Arterial and a six-foot foot sidewalk is required that will be addressed during the plat review process.

No anticipated Transportation Capital Improvements Project (TCIP) are funded or scheduled through 2024. However, TxDOT I-35 / North General Bruce right-of-way improvements are on-going.

There are no trails identified.

On-site photos shown.

Surrounding properties include Bird Creek Mobile Home Park to the north and west, and I-35/General Bruce Drive to the east,

Complied existing uses able (not all inclusive) in the I-35 Corridor Overlay shown.

Buffering and Screening (required)

Per UDC Section 7.7.4 – Buffering:

- May consist of evergreen hedges composed of five-gallon plants or larger, with a planted height of six-feet on 36-inch centers
- May consist of a six-foot to eight-foot high fence or wall, constructed by any number of allowed materials per UDC Section 7.7.5, such as:

Wood,

Masonry

Stone or pre-cast concrete

Current I-35 Overlay Development Standards:

- More restrictive than base zoning dimensional standards
- Compliance is determined with review of building permit

Fourteen notices were mailed in accordance with all state and local regulations with one response returned in agreement and six responses returned in disagreement.

The request is compatible with the Future Land Use and Character Map, the Thoroughfare Plan, is compatible with surrounding uses and zoning, and public facilities are available to serve the property.

Staff recommends approval of the request for a rezoning from GR and LI District to C District.

Chair Fettig opened the public hearing.

Ms. Theresa Lange, Central Realty, 11209 Inverness, Belton, TX, stated she was representing Mr. Dave Beevers and addressed the six responses returned in opposition. Those negative responses were due to the notice sent out indicating a specific use for this property and there is no specific use. The rezoning is only to clean up the zoning.

There being no further speakers, the public hearing was closed.

Commissioner Marshall made a motion to approve Item 2, **Z-FY-18-09**, as presented by Staff, and Commissioner Alaniz made a second.

Motion passed: (7:0)

Commissioners Crisp and Ward absent

ORDINANCE NO. _____
(Z-FY-18-09)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING OF TWO TRACTS OF LAND COMPRISED OF APPROXIMATELY 3.625 ACRES FROM GENERAL RETAIL AND LIGHT INDUSTRIAL ZONING DISTRICTS TO COMMERCIAL ZONING DISTRICT, LOCATED ON WEST NUGENT AVENUE, APPROXIMATELY 180 FEET WEST OF ITS INTERSECTION WITH NORTH GENERAL BRUCE DRIVE, ADDRESSED AS 1410 AND 1300 NORTH GENERAL BRUCE DRIVE; 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: 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 approves a rezoning of two tracts of land comprised of approximately 3.625 acres from General Retail and Light Industrial zoning districts to Commercial zoning district, located on West Nugent Avenue, approximately 180 feet west of its intersection with North General Bruce Drive, addressed as 1410 and 1300 North General Bruce Drive, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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 **15th** day of **February**, 2018.

PASSED AND APPROVED on Second Reading on the **1st** day of **March**, 2018.

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

02/15/18
Item #7
Regular Agenda
Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: SECOND & FINAL READING – Z-FY-18-02: Consider adopting an ordinance authorizing a rezoning of property bounded by Georgetown Railroad right-of-way and Sarah's Glen subdivision (south), South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east)—from Planned Development-General Retail zoning district on ± 27.876 acres, Single Family One zoning district on ± 211.56 acres, and Agricultural zoning district on ± 115.53 acres, to Temple Medical and Educational zoning district, South TMED transect.

STAFF RECOMMENDATION: Due to concerns from various stakeholders, staff is recommending to scale back the rezoning to only include the ± 27.876 acres, which is currently zoned PD-GR, and is the only property that 1) has submitted development plans to the City and 2) that will directly benefit from the current scope of the South 1st Street extension. The other properties could rezone to TMED South in the future once they are ready for development.

P&Z RECOMMENDATION: At their December 18, 2017 meeting, the Planning and Zoning Commission voted unanimously per staff recommendation to rezone only the ± 27.876 acres along Loop 363.

BACKGROUND:

The TMED zoning district and enabling ordinance was adopted by City Council on January 6, 2011, followed by rezoning of individual properties to TMED on February 3rd and May 19th 2011.

The Temple Reinvestment Zone, which includes the current TMED zoning district, as well as the proposed TMED South rezoning area, funded a TMED South Master Plan that City Council adopted in March of 2017. The plan proposed to extend the TMED concepts referenced in the Code Amendments section above to the area south of Loop 363, east of South 5th Street, west of the Union Pacific and Georgetown Railroads and north of Sarah's Glen subdivision. A number of property owners participated in the three day design workshop process for the plan, including Blackland/Texas A&M Agrilife Research and Extension Center representatives. The proposed rezoning also includes a 27-acre + tract owned by UTex, which was rezoned in July 2017 to accommodate the proposed Everest Rehabilitation Hospital. While many of the conditions from that Planned Development (PD) district zoning ordinance are proposed within the TMED code amendments, the UTex tract is also part of the rezoning request to provide development continuity throughout the entire TMED South Master Plan area.

By only rezoning the PD-GR 27.876 acre property at this time, development within this tract, including the proposed Everest Rehabilitation Hospital, can help establish the TMED South District and build to those standards. The current PD conditions for the ordinance were mostly incorporated into the proposed TMED standards and would, therefore, still apply. Everest Rehab Hospital has already submitted a building permit application, as well. The only major differences between the PD ordinance and the proposed TMED South standards are:

- A number of additional uses allowed in TMED South; and
- Some minor differences between the signage requirements

STAKEHOLDER INPUT

Staff has met with the following property owners and other stakeholders to get their input:

- TABA (Temple Area Builders Association)
- RZ (Reinvestment Zone) Master Plan Committee
- Derek Martin of Pro Ventures, property owner of 1401 S. 1st Street
- Todd, Nancy and Gerald Kurio, TMED South property owners
- Phone call: Ryan Barker, UTex, owners of TMED South (property) where Everest Rehab Hospital will locate
- Pat and David Patterson, Patco, owners of property near TMED South
- Phone Call: Melissa Magowan, TMED South property owner
- Scott Liles, Baylor Scott & White
- Email correspondence with Zoe Rascoe, Texas A&M AgriLife Research/Blackland and Andrew Garcia, VA Hospital
- Development Review Committee (12/5)
- P&Z Workshop (12/5), which included invitations to property owners, commercial brokers, design professionals and other key TMED stakeholders
 - Attended by local brokers, Temple College, Temple Independent School District (TISD), Temple Economic Development Corporation (TEDC) and property owners
- City Council Workshop (12/7)

12/5 P&Z WORKSHOP:

Comments from stakeholders can be summarized as follows:

- Clarify that ordinary repair and maintenance is exempted
- Development in TMED South still may be cost-prohibitive without incentives
- “Like the plan but everything has to be economically-feasible”
- Knowing the alignment for South 1st Street and who will pay for its extension is key

TIMELINE:

- P&Z Workshop – 12/5/17
- City Council Workshop – 12/7/17
- P&Z Action – 12/18/17
- City Council 1st Reading – 2/1/18
- City Council 2nd Reading – 2/15/18

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character Map designates the 27.876 acre tract as "TMED"	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
TMP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan TMP = Trails Master Plan

Availability of Public Infrastructure

Sewer and water are available on the other side of South 5th Street and, therefore, would have to be extended to accommodate proposed development.

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

The site is designated as TMED (Temple Medical Education District); therefore, the proposed development and staff recommended standards would comply with the Plan.

Thoroughfare Plan (CP Map 5.2)

- Loop 363 (Expressway) – Approximate right-of-way width is 300 feet; South 1st Street will extend across Loop 363 and will include sidewalk connectivity
- South 1st Street (Major Arterial) – Approximate right-of-way width is 150 feet; TXDOT is in the process of extending South 1st Street approximately 400 feet to the south to accommodate the proposed future development; this arterial is proposed to be the "front door" of TMED South and will include wide sidewalks and street trees to be consistent with the existing section of roadway to the north in front of Temple College and to encourage walkability
- South 5th Street (Minor Arterial) – Approximate right-of-way width is 110 feet

Temple Trails Master Plan Map and Sidewalks Ordinance

According to the Trails Master Plan, a City-Wide Spine Trail is proposed along South 1st Street that would ultimately connect to the Friar's Creek Trail across South 5th Street.

PUBLIC NOTICE: Eighty-two notices for the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property on December 7, 2017. As of January 22, 2018, six responses had been received with six in favor, two against and one email in which the property owner expressed support for TMED South but with rezoning in the future once development is proposed on her property.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Existing PD-GR Ordinance No. 2017-4850](#)
[Rezoning Maps](#)
[Key TMED South Master Plan excerpts](#)
[Neighbor Responses](#)
[Ordinance](#)

ORDINANCE NO. 2017-4850
(Z-FY-17-21)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY ONE ZONING DISTRICT TO PLANNED DEVELOPMENT-GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 27.876 ACRES, LOCATED ON THE SOUTHEAST CORNER OF SOUTH 5TH STREET AND LOOP 363; 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 Single Family One zoning district to Planned Development-General Retail zoning district on approximately 27.876 acres located on the southeast corner of South 5th Street and Loop 363, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: The City Council approves the Planned Development with the following conditions and development standards:

1. Substantial compliance with the Phase 1 Site/Development Plan (Exhibit B) and Building Elevations (Exhibit C), attached hereto and made a part hereof for all purposes;
2. Substantial compliance with Site/Development Plans approved by the Planning and Zoning Commission and City Council for subsequent phases of development;
3. Setbacks applicable to all land uses:
 - a. Minimum front yard setback: 0 feet
 - b. Maximum front yard setback: 42 feet
 - c. Minimum rear yard setback: 10 feet
 - d. Side yard setback determined by compliance with visibility triangle requirements;
4. Landscaping
 - a. 20% minimum landscape area if parking is in the front
 - b. 15% minimum landscape area if parking is completely to the side or rear
 - c. 10% minimum landscape area if parking is completely to the rear
 - d. One landscaped island for every 10 parking spaces (170 square foot minimum with a 2" diameter-at-breast-height (dbh) or 65-gallon tree from the Approved Tree List in Section 7.4.5 of Unified Development Code)
 - e. Foundation planting along at least 50% of facades visible from a street and parking lot screening (if abutting a street)
5. All land uses permitted in the General Retail base district, except that multiple-family dwellings are allowed and drive-throughs are prohibited
6. Architecture
 - a. A minimum of two distinct materials on all facades, limited to brick, stone, stucco or cementitious siding for primary materials (maximum of 80%) and limited to brick, stone, cementitious siding, architecturally finished concrete block or architectural metal for secondary materials (maximum of 30%)
 - b. 15% of any visible façade must consist of windows
 - c. Every 50' of the front or side facades must include one of the following architectural elements:
 - i. Window canopies or window awnings, balconies, porches, stoops or porticos;
 - ii. Building wall plane recesses or projections (minimum of 2' deep and 10' long);
 - iii. Arcades;

- iv. Peaked roof forms;
- v. Arches;
- vi. Outdoor patios;
- vii. Display/storefront or transom windows;
- viii. Integrated planters or wing walls that incorporate landscape and sitting areas;
- ix. Dormer windows
- x. Projecting bay or box windows
- xi. Parapets

7. Common Areas

- a. A minimum of 5% of the gross floor area of buildings is required for common area for medical, office, hotel and retail uses and must include:
 - i. A water feature;
 - ii. A stone, brick or decoratively paved patio with a seating area (4 seat minimum);
 - iii. A pavilion, gazebo or other covered outdoor space; or
 - iv. Tree-lined trails/sidewalks surrounding an irrigated open green/park space
- b. 50% of required irrigated landscaping counts towards the common area requirements
- c. Multiple-family dwellings (1 for every 50 units)
 - i. Resident clubhouse
 - ii. Community garden area
 - iii. Swimming pool
 - iv. Tennis court
 - v. Basketball court
 - vi. Volleyball court
 - vii. Billiards room
 - viii. Amphitheatre
 - ix. Gazebo or other covered shelter
 - x. Exercise facility
 - xi. Office center
 - xii. Media room – theatre
 - xiii. Sauna
 - xiv. Irrigated park with trees and trails (minimum of ¼ acre)
 - xv. Racquetball court
 - xvi. Other amenity as approved by Director of Planning
- d. To encourage shared common areas among multiple buildings, the required common area is lowered to a minimum of 4% of the gross floor area of buildings if the common area is shared by multiple buildings.

8. Public frontage requirements:

- a. One 2" dbh canopy tree (large or medium) from the Approved Tree List in Section 7.4.5 of Unified Development Code per 25' of linear street frontage, within the planting strip
- b. Benches installed at all intersections within the public right-of-way surrounding the development, per the TMED Design Criteria Manual.
- c. Trash receptacles placed next to required seating areas per the TMED Design Criteria Manual.
- d. Pedestrian-scale lighting provided at all intersections and at 100' intervals along all public and private roadways within the development per the TMED Design Criteria Manual.
- e. Planting strip:
 - i. 6' minimum between the curb and sidewalk

f. Sidewalks:

- i. 10' wide minimum along S. 1st Street
- ii. 6' wide minimum along other streets
- iii. Sidewalks must connect to parking within the lot and to the primary entrance of each nonresidential building
- iv. Sidewalks must be constructed before the Chief Building Official issues a Certificate of Occupancy.
- v. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
- vi. Pedestrian walkways must also connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.

9. Signage

a. Freestanding signs

i. Single-tenant signs

1. Maximum height of 10' feet
2. Limited to a masonry clad 2-legged base or
3. A monument sign with masonry as the primary material
4. Limited to 1 per front and 1 per driveway access if driveways are to the side or rear (choice between a single-tenant or multi-tenant freestanding sign at each location, not both)

ii. Multi-tenant signs

1. Maximum height of 20'
2. Limited to a masonry clad 2-legged base or
3. A monument sign with masonry as the primary material
4. Limited to 1 per front and 1 per driveway access if driveways are to the side or rear (choice between a single-tenant or multi-tenant freestanding sign at each location, not both)

b. Wall signs

- i. Maximum of 50% of each tenant's façade, excluding doors, canopies/awning, windows and vertical architectural elements above the roofline, may be utilized for a wall sign
 1. May not exceed 100 square feet
- ii. Projecting signs are permitted as long as they have a:
 1. Minimum clearance of 8' above the ground
 2. Maximum square footage of 100 square feet

c. Banners

- i. Must be affixed flush to a façade or attached flush to a fence or wall
- ii. Maximum Size: 100 square feet
- iii. A sign permit is required in the I-35 Corridor Overlay
- iv. Temporary sign limited to 30 days to advertise grand openings, sales or special events
- v. Limited to two per year

d. Window signs

- i. Limited to 25% of window area
- ii. 2 per tenant or building
- iii. Requires a permit

- e. Prohibited signs
 - i. Inflatable devices
 - ii. Message board
 - iii. Pole banners
 - iv. Streamers
 - v. Searchlight
- f. All other signage regulated per Sec. 7.6 of the UDC

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.

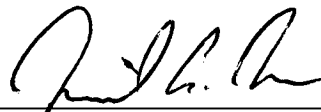
Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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 on the 15th day of **June**, 2017.

PASSED AND APPROVED on Second Reading and Public Hearing on the 6th day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS



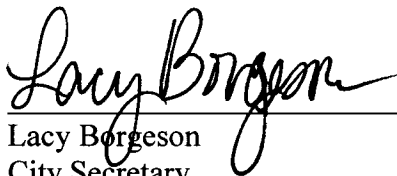
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:



Kayla Landeros
City Attorney

ATTEST:



Lacy Borgeson
City Secretary





SF-1 to PD-GR

LOCATION MAP

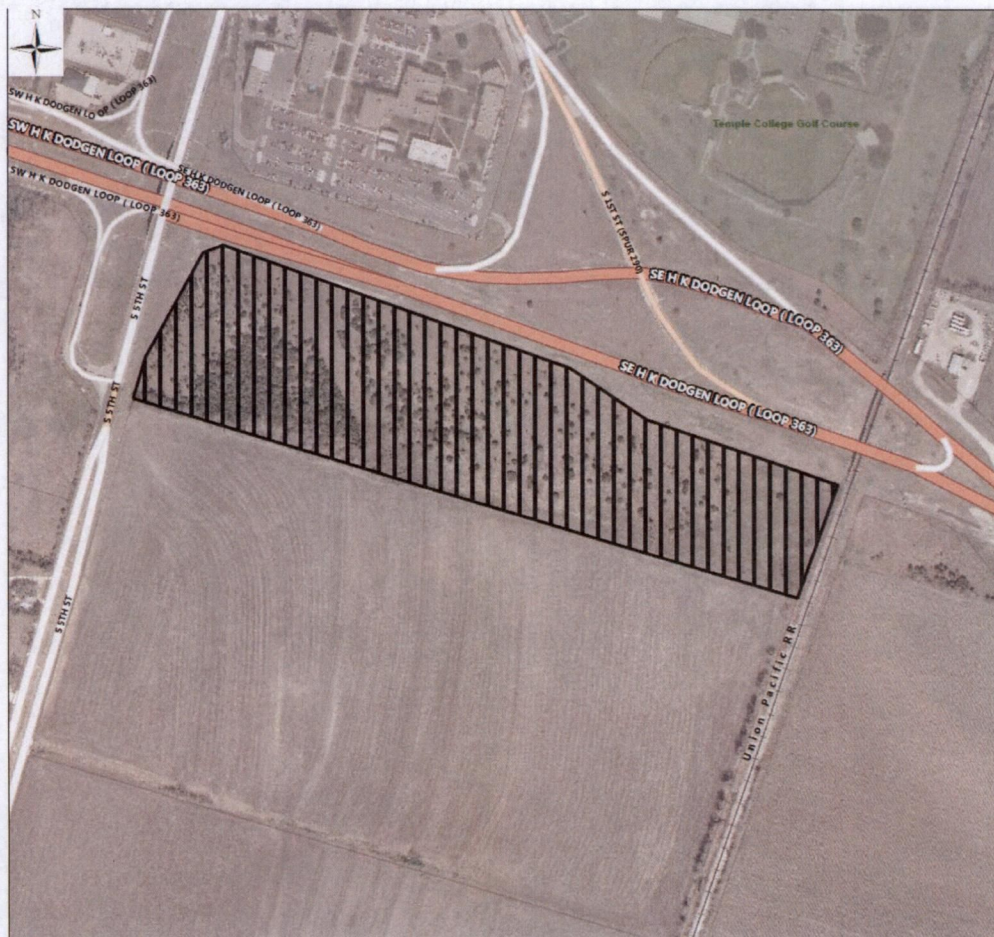
Zoning Case :
Z-FY-17-21

Address:
3001 S. 5th Street

Case Area
Railroad
Temple Municipal Boundary

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

dredmond
Date: 4/28/2017



SF-1 to PD-GR

AERIAL MAP

Zoning Case :
Z-FY-17-21

Address:
3001 S. 5th Street

Railroad
Temple Municipal Boundary
Parcel Features
Parcels

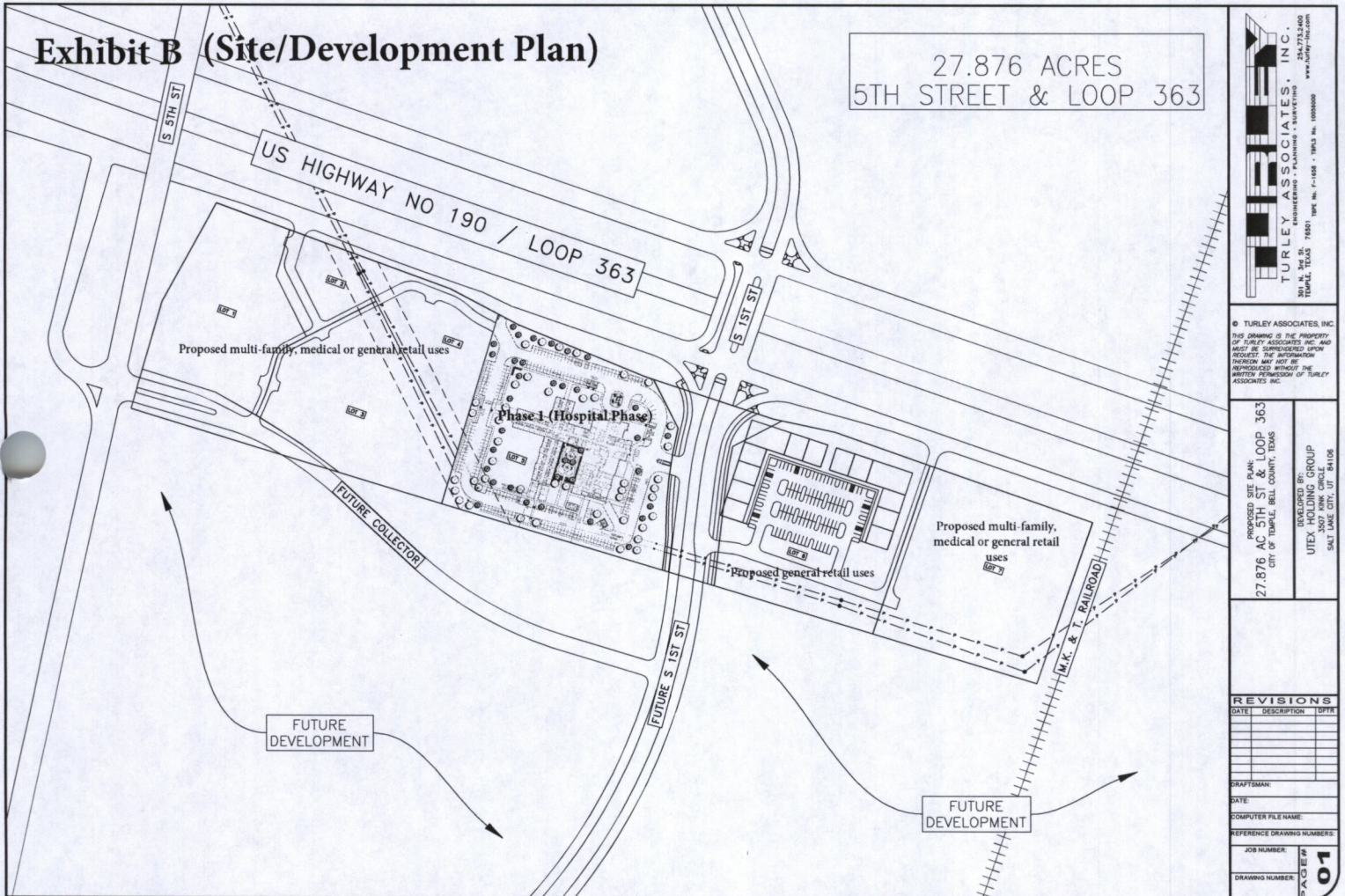
(2) products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or planning purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

dredmond
Date: 4/28/2017



Exhibit B (Site/Development Plan)

27.876 ACRES
5TH STREET & LOOP 363



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
301 N. 3rd St.
Ft. Worth, TEXAS 76101
254-373-6400
www.turley-inc.com
Type No. F-1458 • Type S No. 1005000

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PROPOSED SITE PLAN:
27.876 AC 5TH ST & LOOP 363
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:
JTEX HOLDING GROUP
3507 KINK CIRCLE
SALT LAKE CITY, UT 84106

[illegible]

DRAFTSMAN:			

DATE:

COMPUTER FILE NAME:

REFERENCE DRAWING NUMBERS:

JOB NUMBER:	2
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101

DRAWING NUMBER: 9

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Exhibit C



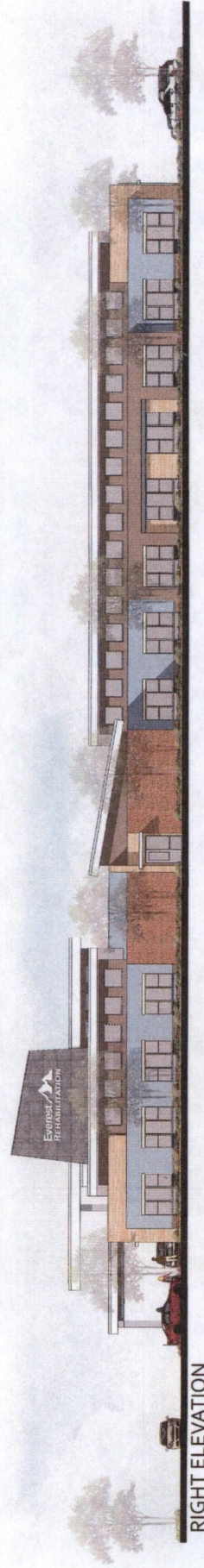
FRONT ELEVATION



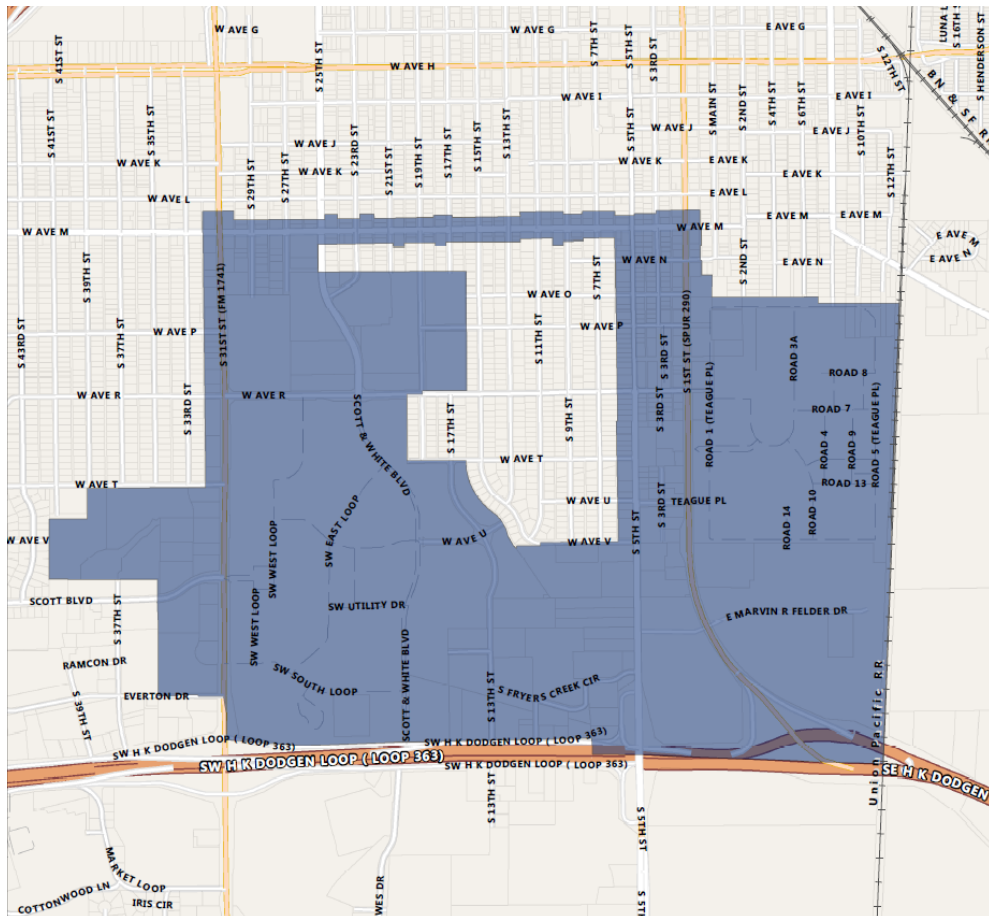
LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



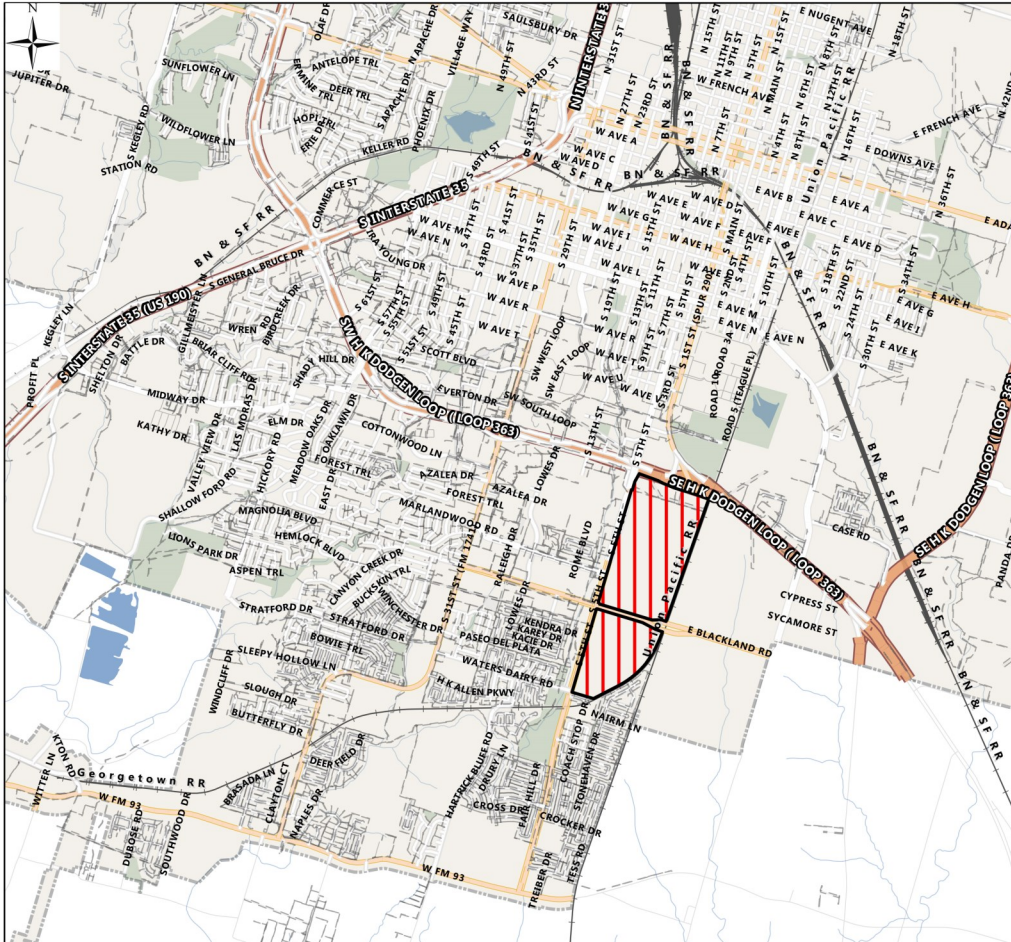
Temple Medical & Educational District

TMED Boundary



0 500 1,000 2,000 Feet

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Ag, SF-1 and PD-GR to T-South (TMED South)

LOCATION MAP

Zoning Case:
Z-FY-18-02

Address:

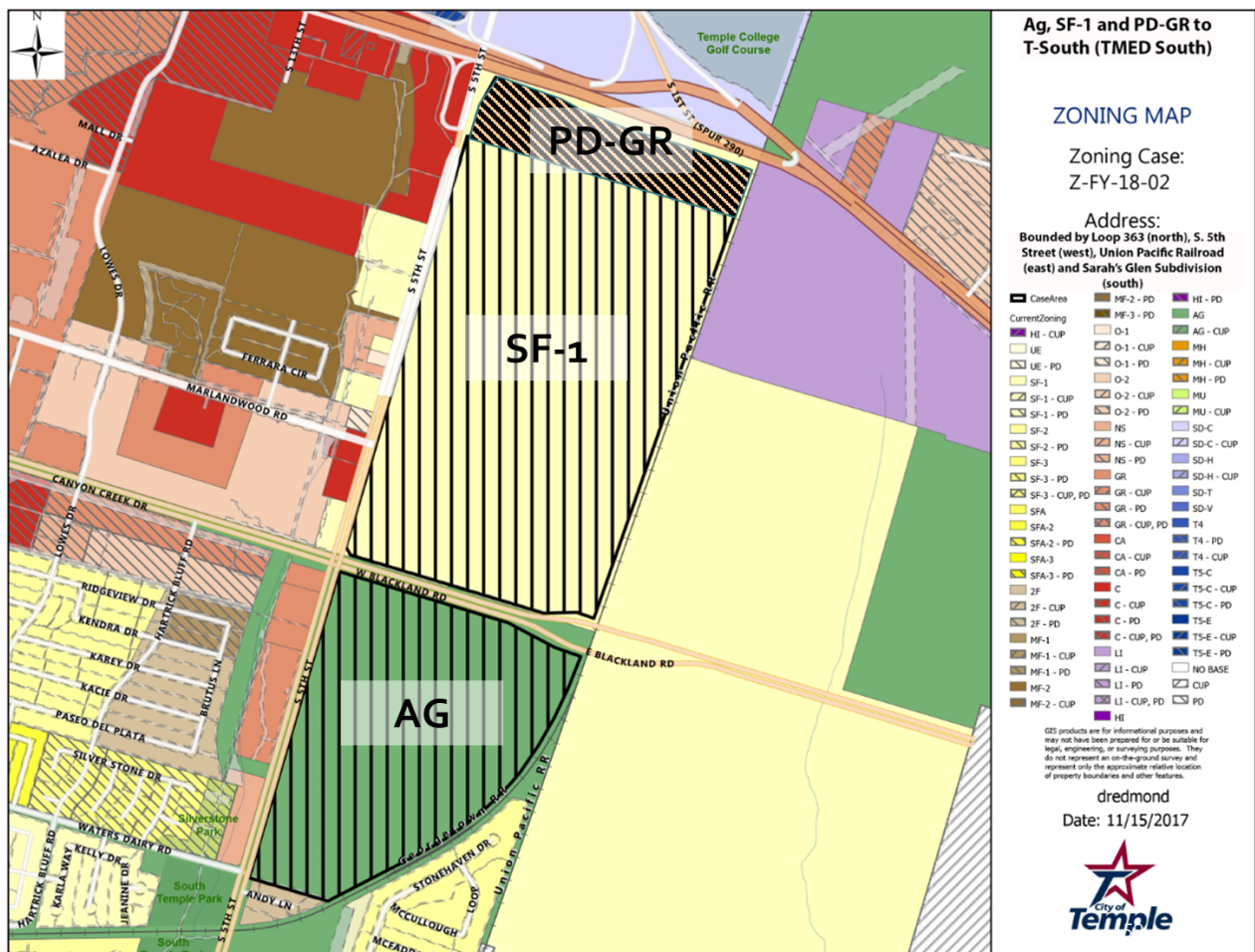
Bounded by Loop 363 (north), S. 5th Street (west), Union Pacific Railroad (east) and Sarah's Glen Subdivision (south)

— Railroad
— Temple Municipal Boundary
— Production.SDE.Easement

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dredmond
Date: 11/15/2017







Ag, SF-1 and PD-GR to
T-South (TMED South)

UTILITY MAP

Zoning Case:
Z-FY-18-02

Address:
Bounded by Loop 363 (north), S. 5th
Street (west), Union Pacific Railroad
(east) and Sarah's Glen Subdivision
(south)

Sewer

- Manhole
- Gravity Main

Water Distribution

- Hydrant
- Main
- Production SDE Easement

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do not represent an on-the-ground survey and
represent only the approximate relative location
of property boundaries and other features.

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Date: 11/15/2017



Ag, SF-1 and PD-GR to
T-South (TMED South)

THOROUGHFARE AND TRAILS MAP

Zoning Case:
Z-FY-18-02

Address:
Bounded by Loop 363 (north), S. 5th
Street (west), Union Pacific Railroad
(east) and Sarah's Glen Subdivision
(south)

Thoroughfare Plan

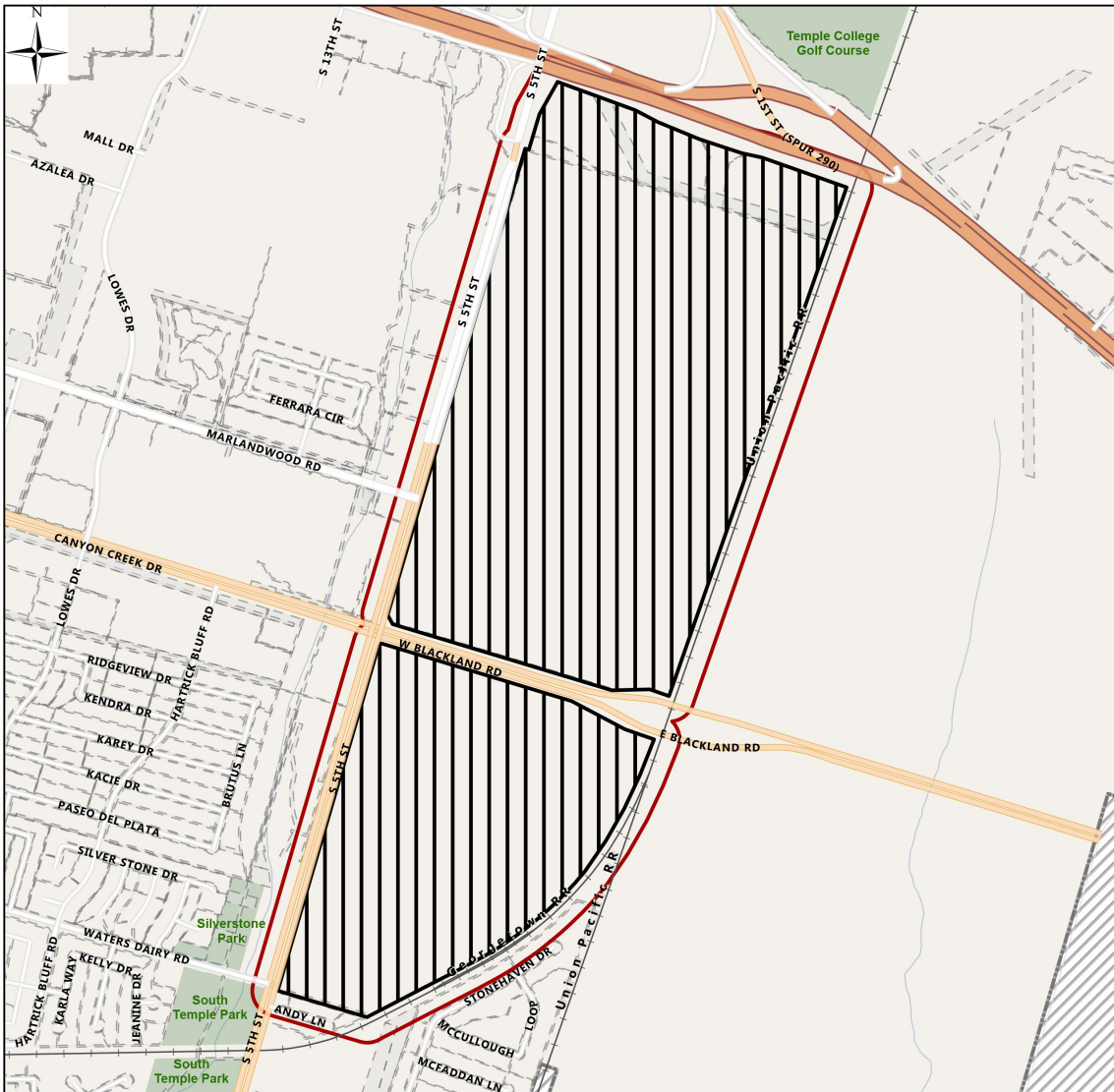
- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector
- Production SDE

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of property boundaries and other features.

dredmond

Date: 11/15/2017





**Ag, SF-1 and PD-GR to
T-South (TMED South)**

**200'
NOTIFICATION MAP**

Zoning Case:
Z-FY-18-02

Address:
Bounded by Loop 363 (north), S. 5th
Street (west), Union Pacific Railroad
(east) and Sarah's Glen Subdivision
(south)

 CaseArea
 Buffer

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legal, engineering, or surveying purposes. They
do not represent an on-the-ground survey and
represent only the approximate relative location
of property boundaries and other features.

dredmond
Date: 11/15/2017



JUNE 2015

TMED SOUTH

YOUNG TEMPLE
CONNECTING
TO HISTORIC TEMPLE



SOUTHERN STUDY AREA

Analysis

The southern study area consists of several unencumbered parcels totaling approximately 360 acres, bounded by Loop 363 to the north, the Union Pacific and Georgetown Railroad right-of-ways to the east and south, and 5th street to the west. An extension of 1st Street/ Veteran’s Memorial Drive is planned to connect TMED with the southern study area, although the alignment is not finalized the extension will bend into and terminate at 5th Street. The properties within the area have historic agricultural ties and the land owned by Blackland Research and Extension Center (BREC) serve as agriculture, grassland, soil and water research laboratories.

Regional Ideas & Framework

The overall objective of the framework plan is to appropriate land uses and revitalize the area as a “live, work, play, learn” environment; to connect people and destinations through walkability and public realm space; make 1st street axis a civic icon; utilize resources such as the existing creek and greenways, BREC, and 1st Street; and build upon previous efforts and partnerships with TMED and area medical, education and research facilities. While the Street and Open Space framework sections elaborate on circulation and public realm access, the following paragraphs categorize the Southern Study Area into Key Areas to help establish a clear vision of their character and to best describe how each advances the Key Ideas for Regional TMED.

Regional TMED Key Ideas

- Leverage TMED to create strong identity*
- 1st street connection as primary linkage to downtown and south Temple*
- Create Friars Creek Trail Corridor along 1st from Temple College to Friars Creek Trail*
- Expand Arts/Culture/School and Programs as Heart of Community*
- Partner with the City of Temple, City Temple Economic Development Corporation and land owners to bring in development opportunities*



Exhibit 16. Southern Study Area General Framework



Exhibit 15. Southern Study Area District Master Plan



Exhibit 17. Birdseye of 1st Street Retail Entrance (Facing South)

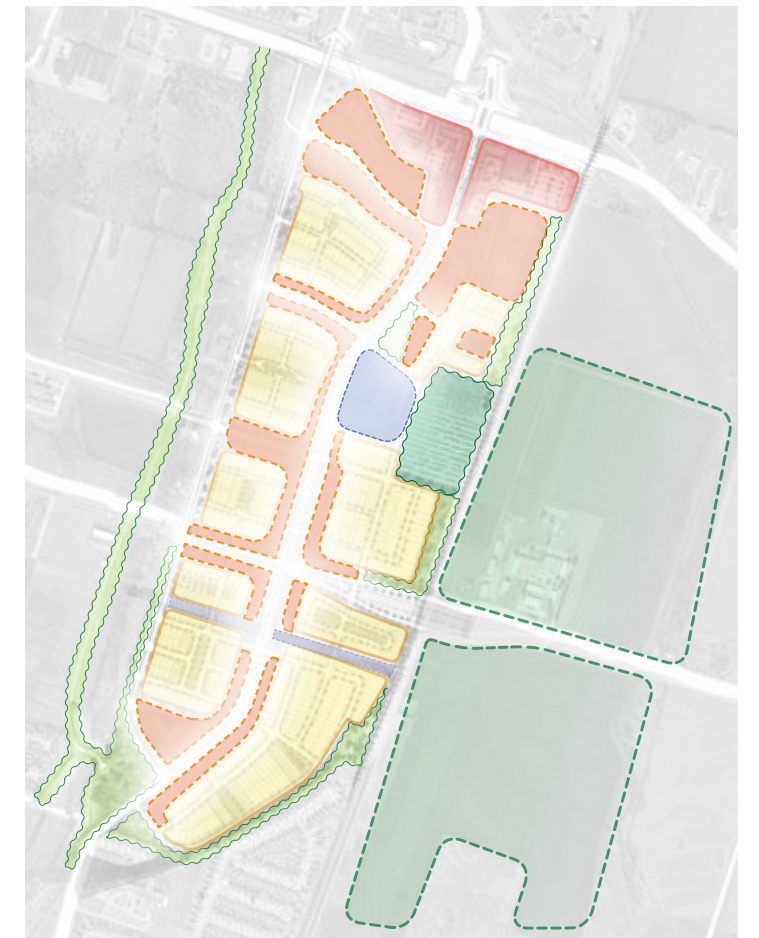


Exhibit 18. Land Use

Key Areas

TMED Gateway

The vision for the TMED Gateway is for a Conference Center based development to become an “entry” for TMED South by providing a strong street presence with architecture fronting Loop 363 and the 1st Street extension, as well as integrated entry signage / monumentation to help reinforce TMED’s identity. Close proximity between buildings, building placement close to the street, and locating unsightly surface parking away from the street will enhance the character of the Gateway. By blending a combination of residential, commercial, cultural and institutional uses, the gateway has the opportunity to become a successful mixed-use development for the community and a hub for visitors. Medium to high density development allows a variety of community services as well. The Conference Center Complex will serve the three districts best by providing hotel, conference and meeting space, which is currently lacking in the urban core.

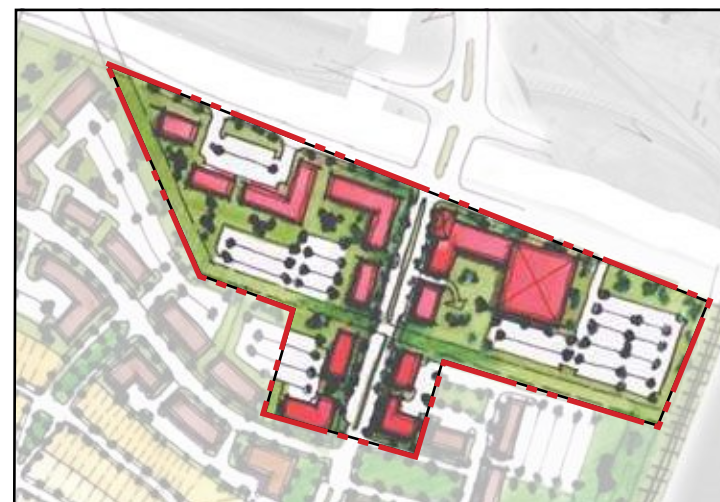


Exhibit 19. TMED Gateway

5th Street Entry

The 5th Street Entry is the essential medium to high density multifamily development needed to encourage livability on a slightly more urban setting. The density and adjacency to the TMED Gateway encourages greater community interaction. The realignment of 5th Street attracts and shifts development patterns towards a denser, people-oriented destination. The concept stems from the pent-up demand for student and young professional housing needed for TMED employees and students. The multi-family buildings in this area will tuck parking in the back and front a tree-lined neighborhood collector that connects residents to 5th Street, the Friars Creek Trail and neighborhood amenities on 1st Street and the TMED Gateway.



Exhibit 20. 5th Street Entry

SOUTHERN STUDY AREA



Exhibit 21. Main Plaza and Community Event Green



Exhibit 22. Farm & Community Garden Hub

Community Heart

The Community's Heart is located within the Residential North Area, east of 1st Street, it serves as the hub of community activities and has the potential of becoming a "third place" for residents and users. The "third place" is one that is separate from the tacit social environments of home and work—the first two places—it contributes to civil society, democracy, civic engagement and creating a sense of place. The Heart consist of the following:

The Civic Plaza is intended to be a major draw for district residents, employees, students, visitors and commuters walking to nearby destinations along 1st Street. It should include an event green and flexible space for the neighborhood to come together to participate in community-inspired activities like concerts, food truck dining and programs uniquely suited for the district. The use of water features, shade, lighting, enhanced planting and a high-performing urban tree canopy are necessary for the comfort of users.

A school with adjoining athletic fields will help forge partnerships, provide context and an environment that will reinforce the values, culture, and learning of the community. A Performing & Fine Arts Magnet School will complement Travis STEM School located within TMED. Additionally, school facilities, fields and playgrounds could be open for recreational use benefiting the entire community.

The Farm and Community Gardens offer a unique setting within the urban landscape to tie to the areas agricultural past and connect the community to current research being conducted by BREC. This program will provide a great opportunity for the community to partner with BREC to come together in research and practice to support public health and stewardship of nature as well as sustainable food production. Facilities should include indoor/outdoor classrooms, space for food preparation and pavilions for outdoor dining.

Residential North

The Residential North area provides an opportunity to create a large tree lined residential community comprised of predominantly traditional single family homes that integrates pocket parks and a landscape buffer along 1st Street. It also provides diverse residential options including attached housing that fronts streets designated as neighborhood collectors. The northeast portion of the development adjacent to TMED Gateway offers higher density housing like flats and lofts as well as flexibility for live-work units along 1st Street and neighborhood collector streets. The southern portion fronting 1st Street linear park is comprised of 3-5 story residential/townhomes/condos. Development of the plan requires a land exchange and partnership with BREC since approximately 70 acres of land within the area is owned by the research center.



Exhibit 23. Community Heart



Exhibit 24. Residential North

Canyon Creek Roadway

The intersection of Canyon Creek and 1st street will become a civic icon within the district for people to orient themselves. Buildings fronting the boulevard along the west portion of the roadway consist of a mix of townhomes, retail and single family residential. Future plans call for a flyover of the railway on the east portion of the road section. Residential development adjacent to this portion of the roadway will back due to grade level changes and to allow privacy for the residents.

Residential South

The Residential South Area consists of predominantly single family housing and attached residential units fronting a series of pocket parks. Three to five story residential/townhomes/condos front 1st street trail. The utility easement which cuts through this portion of the study area will serve as additional open space.

Southern Gateway

The Southern Gateway will serve as another community icon and entry that will strengthen the TMED identity through the use of district signage and mounumentation. The Gateway includes one neighborhood street segment of single family housing and multi-family mixed-use housing. The lofts and flats with ground floor retail are organized along 1st and 5th Streets which intersect at the site of the Friars Creek Trailhead and Park; parking is buffered and planned for low impact to the site. Restricted small parking lots will be nestled between and around buildings. The gateway also promotes a mix of uses which help establish neighborhood character and encourages walking and bicycling, reducing the distance between “home, work play and learn” as it locates essential services close to the community.



Exhibit 26. Canyon Creek Roadway



Exhibit 27. Residential South



Exhibit 28. Southern Gateway



Exhibit 25. Southern Study Area Illustrative Master Plan

SOUTHERN STUDY AREA



Open Space Framework

TMED South’s open space network has the ability of providing a great impact on the community by providing opportunities for physical activity, enjoyment of nature, social interaction, respite and escape that help create lasting improvements. Because access to nearby parks and natural settings is associated with improved quality of life, greater connection with people, reduced anxiety, improved physical and mental health among adults and children, this framework is crucial to the future of the TMED as a healthy, happy place.

Key Ideas

Help foster a strong sense of community by providing opportunities to engage in social contact and meaningful experiences

- Expand on arts, culture and education programs in Heart of Community/ Civic Park by setting the right mix of programs uniquely suited to the community.
- Use farm and gardens to create a link between residents, research centers and the TMED South magnet school to increase children’s contact with broader education and heighten

- their interest in higher education.
- Increase access to public art throughout the 1st Street linear park.

Reshape the urban spatial form with pedestrian focused spaces and promote healthy lifestyles

- Provide a multi-use trail for walkers, runners, recreational and commuter bicycles to link to regional trail network.
- Design network to serve as an interface between the street and building realm through the use of water features, lighting, enhanced landscape planting, activity lawns and outdoor dining spaces.
- Buffer and blur unsightly boundaries such as parking and railroad ROW by providing views to nature from within buildings and architecture.
- Provide natural landscapes and urban canopy necessary to link between fragmented habitat necessary for protecting pollinators like birds, bees and butterflies.
- Provide natural buffer zones from pollution run-off and improve water quality through the use of LID features along 1st Street.

LEGEND	
	Pocket Park
	Linear Park
	Civic Park
	Athletic Fields
	Community Garden & Farmers Market
	Buffer
	Easement
	Blackland Research Center
	Trail
	Trailhead
	Node



Allow trails to act as a connector of people and activity

- Create Trail Corridor along 1st Street from Temple College to Friars Creek Trail to provide pedestrians, and cyclists a safe access to green spaces throughout the region.
- Provide amenities such as trailhead, signage, bathrooms, water fountains, cycle racks, and benches for clear navigation and ease of use along trail system.
- Bisect trails through retail, housing, pocket parks, Gateways and Community Heart to strengthen district wide connectivity and a cohesive public realm.

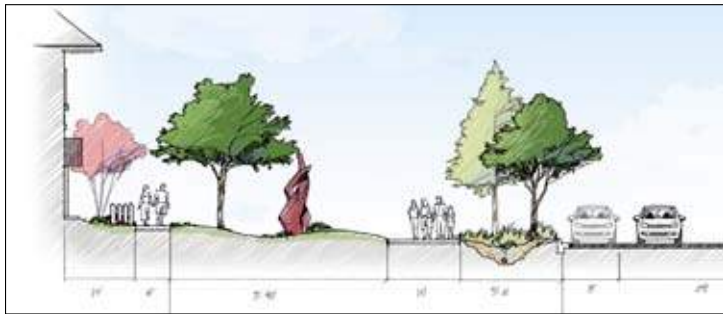


Exhibit 32. Green Buffers with art, water features, native landscaping

SOUTHERN STUDY AREA

Alternative Options

The ability to create a cohesive neighborhood largely depends on whether the Blackland Prairie Research Center is able to find alternative land for their research. The organization is not currently looking to downsize so accommodations should be made in order to have a non-interrupted neighborhood. If this does not happen, there are several alternatives for moving forward.

Alternative 1: Bi-sect Blackland Prairie Property

Key Idea 1

If granted by Blackland Prairie Research Center, the first option for development would be to bi-sect the property with the 1st street extension. This provides a framework that can be developed at a later time when Blackland Prairie no longer has need for the property.

It should be understood that their property is for research and thusly would be fenced off so these properties could not be used for open space. It should also be understood that bi-secting their property is an inconvenience for the research center because it would be fragmented.

Alternative 2: Preserve Blackland Prairie Property

Key Idea 1

If bi-secting the property is not an option, development will need to go around the property. This alternative is not preferred due to the street framework proposed however, as mentioned in the previous alternative, the Blackland Prairie property could still be developed at a later date to provide the cohesive development framework.

This option should only be considered if Blackland Prairie Research Center is unable or not willing to find alternative land for their research.

LEGEND	
	Conference Center & Hotel
	Plaza
	Civic / Education
	Atheltic Fields
	Community Garden & Farmers Market
	Blackland Research Center
	Blackland Research Facility
	Community Park



Exhibit 34. Preferred Concept Framework



Exhibit 35. Alternative 1 Framework

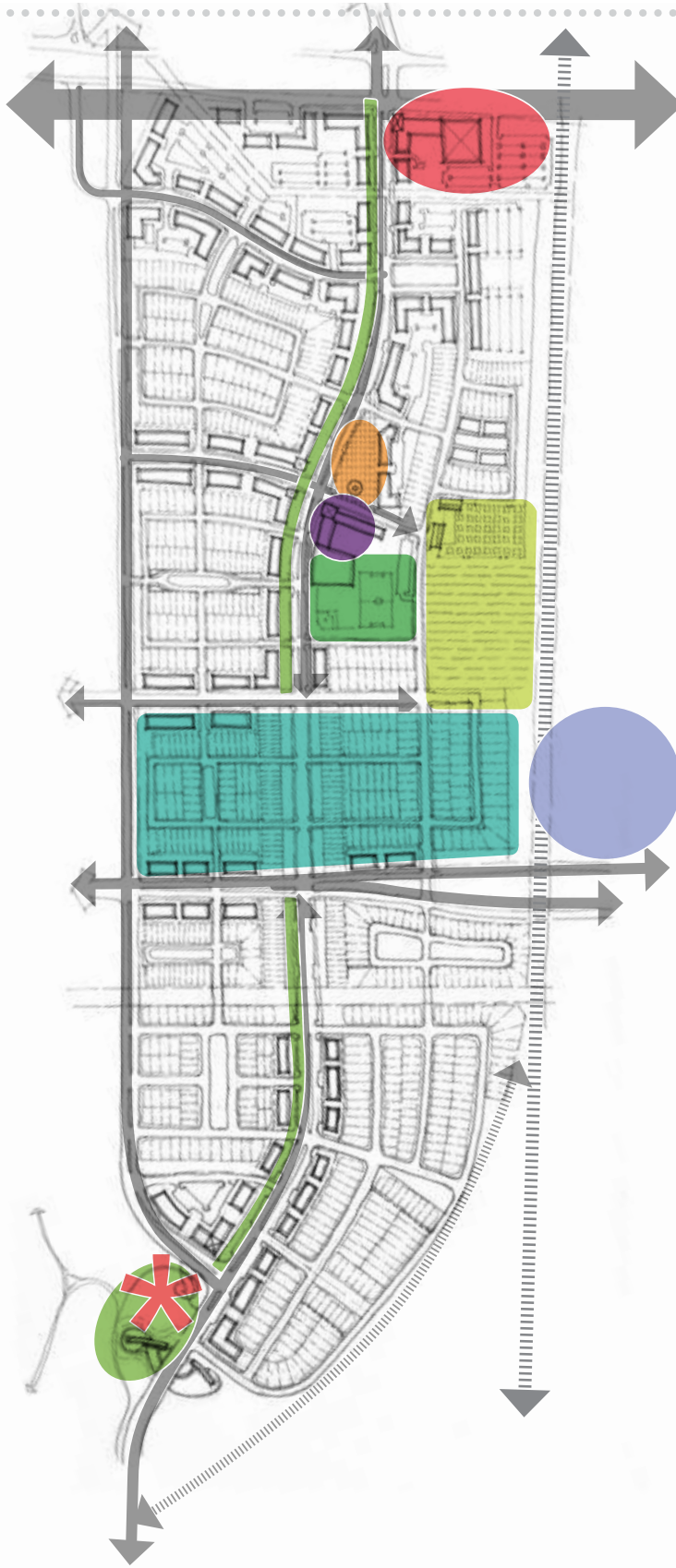


Exhibit 36. Alternative 2 Framework



Exhibit 39. Northern public improvements

Proposed Projects

Friar's Creek Neighborhood Projects

1. Find developer to complete Friars Creek Neighborhood Vision
2. Partner with Housing Authority to relocate or redevelop Willow Brook Development
3. Adjust zoning to allow live/work along 5th Street
4. Extend Friars Creek Park to the southwest and Friars Creek Trail to the south
5. Strengthen and extend infrastructure connections
 - Extend S 9th Street and S 7th Street south
 - Connect W Avenue U to SW North Loop
 - Connect S 13th Street and W Avenue U / SW North Loop via roundabout
 - Connect Fryers Creek Drive across Friars Creek

Southern Proposed Projects

1. Construct 1st Street connection to TMED South
2. Find Development Partners for TMED South
 - Blackland Agrilife Research Center Partners
3. Phase road and infrastructure for 1st and 5th Street reconfiguration
4. Reconfigure 5th Street to connect to 1st Street
5. Design and construct TMED South Plaza
6. Design and construct Northern TMED (South) Gateway
7. Design and construct Southern gateway

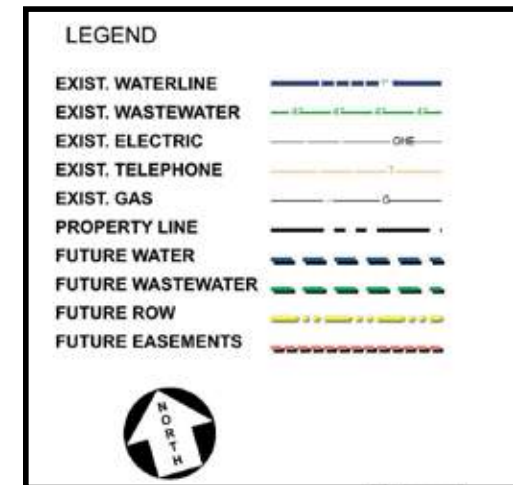


Exhibit 40. Southern Study Area Public Improvements

Brian Chandler

From: Melissa Magowan <tazmama99@icloud.com>
Sent: Tuesday, December 12, 2017 5:30 PM
To: Brian Chandler
Subject: Re: Proposed Rezoning Z-FY-18-02

Brian,

Thank you for the discussion today regarding the future plans for the area surrounding my land. I found it very helpful when looking at the city's Rezoning request. I support the city's Rezoning proposal, which places my land in the new TMED district without actually rezoning the land until requested by property owners at their convenience. However, it is important that this rezoning, while giving property owners flexibility, is not held up and is approved quickly and without a lot of red tape, at some future time when it is requested as owners are ready to develop the property. I do not expect that the agricultural zoning designation will remain in the outyears as development progresses in this area. To summarize, I support the proposal as written with maximum flexibility to rezone as needed for property owners in the new district.

Regards,
Melissa Magowan

Sent from my iPhone

On Dec 12, 2017, at 7:40 AM, Brian Chandler <bchandler@templetx.gov> wrote:

Melissa,
I will call you at 4:30 your time. Thanks.

Brian

From: Melissa Magowan [<mailto:tazmama99@icloud.com>]
Sent: Tuesday, December 12, 2017 6:34 AM
To: Brian Chandler <bchandler@templetx.gov>
Subject: Re: Proposed Rezoning Z-FY-18-02

Brian,
I am gone from 11:00 -2:00 EST. Any other time will be fine. Thanks for your response.
Melissa

Sent from my iPhone

On Dec 11, 2017, at 6:22 PM, Brian Chandler <bchandler@templetx.gov> wrote:

Ms. Magowan,
I will call you tomorrow to discuss. Please let me know a time that works for you. Other than 9 to 11 and 2 to 3 p.m. CST, my schedule is flexible. Thanks for reaching out.

Sincerely,
Brian

Brian L. Chandler, AICP
Director of Planning
City of Temple | 2 N. Main St., Ste. 102 | Temple, TX 76501
(254) 298-5272
www.templetx.gov/planning

-----Original Message-----

From: Melissa Magowan [<mailto:tazmama99@icloud.com>]

Sent: Monday, December 11, 2017 4:01 PM

To: Brian Chandler <bchandler@templetx.gov>

Subject: Proposed Rezoning Z-FY-18-02

Mr. Chandler,

I received the notice for the proposed Rezoning today, which I believe would affect my land at the corner of Water's Dairy and S. 5th St, A0014BC M MORENO, 342, OB 731. While my father sold most of the property long ago, I still own 19.05 acres. I was a member of our local planning commission in York County, VA, for a number of years and am very interested in discussing the potential impacts to this property for future development if this change is made. Since I live so far away, I would appreciate it if you could call me at your earliest convenience to discuss. My number is 757-218-7297.

Thank you,

Melissa Magowan

Sent from my iPhone



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

MITCHELL, KENNETH H
1005 SHADY RIVER CT N
BENBROOK, TX 76126-2900

Zoning Application Number: Z-FY-18-02

Case Manager: Brian Chandler

Location: bounded by Georgetown Railroad right-of-way and Sarah's Glen subdivision (south), South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east)

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:

Looks Good!

Ken Mitchell
Signature *817-832-4296*

Ken Mitchell
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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **December 18, 2017**.

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

Number of Notices Mailed: 82

Date Mailed: December 7, 2017

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

Additional information related to the proposal can be found at:
<http://www.ci.temple.tx.us/Archive.aspx?AMID=82> (December 5, 2017 or December 18, 2017
P&Z Packets)



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

HILL, THOMAS E ETUX MABLE
635 COUNTY ROAD 220
GATESVILLE, TX 76528-3205

RECEIVED
DEC 14 2017
City of Temple
Planning & Development

Zoning Application Number: Z-FY-18-02

Case Manager: Brian Chandler

Location: bounded by Georgetown Railroad right-of-way and Sarah's Glen subdivision (south), South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east)

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:

Thomas E. Hill & Mable Ann Hill
Signature

Mable Ann Hill
Thomas E. Hill
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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **December 18, 2017**.

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

Number of Notices Mailed: 82

Date Mailed: December 7, 2017

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P&Z Packets)



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

RECEIVED
DEC 14 2017
City of Temple
Planning & Development

MALCIK, ROGER
3406 S 5TH ST
TEMPLE, TX 76502-1910

Zoning Application Number: Z-FY-18-02

Case Manager: Brian Chandler

Location: bounded by Georgetown Railroad right-of-way and Sarah's Glen subdivision (south),
South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east)

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:

I agree in the change, in hopes that S+W
will open a "convenient CARE clinic" like the one
in Belton.

Roger Malcik
Signature

Roger Malcik
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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **December 18, 2017**.

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

Number of Notices Mailed: 82

Date Mailed: December 7, 2017

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

Additional information related to the proposal can be found at:
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P&Z Packets)



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

DACYN INVESTMENTS LTD
3144 S 5TH ST
TEMPLE, TX 76502

Zoning Application Number: Z-FY-18-02

Case Manager: Brian Chandler

Location: bounded by Georgetown Railroad right-of-way and Sarah's Glen subdivision (south), South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east)

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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **December 18, 2017**.

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

Number of Notices Mailed: 82

Date Mailed: December 7, 2017

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

Additional information related to the proposal can be found at:
<http://www.ci.temple.tx.us/Archive.aspx?AMID=82> (December 5, 2017 or December 18, 2017
P&Z Packets)



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

PATTERSON, WELDON C & DAVID C
3144 S 31ST ST
TEMPLE, TX 76502-1803

Zoning Application Number: Z-FY-18-02

Case Manager: Brian Chandler

Location: bounded by Georgetown Railroad right-of-way and Sarah's Glen subdivision (south), South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east)

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

David Patterson

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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **December 18, 2017**.

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

Number of Notices Mailed: 82

Date Mailed: December 7, 2017

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

*Additional information related to the proposal can be found at:
<http://www.ci.temple.tx.us/Archive.aspx?AMID=82> (December 5, 2017 or December 18, 2017
P&Z Packets)*



TMEO Rezone
SARA GLEN

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

DUSEK, JOHN BRADLEY ETUX MARTA LYNNE
8311 FM 2086
TEMPLE, TX 76501-3546

Zoning Application Number: Z-FY-18-02

Case Manager: Brian Chandler

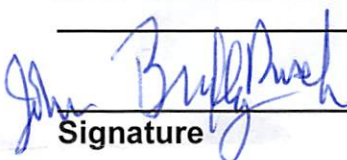
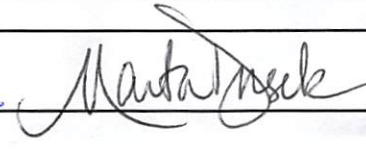
Location: bounded by Georgetown Railroad right-of-way and Sarah's Glen subdivision (south), South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east)

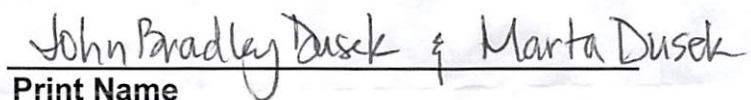
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, 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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **December 18, 2017**.

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

Number of Notices Mailed: 82

Date Mailed: December 7, 2017

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

Additional information related to the proposal can be found at:
<http://www.ci.temple.tx.us/Archive.aspx?AMID=82> (December 5, 2017 or December 18, 2017
P&Z Packets)



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

CAROTHERS PROPERTIES LTD
50 S WHEAT RD
BELTON, TX 76513-7134

Zoning Application Number: Z-FY-18-02

Case Manager: Brian Chandler

Location: bounded by Georgetown Railroad right-of-way and Sarah's Glen subdivision (south), South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east)

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

(X) disagree with this request

Comments:

I think it should border at Blackland Road. Specialized
zoning districts in a town the size of Temple should not
be as large as proposed.



Signature

Jason Carothers

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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **December 18, 2017**.

RECEIVED

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

DEC 18 2017

City of Temple
Planning & Development

Number of Notices Mailed: 82

Date Mailed: December 7, 2017

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

Additional information related to the proposal can be found at:
<http://www.ci.temple.tx.us/Archive.aspx?AMID=82> (December 5, 2017 or December 18, 2017
P&Z Packets)



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

HERRINGTON, JIM
4712 S 5TH ST
TEMPLE, TX 76502-3725

Zoning Application Number: Z-FY-18-02

Case Manager: Brian Chandler

Location: bounded by Georgetown Railroad right-of-way and Sarah's Glen subdivision (south), South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east)

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:

See Attached.
J.H.

Jim Herrington

Signature

Jim Herrington

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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **December 18, 2017.**

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

RECEIVED
DEC 18 2017
City of Temple
Planning & Development

Number of Notices Mailed: 82

Date Mailed: December 7, 2017

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

Additional information related to the proposal can be found at:
<http://www.ci.temple.tx.us/Archive.aspx?AMID=82> (December 5, 2017 or December 18, 2017
P&Z Packets)

Response to Proposed Rezoning Request, City of Temple: Z-FY-18-02

While I am not opposed to sustainable growth and economic development, I strongly recommend that the city of Temple consider adopting measures that would protect the adjacent property owners from harm associated with development of this approximately 355 acres of agricultural land.

These farmed properties (cross-hatched areas) drain stormwater under South 5th street into Friars Creek through concrete culverts. The cross-hatched field south of West Blackland Road and adjacent to South 5th Street has an ephemeral stream that meanders across the field to a culvert that drains under South 5th Street into Friars Creek. During hard rainfall events the stream frequently overflows the culverts and onto South 5th Street carrying soil from the plowed field.


I recommend the city work closely with developers of these properties to adopt Low Impact Development (LID) techniques such as Bioretention, Rain Gardens, and Permeable Pavers to minimize the amount of excessive stormwater runoff from these ultimately developed areas. See a link at: <http://www.lid-stormwater.net/> for more information.

I strongly recommend the city encourage developers to restore and manage existing streams as amenities. Developers should restore the ephemeral stream by revegetating it in dense grass cover that can function as a natural bioswale.

I recommend the city require that the developers balance runoff from the site with baseline conditions and the ultimately developed conditions and not allow any increase in the frequency and duration of flooding to adjacent properties from Friars Creek and its tributaries.

Thank you for the opportunity to comment on this proposal and the ultimate development of this area. If you have any questions concerning my comments, please call me at (254) 654-1018.

Thanks,



Jim Herrington, Professional Wetland Scientist

4712 S. 5th Street

ORDINANCE NO. _____
(Z-FY-18-02)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM PLANNED DEVELOPMENT - GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 27.876 ACRES, SINGLE FAMILY ONE ZONING DISTRICT ON APPROXIMATELY 211.56 ACRES, AND AGRICULTURAL ZONING DISTRICT ON APPROXIMATELY 115.53 ACRES, TO TEMPLE MEDICAL AND EDUCATIONAL ZONING DISTRICT, SOUTH TEMPLE MEDICAL AND EDUCATIONAL ZONING DISTRICT TRANSECT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Reinvestment Zone, which includes the current Temple Medical and Educational District (TMED), as well as the proposed TMED South rezoning area, funded a TMED South Master Plan that City Council adopted in March of 2017 – the TMED South Master Plan proposed to extend the TMED concepts to the area south of Loop 363, east of South 5th Street, west of the Union Pacific and Georgetown Railroads and north of Sarah’s Glen subdivision;

Whereas, in accordance with the Master Plan, this proposed property rezoning is bounded by Georgetown Railroad right-of-way and Sarah’s Glen subdivision (south), South 5th Street (west), Loop 363 (north), and Union Pacific Railroad right-of-way (east);

Whereas, the proposal would rezone from Planned-Development General Retail zoning district on approximately 27.876 acres, Single Family One zoning district on approximately 211.56 acres, and Agricultural zoning district on approximately 115.53 acres, to TMED zoning district, South TMED zoning district Transect Zone;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of the property in question, recommended that the City Council approve the rezoning only of the 27.876 acre property abutting Loop 363 from Planned Development - General Retail (PD-GR) zoning district to Temple Medical and Educational zoning district, South TMED (T-South) transect; and

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

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

Part 1: 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 approves a rezoning from Planned Development - General Retail zoning district on approximately 27.876 acres, Single Family One zoning district on approximately 211.56 acres, and Agricultural zoning district on approximately 115.53 acres, to Temple Medical and Educational zoning district, South TMED (T-South) Transect Zone per Exhibit 'A.'

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 **1st** day of **February**, 2018.

PASSED AND APPROVED on Second Reading on the **15th** day of **February**, 2018.

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

02/15/18
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: PUBLIC HEARING: Consider adopting a resolution authorizing the permanent use of approximately 0.025 acres of Woodbridge Park land to be used for a driveway easement and to relocate a portion of the trail to a safer driveway crossing point, in accordance with Chapter 26 of the Texas Parks and Wildlife Code.

STAFF RECOMMENDATION: Conduct a public hearing and adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple Planning Department is managing a request to plat a property for Trinity Church of Temple, which is proposing to purchase the 7.39-acre tract of land located at 3501 Airport Road, adjacent to Woodbridge Park on to the west and north and adjacent to the City of Temple Fire and Rescue Station 5 to the east, to build a new facility for their growing church. Access to the subject property is currently from a local street named North Creek Lane to the south, which is located within the Woodbridge Creek, Phase II subdivision. The current access location through the neighborhood is not ideal considering the high volume of traffic associated with a church during services, special events, or even certain daily activities.

As previously stated, the subject property is adjacent to Woodbridge Park, a City owned park, to the north. This portion of parkland is approximately 20 feet wide and separates the subject property from access to Airport Road. This 20' wide strip of parkland contains a four-foot wide walking trail that connects the Woodbridge Park to the City owned Fire Station property at the corner of Airport Road and North Apache Drive.

The purchase of the subject property and subsequent construction of new church facilities is dependent on the ability to access Airport Road directly. Trinity Church has received written confirmation that TXDOT is in agreement to locate a driveway approximately 185 feet from the northwest property corner of the subject (measured to the center of the driveway), placing the proposed driveway directly south of the driveway to the north of Airport Road (VFW Post 1820 driveway). This will require an easement from the City of Temple to allow the Church to use approximately 0.025 acres of the parkland for driveway purposes. Turley Associates, Inc. has written field notes and provided sketches of the proposed easement.

This proposed easement would contain a concrete driveway, approximately 41 feet wide, measured from back of curb to back of curb, and utilities (as necessary). The driveway will have curb and gutter that will match into the curb and gutter along Airport Road. The radii of the driveway will be 25 feet. The driveway will not affect the cluster of existing hackberry trees within the 20' wide property however, the existing walking trail will be bisected by the driveway.

Chapter 26 of the Texas Parks and Wildlife Code requires municipalities and other governmental entities and agencies to publish notices, hold a public hearing, and make specific findings for approval of any project involving non-park use of public land that was designated and used as a park or recreation area prior to the arrangement of the project. Approval of the project requires a determination that there is no feasible and prudent alternative to the use or taking of such land and that the program or project includes all reasonable planning to minimize harm to the remaining park land, resulting from the use or taking.

To mitigate the reduction of 0.025 acres of Woodbridge Park and the removal of 156 linear foot of the existing four-foot wide walking trail, Trinity Church proposes the following:

1. The developer will install approximately 98 linear foot of concrete sidewalk, built to the City of Temple Design Standards and Specifications, from connecting the west side of the existing trail to the western edge of the proposed driveway. The sidewalk will be built to ADA standards and will include an approved ADA ramp with detectable warning surface at the driveway location.
2. The developer will stripe the driveway and install signage for a pedestrian crossing at the location of the ramp.
3. The developer will construct an ADA ramp with detectable warning surface at the east edge of the driveway, connecting the crosswalk to a proposed 66 linear foot, 4' wide concrete sidewalk joining the existing walking trail to the east. This sidewalk will be constructed to the City of Temple Design Standards and Specifications.
4. The proposed new construction of the sidewalk will be located within the subject property, within a proposed 10' wide trail easement dedicated to the City of Temple. This will give the City of Temple access to the property for the maintenance and upkeep of the sidewalk and adjacent land within the easement.
5. In addition to the construction of the sidewalk, the developer will plant a minimum of five Crape Myrtles (or other City approved trees) along with irrigation near the new sidewalk. This landscaping and irrigation will be outside of the proposed trail easement.

Please refer to the attached Design Exhibit and surveys for a detailed depiction of the area.

FISCAL IMPACT:

None

ATTACHMENTS:

[Notice of Public Hearing](#)
[Park Exhibit](#)
[Surveys and Field Notes](#)
[Resolution](#)



NOTICE OF PUBLIC HEARING

TEMPLE CITY COUNCIL

Notice is hereby given that a public hearing will be held by the City Council of the City of Temple in the Council Chambers on the Second Floor of the Municipal Building, 2 North Main Street, Temple, Texas at 5:00 p.m. on the 15th day of February 2018 to consider the following:

Approval of the permanent use of approximately 0.025 acres of Woodbridge Park land to be used for a driveway easement and to relocate a portion of the trail to a safer driveway crossing point, in accordance with Chapter 26 of the Texas Parks and Wildlife Code.

Notice is hereby given that all persons of the City of Temple may appear at said hearing, and they are invited to appear, to make suggestions, recommendations or objections to the proposed project; and that information concerning such project is on file in the Office of the City Secretary.

Dated this 17th day of January 2018.

If you have any questions regarding this Notice, please contact Lacy Borgeson, TRMC, City Secretary, City of Temple at (254) 298-5700.

SPECIAL ACCOMMODATIONS: *This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at 254-298-5700 for further information.*

*NOTES:

1. PROPOSED PARKLAND TRAIL EASEMENT TO BE OWNED AND MAINTAINED BY THE CITY OF TEMPLE.
2. PROPOSED LANDSCAPING AND IRRIGATION TO BE OUTSIDE OF TRAIL EASEMENT AND TO BE OWNED AND MAINTAINED BY PROPERTY OWNER.


LEGEND

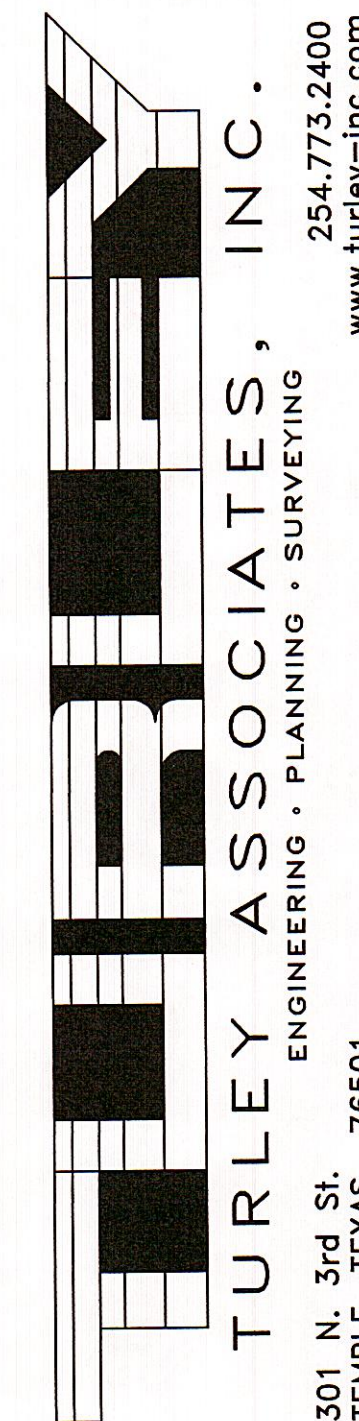
Natural Ground ----650----

Proposed Finished Ground 650

Proposed Finished Ground Φ 650.15P

P = Pavement
SW = Sidewalk
FG = Finished Ground

Proposed Cape Myrtle or Other Approved Tree 



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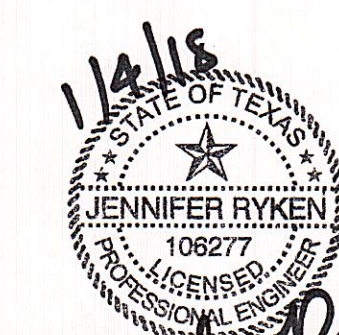
© TURLEY ASSOCIATES, INC.

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DRIVEWAY EASEMENT EXHIBIT:
TRINITY CHURCH
INNER LOOP

R. M. WILLIAMSON SURVEY, ABSTRACT NO 905
CITY OF TEMPLE, BELL COUNTY, TEXAS.

PREPARED FOR:
EDWARD DOWELL
P O BOX 2085
TEMPLE, TX 76503



REVISIONS

DATE	DESCRIPTION	DFTR

DRAFTSMAN:
RAD/JGR
DATE:
12/13/17
COMPUTER FILE NAME:
17-667 PARK EXHIBIT
REFERENCE DRAWING NUMBERS:
17-667 FINAL PLAT

17-667
DRAWING NUMBER:
17667

PAGE #
01

BEING a 0.025 acre tract of land situated in the R. M. WILLIAMSON SURVEY, ABSTRACT No. 905, Bell County, Texas and being a part or portion of that certain 5.39 acre park tract described as Tract "B", Woodbridge Creek Phase II according to the map or plat of record in Cabinet A, Slide 384-B, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point being in a southwesterly boundary line of the said 5.39 acre tract and being in the northeasterly boundary line of those certain lands described in a Correction Deed dated March 6, 2003 from Commercial Properties Southwest, Inc. to Woodbridge Creek Properties, LLC and being of record in Volume 5281, Page 765, Official Public Records of Bell County, Texas for corner;

THENCE N. 36° 48' 11" E., 19.92 feet departing the said Woodbridge Creek Properties, LLC lands and the said southwesterly boundary line and over and across the said 5.39 acre tract to appoint being in a northeasterly boundary line of the said 5.39 acre tract and being in the southwesterly right-of-way line of State of Texas Highway No. 36 (also known as Airport Road) (a publicly maintained roadway) for corner;

THENCE S. 53° 13' 03" E., 54.09 feet with the said northeasterly boundary line and with the said southwesterly right-of-way line to appoint for corner;

THENCE S. 36° 48' 11" W., 19.94 feet departing the said southwesterly right-of-way line and the said northeasterly boundary line and over and across the said 5.39 acre tract to a point being in the aforementioned southwesterly boundary line of the said 5.39 acre tract and being in the aforementioned northeasterly boundary line of the said Woodbridge Creek Properties, LLC lands for corner;

THENCE N. 53° 11' 49" W., 54.09 feet with the said southwesterly boundary line and with the said northeasterly boundary line to the Point of BEGINNING and containing 0.025 acres of land.

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



Michael E. Alvis, RPLS#5402
January 2, 2018

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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 84
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 31' 30"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999849
PUBLISHED CITY COORDINATES ARE X = 3,223,044.04 Y = 10,380,007.67
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS
N. 55° 08' 34" W., 1251.46 FEET.

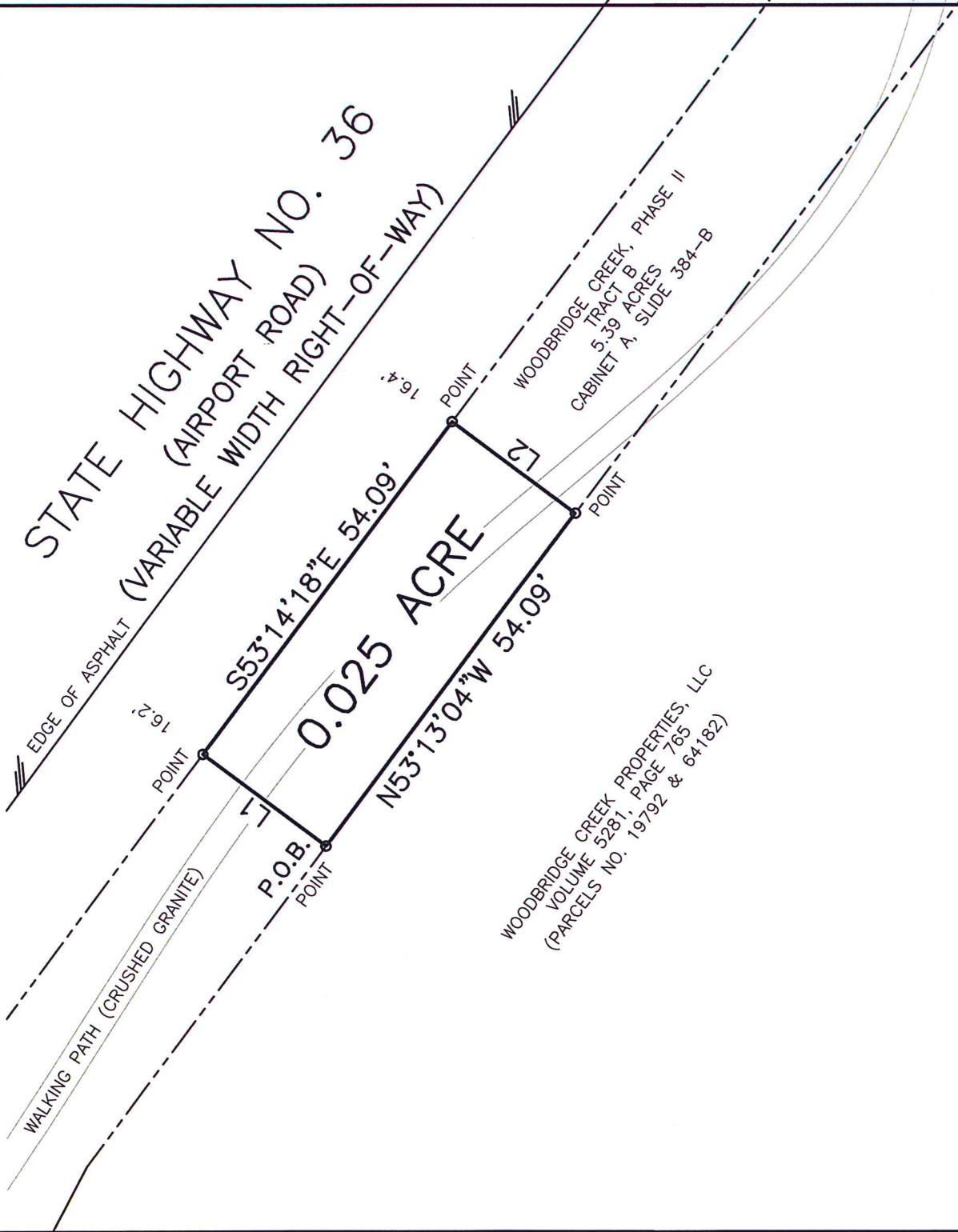


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Line Table		
Line #	Direction	Length
L1	N36°46'56"E	19.92'
L2	S36°46'56"W	19.94'

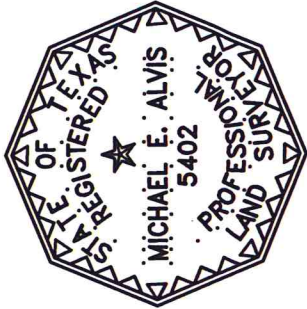
Bearing Base: Texas State Plane
Coordinate System (NAD 1983) as
determined by G.P.S. observation.



BEING a 0.025 acre tract of land more particularly described by separate field notes.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY AND NO
FURTHER EASEMENT RESEARCH WAS PERFORMED BY THIS COMPANY.

BEING a 0.025 acre tract of land situated in the R. M. WILLIAMSON SURVEY, ABSTRACT
No. 905, Bell County, Texas and being a part or portion of that certain 5.39 acre park
tract described as Tract "B", Woodbridge Creek Phase II according to the map or plat of
record in Cabinet A, Slide 384-B, Plat Records of Bell County, Texas.



STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis,
a Registered Professional Land Surveyor in the State of Texas,
COUNTY OF BELL I do hereby certify that this survey was this day made
on the ground of the property described herein and
is correct.

IN WITNESS THEREOF, my hand and seal, this the 4th day of January 2017.

Michael E. Alvis

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



BEING a 0.047 acre tract of land situated in the R. M. WILLIAMSON SURVEY, ABSTRACT No. 905, Bell County, Texas and being a part or portion of those lands described in a Correction Deed dated March 6, 2003 from Commercial Properties Southwest, Inc. to Woodbridge Creek Properties, LLC and being of record in Volume 5281, Page 765, Official Public Records of Bell County, Texas and being a part or portion of those certain tracts of land identified as Parcels No. 19792 and 64182 according to the Bell County Tax Appraisal District property ownership maps and being more particularly described by metes and bounds as follows:

BEGINNING at a point being in the northeasterly boundary line of the said Woodbridge Creek Properties, LLC lands and being in a southwesterly boundary line of that certain 5.39 acre park tract described as Tract "B", Woodbridge Creek Phase II according to the map or plat of record in Cabinet A, Slide 384-B, Plat Records of Bell County, Texas for corner;

THENCE S. 53° 11' 49" E., 20.55 feet with the said northeasterly boundary line and the said southwesterly boundary line to a point being at the beginning of a curve to the right having a radius equals 65.95 feet, chord bearing equals S. 00° 27' 27" W., 37.22 feet for corner;

THENCE departing the said northeasterly boundary line and the said 5.39 acre tract and over and across the said Woodbridge Creek Properties, LLC lands the following seven (7) calls:

- 1) 37.73 feet along the arc of said curve to the right to a point for corner;
- 2) S. 16° 32' 28" W., 10.34 feet to a point being at the beginning of a curve to the left having a radius equals 8.00 feet, chord bearing equals S. 18° 27' 21" E., 9.18 feet for corner;
- 3) 9.77 feet along the arc of said curve to the left to a point for corner;
- 4) S. 53° 27' 07" E., 50.69 feet to a point being at the beginning of a curve to the left having a radius equals 7.00 feet, chord bearing equals N. 83° 02' 59" E., 9.64 feet for corner;
- 5) 10.63 feet along the arc of said curve to the left to a point for corner;
- 6) N. 39° 33' 04" E., 26.94 feet to a point being at the beginning of a curve to the right having a radius equals 18.00 feet, chord bearing equals N. 59° 01' 25" E., 12.00 feet for corner;
- 7) 12.23 feet along the arc of said curve to the right to a point being in the aforementioned northeasterly boundary line of the said Woodbridge Creek Properties, LLC lands and being in the aforementioned southwesterly boundary line of the said 5.39 acre tract for corner;

THENCE S. 53° 11' 49" E., 70.52 feet with the said northeasterly boundary line and the said southwesterly boundary line to appoint being at the beginning of a curve to the right having a radius equals 69.04 feet, chord bearing equals N. 83° 37' 14" W., 4.62 feet for corner;

THENCE departing the said northeasterly boundary line and the said 5.39 acre tract and over and across the said Woodbridge Creek Properties, LLC lands the following eleven (11) calls:

- 1) 4.62 feet along the arc of said curve to the right to a point being at the beginning of a curve to the right having a radius equals 53.31 feet, chord bearing equals N. 63° 25' 13" W., 22.41 feet for corner;
- 2) 22.58 feet along the arc of said curve to the right to appoint for corner;



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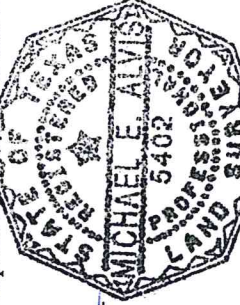
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- 3) N. 49° 15' 00" W., 27.32 feet to appoint for corner;
- 4) N. 45° 08' 11" W., 2.32 feet to appoint being at the beginning of a curve to the left having a radius equals 8.00 feet, chord bearing equals S. 88° 32' 09" W., 12.07 feet for corner;
- 5) 13.68 feet along the arc of said curve to the left to a point for corner;
- 6) S. 39° 33' 04" W., 26.94 feet to a point being at the beginning of a curve to the right having a radius equals 17.00 feet, chord bearing equals S. 83° 02' 59" W., 23.40 feet for corner;
- 7) 25.81 feet along the arc of said curve to the right to a point for corner;
- 8) N. 53° 27' 07" W., 50.69 feet to a point being at the beginning of a curve to the right having a radius equals 18.00 feet, chord bearing equals N. 18° 27' 19" W., 20.65 feet for corner;
- 9) 21.99 feet along the arc of said curve to the right to a point for corner;
- 10) N. 16° 32' 30" E., 10.38 feet to a point being at the beginning of a curve to the left having a radius equals 55.95 feet, chord bearing equals N. 08° 01' 59" W., 47.10 feet for corner;
- 11) 48.61 feet along the arc of said curve to the left to the Point of BEGINNING and containing 0.047 acres of land.

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

Michael E. Alvis

Michael E. Alvis, RPLS#5402
January 2, 2018



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

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THE COMBINED CORRECTION FACTOR (CCF) IS 0.999849
PUBLISHED CITY COORDINATES ARE X = 3,223,044.04 Y = 10,380,007.67
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS
N. 55° 04' 18" W., 1298.80 FEET.



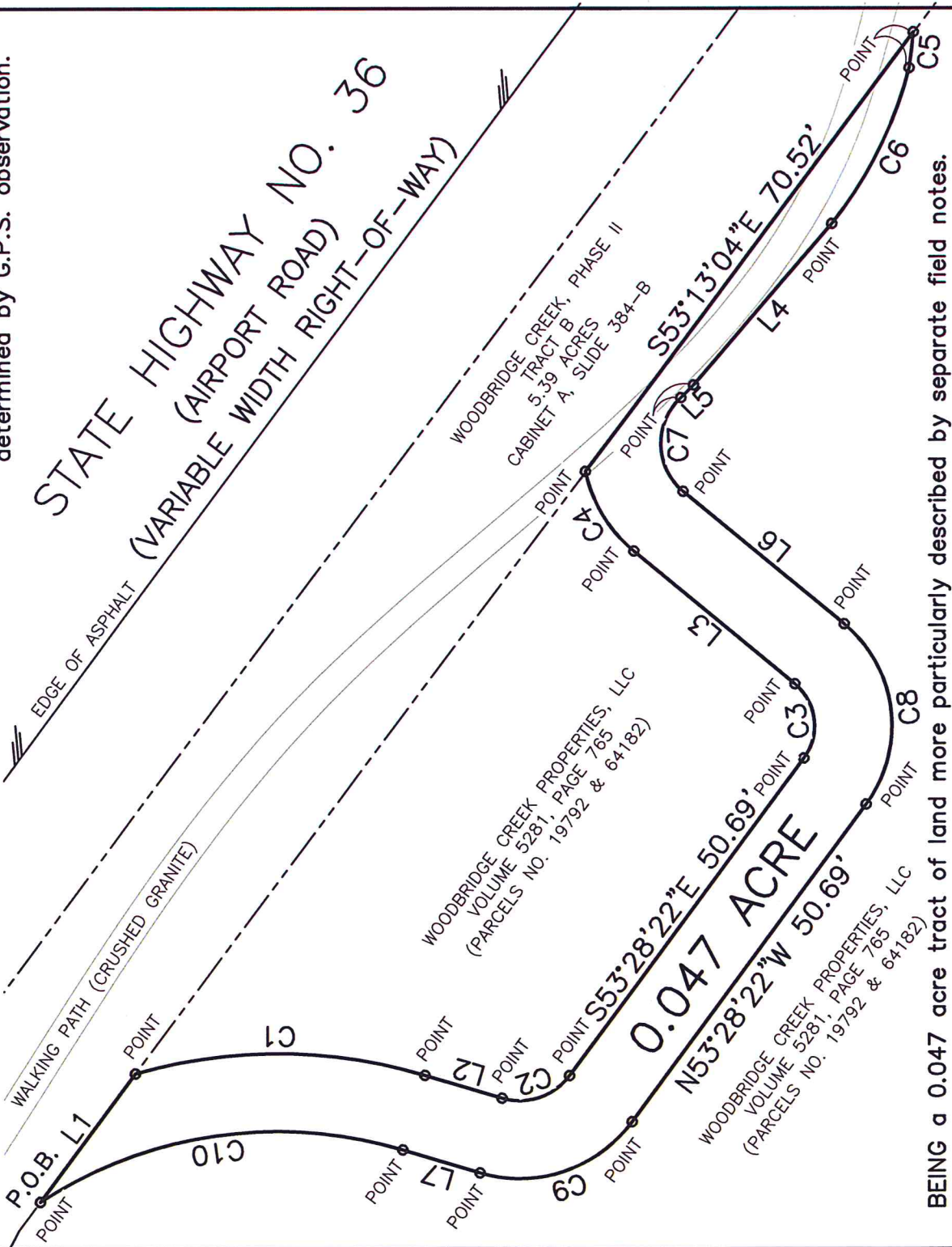
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Curve Table			
Curve #	Length	Radius	Chord
C1	37.73	65.95	S0°26'12"W 37.22
C2	9.78	8.00	S18°28'36"E 9.18
C3	10.63	7.00	N83°01'44"E 9.64
C4	12.23	18.00	N59°00'10"E 12.00
C5	4.62	69.04	N83°38'29"W 4.62
C6	22.58	53.31	N63°26'28"W 22.41
C7	13.68	8.00	S88°30'54"W 12.07
C8	25.81	17.00	S83°01'44"W 23.40
C9	21.99	18.00	N18°28'34"W 20.65
C10	48.61	55.98	N8°03'14"W 47.10

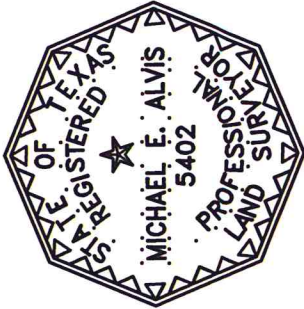
Line Table		
Line #	Direction	Length
L1	S53°13'04"E	20.55'
L2	S16°31'13"W	10.34'
L3	N39°31'49"E	26.94'
L4	N49°16'15"W	27.32'
L5	N45°09'26"W	2.32'
L6	S39°31'49"W	26.94'
L7	N16°31'15"E	10.38'

Bearing Base: Texas State Plane
Coordinate System (NAD 1983) as
determined by G.P.S. observation.



THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY AND NO
FURTHER EASEMENT RESEARCH WAS PERFORMED BY THIS COMPANY.

BEING a 0.047 acre tract of land situated in the R. M. WILLIAMSON SURVEY, ABSTRACT No.
905, Bell County, Texas and being a part or portion of those lands described in a
Correction Deed dated March 6, 2003 from Commercial Properties Southwest, Inc. to
Woodbridge Creek Properties, LLC and being of record in Volume 5281, Page 765, Official
Public Records of Bell County, Texas and being a part or portion of those certain tracts
of land identified as Parcels No. 19792 and 64182 according to the Bell County Tax
Appraisal District property ownership maps.



STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis,
a Registered Professional Land Surveyor in the State of Texas,
COUNTY OF BELL I do hereby certify that this survey was this day made
on the ground of the property described herein and
is correct.

IN WITNESS THEREOF, my hand and seal, this the 4th day of January 2017.

Michael E. Alvis

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



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TEMPLE, TEXAS 76501

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17-667
SKETCH
MGM

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PERMANENT USE OF APPROXIMATELY 0.025 ACRES OF WOODBRIDGE PARK LAND TO BE USED FOR A DRIVEWAY EASEMENT AND RELOCATE A PORTION OF THE TRAIL TO A SAFER DRIVEWAY CROSSING POINT, IN ACCORDANCE WITH CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple Planning Department is managing a request to plat a property for Trinity Church of Temple, which is proposing to purchase an approximately 7.39-acre tract of land located at 3501 Airport Road, adjacent to Woodbridge Park on the west and north and adjacent to the City of Temple Fire and Rescue Station 5 to the east;

Whereas, Trinity Church of Temple plans to build a new facility for their growing church and access to the subject property is currently from a local street named North Creek Lane to the south, which is located within the Woodbridge Creek, Phase II subdivision - the current access through the neighborhood is not ideal considering the high volume of traffic associated with a church during services, special events, or even certain daily activities;

Whereas, this portion of parkland is approximately 20-feet wide, separates the subject property from access to Airport Road, and contains a 4-foot wide walking trail that connects Woodbridge Park to the City owned Fire Station property at the corner of Airport Road and North Apache Drive;

Whereas, the purchase of the subject property and subsequent construction of new church facilities is dependent on the ability to access Airport Road directly - Trinity Church has received written confirmation from the Texas Department of Transportation (TXDOT) that it is in agreement to locate a driveway approximately 185 feet from the northwest property corner of the subject (measured to the center of the driveway), placing the proposed driveway directly south of the driveway to the north of Airport Road (VFW Post 1820 driveway);

Whereas, this access will require an easement from the City of Temple to allow Trinity Church to use approximately 0.025 acres of the parkland for driveway purposes;

Whereas, Chapter 26 of the Texas Parks and Wildlife Code requires municipalities and other governmental entities and agencies to publish notices, hold a public hearing, and make specific findings for approval of any project involving non-park use of public land that was designated and used as a park or recreation area prior to the arrangement of the project;

Whereas, approval of this project requires a determination that there is no feasible and prudent alternative to the use or taking of such land and that the program or project includes all reasonable planning to minimize harm to the remaining park land, resulting from the use or taking;

Whereas, to mitigate the reduction of 0.025 acres of Woodbridge Park and the removal of 156 linear foot of the existing 4-foot-wide walking trail, Trinity Church proposes the following:

1. The developer will install approximately 98 linear foot of concrete sidewalk, built to the City of Temple Design Standards and Specifications, from connecting the west side of the existing trail to the western edge of the proposed driveway. The sidewalk will be built to

ADA standards and will include an approved ADA ramp with detectable warning surface at the driveway location.

2. The developer will stripe the driveway and install signage for a pedestrian crossing at the location of the ramp.
3. The developer will construct an ADA ramp with detectable warning surface at the east edge of the driveway, connecting the crosswalk to a proposed 66 linear foot, 4' wide concrete sidewalk joining the existing walking trail to the east. This sidewalk will be constructed to the City of Temple Design Standards and Specifications.
4. The proposed new construction of the sidewalk will be located within the subject property, within a proposed 10' wide trail easement dedicated to the City of Temple. This will give the City of Temple access to the property for the maintenance and upkeep of the sidewalk and adjacent land within the easement.
5. In addition to the construction of the sidewalk, the developer will plant a minimum of five Crape Myrtles (or other City approved trees) along with irrigation near the new sidewalk. This landscaping and irrigation will be outside of the proposed trail easement.

Whereas, Staff recommends Council authorize the permanent use of approximately 0.025 acres of Woodbridge Park land to be used for a driveway easement and to relocate a portion of the trail to a safer driveway crossing point, in accordance with Chapter 26 of the Texas Parks and Wildlife Code; 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 permanent use of approximately 0.025 acres of Woodbridge Park land to be used for a driveway easement and to relocate a portion of the trail to a safer driveway crossing point, in accordance with Chapter 26 of the Texas Parks and Wildlife Code.

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 15th day of February, 2018.

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

02/15/18
Item #9
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Developer Participation Agreement with Cedon Realty, Ltd. to construct an extension of a wastewater line with City participation in an amount not to exceed \$36,750.68.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Cedon Realty, Ltd. ("Cedon") owns property located at 7777 South General Bruce Drive in southwest Temple. Cedon is interested in constructing a wastewater line extension which would serve its property, as well as surrounding properties in the same area.

Cedon's property is located along the route of a current City wastewater line project known as the Leon River Trunk Sewer project. Cedon proposes to connect to the new trunk sewer line once it has been installed. Cedon estimates the cost of this construction to be \$122,502.60. Pursuant to Chapter 212 of the Texas Local Government Code, Section 212.072, the City may participate in the construction at a level not to exceed 30% of the cost of the public improvements. Therefore, the proposed agreement would cap the City's participation at \$36,750.68 or 30% of the actual costs of the sewer line extension, whichever is less.

FISCAL IMPACT: Funding for the Developer Participation Agreement with Cedon Realty, Ltd., to construct an extension of a wastewater line in the amount not to exceed \$36,750.68 is available in account 520-5400-535-6361, project 101823, as follows:

Project Budget	\$	36,751
Encumbered/Committed to Date		-
Developer Participation Agreement - Cedon Realty		(36,751)
Remaining Project Funds Available	\$	-

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH CEDON REALTY, LTD., IN AN AMOUNT NOT TO EXCEED \$36,750.68, TO CONSTRUCT AN EXTENSION OF A WASTEWATER LINE WITH CITY PARTICIPATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Cedon Realty, Ltd. ("Cedon") owns property located at 7777 South General Bruce Drive in southwest Temple and Cedon is interested in constructing a wastewater line extension which would serve its property, as well as surrounding properties in the same area;

Whereas, Cedon's property is located along the route of a current City wastewater line project known as the Leon River Trunk Sewer project - Cedon proposes to connect to the new trunk sewer line once it has been installed and estimates the cost of this construction to be \$122,502.60;

Whereas, pursuant to Chapter 212 of the Texas Local Government Code, Section 212.072, the City may participate in the construction at a level not to exceed 30% of the cost of the public improvements;

Whereas, therefore, the proposed agreement would cap the City's participation at \$36,750.68 or 30% of the actual costs of the sewer line extension, whichever is less;

Whereas, funds are available for this agreement with Cedon Realty, Ltd., in Account No. 520-5400-535-6361, Project No. 101823; 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 City Manager, or her designee, after approval as to form by the City Attorney, to execute a Developer Participation Agreement with Cedon Realty, Ltd., in an amount not to exceed \$36,750.68, to construct an extension of a wastewater line with City participation.

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 **15th** day of **February**, 2018.

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

02/15/18
Item #10
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Brian Chandler, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings of 1.310 acres of land out of the William Gilmore Survey, Abstract 339, located at 2381 FM 1237 in Temple, directing Staff to develop a municipal services plan, and calling public hearings to consider the petition.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 18, 2018, Janet Clark filed a petition seeking voluntary annexation of 1.310 acres of land out of the William Gilmore Survey, Abstract 339, and being more particularly described in the attached survey. The property address is 2381 FM 1237 in Temple.

Voluntary annexation is governed by Chapter 43 of the Local Government Code and applies only to the annexation of an area that is (1) less than one-half mile in width, (2) contiguous to the annexing municipality, and (3) vacant and without residents or on which fewer than three qualified voters reside. The petition and the property meet the statutory requirements.

Pursuant to Chapter 43 of the Local Government Code, the City must adopt a municipal services plan for the annexed area and conduct two public hearings. The proposed resolution would direct Staff to develop the municipal services plan and set the dates for the public hearings.

The proposed dates for the public hearings are April 5, 2018 (regular meeting) and April 6, 2018, (special meeting). Planning staff will present a municipal services plan at the hearing on April 5, 2018, as required by state law, showing how the City will serve the area proposed to be annexed. The proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on May 17, 2018.

FISCAL IMPACT: The City will receive future property tax revenue if the property is annexed.

ATTACHMENTS:

[Petition for Voluntary Annexation
Survey
Resolution](#)

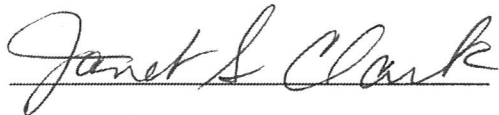
VOLUNTARY PETITION FOR ANNEXATION

January 18, 2018

To the City Council of the City of Temple:

Janet S. Clark is the sole owner of a tract of land containing 1.310 Acres (hereafter called Tract), out of the William Gilmore Survey, Abstract No. 339, Bell County and more particularly described in metes and bounds prepared by Mitchell & Associates, Inc. and attached hereto and incorporated herein for all purposes for a complete legal description, does hereby petition the City Council to take appropriate action to annex said Tract pursuant to Section 43.028 of the Local Government Code.

Said Tract is less than one-half mile in width and contains 1.310 Acres of land that is contiguous to the current limits of the City of Temple and has less than three qualified voters residing on said Tract.



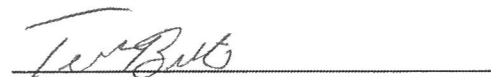
Janet S. Clark

STATE OF TEXAS

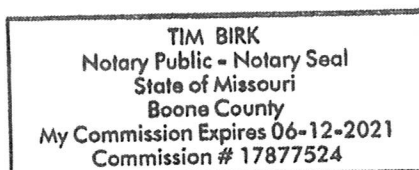
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JANET S. CLARK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 17th DAY OF January, 2018.



NOTARY PUBLIC STATE OF TEXAS *Missouri county of Boone*

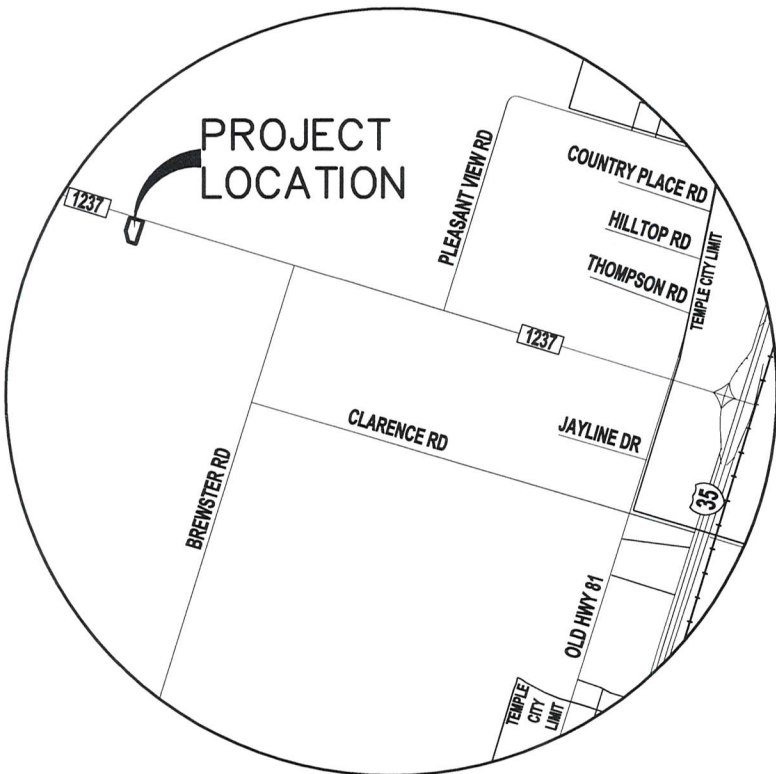
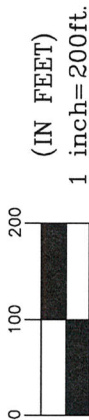
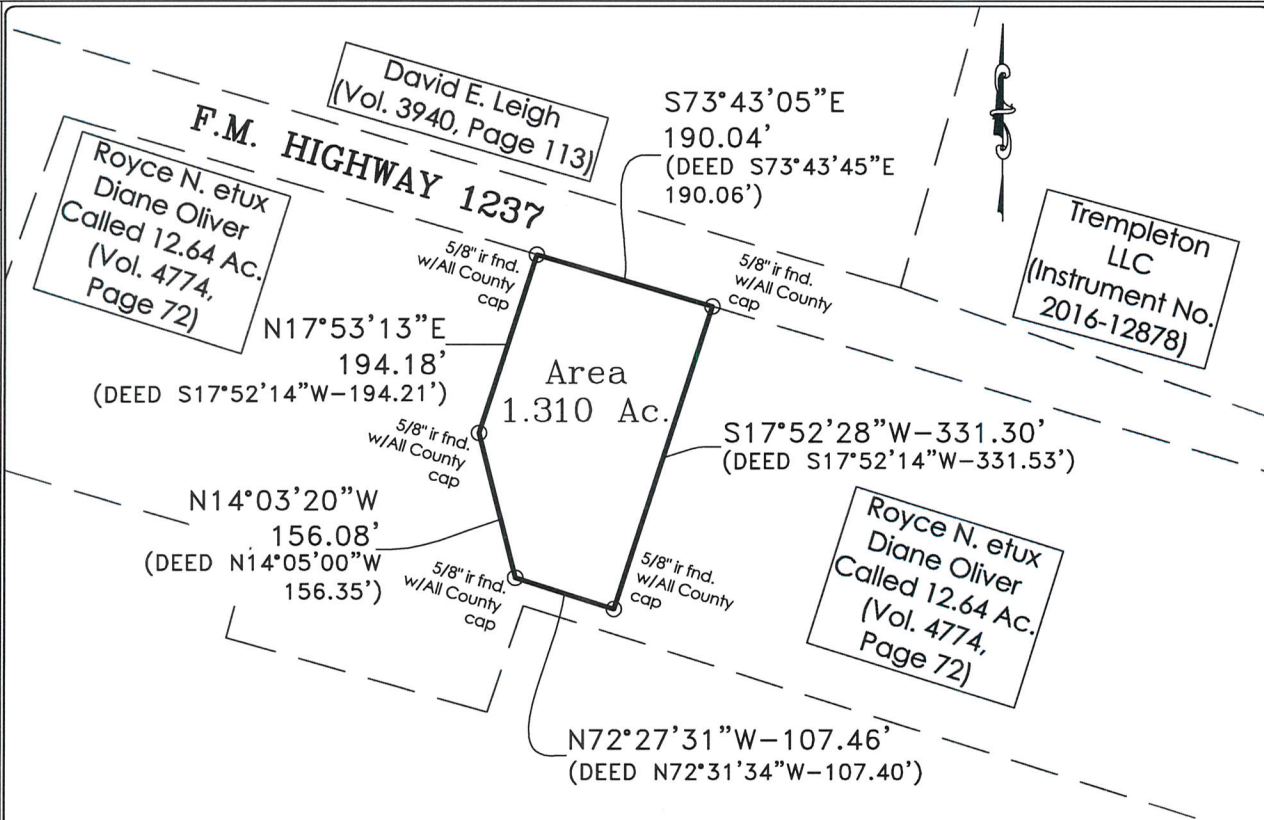


1.310 ACRES BEING PART OF THE WILLIAM GILMORE SURVEY, ABSTRACT No. 339
BELL COUNTY, TEXAS
<SEE FIELD NOTES>

DRAWN BY: ***

FIELD BOOK: ****/***

S:\Subdivisions\17-119-D-S (JS Clark Addition, 2381 FM 1237, Temple ETJ & Annexation)\Annexation Survey\JS Clark Addition Plat Annexation Survey.dwg 1/11/2018 4:47 PM



VICINITY MAP
SCALE: N.T.S.

NOTE:

Survey prepared without the benefit of title commitment.

MITCHELL & ASSOC., INC. does not make or warrant any flood zone designation.

This sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions along the boundaries and to best of my knowledge they are as shown.

I hereby state that to best of my professional knowledge and belief that this plat and the survey on which it is based meets the requirements for land surveys in the State of Texas.

This the 10th day of January, 2018.

REX D. HAAS R.P.L.S. 4378

102 N. COLLEGE ST., KILLEEN, TEXAS (254) 634-5541
T. B. P. L. S. FIRM REGISTRATION NO. 10020400
411 S. WESTERN AVE. (P.O. BOX 349), LAMPASAS, TEXAS (512) 556-6885
T. B. P. L. S. FIRM REGISTRATION NO. 100204-00
600 AUSTIN AVE. STE. 29, WACO, TEXAS (254) 776-5151
T. B. P. L. S. FIRM REGISTRATION NO. 10194044

MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING



ALL RIGHTS RESERVED
BY: MITCHELL & ASSOC., INC. 2018



SURVEY COMPLETED 00/00/2018

FIELD NOTES for a 1.310 acre tract of land in Bell County, Texas, being part of the William Gilmore Survey, Abstract No. 339, and the land herein described being all of a called 1.31 acre tract conveyed to Janet S. Clark, of record in Document #2016-42621, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ALL COUNTY" found on the south right-of-way line of F. M. Highway 1237 at the northeast corner of said 3.1 acre tract, same being the easterly northwest corner of a called 12.64 acre tract conveyed to Royce N. Oliver and wife, Diane Oliver, of record in Volume 4774, Page 72, O.P.R.R.P.B.C.T., for the northeast corner of this tract;

THENCE S. 17° 52' 28" W., 331.30 feet, with the east line of said 3.1 acre tract and the easterly west line of said 12.64 acre tract, to a 5/8" iron rod with cap stamped "ALL COUNTY" found at the southeast corner of said 3.1 acre tract and an interior corner of said 12.64 acre tract, for the southeast corner of this tract;

THENCE N. 72° 27' 31" W., 107.46 feet, to a 5/8" iron rod with cap stamped "ALL COUNTY" found at the southwest corner of said 3.1 acre tract and an interior corner of said 12.64 acre tract, for the southwest corner of this tract;

THENCE N. 14° 03' 20" W., 156.08 feet, with the southwest line of said 3.1 acre tract and a northeast line of said 12.64 acre tract, to a 5/8" iron rod with cap stamped "ALL COUNTY" found at an angle corner of said 3.1 acre tract and an interior corner of said 12.64 acre tract, for an angle corner of this tract;

THENCE N. 17° 53' 13" E., 194.18 feet, with the west line of said 3.1 acre tract, to a 5/8" iron rod with cap stamped "ALL COUNTY" found on the south right-of-way line of F. M. Highway 1237 at the northwest corner of said 3.1 acre tract, same being the westerly northeast corner of said 12.64 acre tract, for the northwest corner of this tract;

THENCE S. 73° 43' 05" E., 190.04 feet, with the south right-of-way line of F. M. Highway 1237 and the north line of said 3.1 acre tract, to the POINT OF BEGINNING and containing 1.310 acres of land.

The bearings for the above description are grid bearings based on the Texas Coordinate System, Central Zone, NAD 83 (CORS 96) as determined by Leica Texas SmartNet GPS observations.

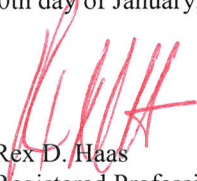
See accompanying drawing.

STATE OF TEXAS

COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that the above described tract was surveyed on the ground and that this description is true and correct to the best of my knowledge and belief. Survey completed on the ground in December, 2017.

IN WITNESS THEREOF, my hand and seal this the 10th day of January, 2018.


Rex D. Haas
Registered Professional
Land Surveyor, No. 4378



FIELD NOTES for a 1.310 acre tract of land in Bell County, Texas, being part of the William Gilmore Survey, Abstract No. 339, and the land herein described being all of a called 1.31 acre tract conveyed to Janet S. Clark, of record in Document #2016-42621, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.), and being more particularly described as follows:

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The bearings for the above description are grid bearings based on the Texas Coordinate System, Central Zone, NAD 83 (CORS 96) as determined by Leica Texas SmartNet GPS observations.

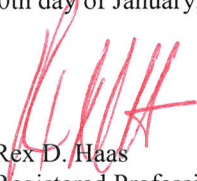
See accompanying drawing.

STATE OF TEXAS

COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that the above described tract was surveyed on the ground and that this description is true and correct to the best of my knowledge and belief. Survey completed on the ground in December, 2017.

IN WITNESS THEREOF, my hand and seal this the 10th day of January, 2018.


Rex D. Haas
Registered Professional
Land Surveyor, No. 4378



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DIRECTING STAFF TO DEVELOP A MUNICIPAL SERVICES PLAN AND CALLING PUBLIC HEARINGS TO CONSIDER THE VOLUNTARY ANNEXATION OF APPROXIMATELY 1.310 ACRES OF LAND OUT OF THE WILLIAM GILMORE SURVEY, ABSTRACT 339, LOCATED AT 2381 FM 1237, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 18, 2018, Janet Clark filed a petition seeking voluntary annexation of approximately 1.310 acres of land out of the William Gilmore Survey, Abstract 339, located at 2381 FM 1237, Temple, Texas, and being more particularly described in the survey attached hereto as Exhibit 'A;'

Whereas, voluntary annexation is governed by Chapter 43 of the Local Government Code and applies only to the annexation of an area that is (1) less than one-half mile in width, (2) contiguous to the annexing municipality, and (3) vacant and without residents or on which fewer than three qualified voters reside - the petition and the property meet the statutory requirements;

Whereas, pursuant to Chapter 43 of the Local Government Code, the City must adopt a municipal services plan for the annexed area and conduct two public hearings - the proposed dates for the public hearings are March 15, 2018 (regular meeting) and March 16, 2018, (special meeting);

Whereas, Planning staff will present a municipal services plan at the hearing on April 5, 2018, as required by state law, showing how the City will serve the area proposed to be annexed - the proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on May 17, 2018;

Whereas, the City will receive future property tax revenue if the property is annexed; 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 directs Staff to develop a Municipal Services Plan and calls public hearings for the voluntary annexation of approximately 1.310 acres of land out of the William Gilmore Survey, Abstract 339, located at 2381 FM 1237, Temple, Texas, and being more particularly described in the survey attached hereto as Exhibit 'A' and incorporated herein for all purposes.

Part 3: The City Council hereby calls two public hearings to gather comments concerning the proposed annexation described above, with the first public hearing scheduled for the Regular Council Meeting on April 5, 2018, at 5:00 PM, and the second public hearing at a Special Called City Council Meeting on April 6, 2018, at 8:30 AM - both public hearings will be held in the City Council Chambers on the 2nd floor of the Municipal Building located at Main and Central in Temple, Bell County, Texas.

Part 4: The City Staff is hereby authorized to relocate the second public hearing to a suitable location within the area to be annexed in the event of protest.

Part 5: 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 **15th** day of **February**, 2018.

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

02/15/18
Item #11
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

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

- (A) Airport Advisory Board – one member to fill an unexpired term through September 1, 2019;
- (B) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2018;
- (C) Building Board of Appeals – three members to fill expiring terms through March 1, 2022;
- (D) Building and Standards Commission – three members to fill expiring terms through March 1, 2020; and one alternate member to fill expiring terms through March 1, 2020
- (E) Development Standards Advisory Board –three members to fill expiring terms through March 1, 2021;
- (F) Parks and Leisure Services Advisory Board – four members to fill expiring terms through March 1, 2021;
- (G) Zoning Board of Adjustment – three members to fill expiring terms through March 1, 2020; and two alternate members to fill expiring terms through March 1, 2020

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

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

FISCAL IMPACT: N/A

ATTACHMENTS:

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