



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, APRIL 5, 2018  
3:30 P.M.  
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 5, 2018.
2. Discuss possible extension to Azalea Drive.
3. Discuss the City's Neighborhood Services program to include but not limited to:
  - Temple Housing Improvements
  - Outside Funding Agencies



**5:00 P.M.**

**MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR  
TEMPLE, TX**

**TEMPLE CITY COUNCIL  
REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. PUBLIC APPEARANCE**

3. Receive comments from Mr. Boyd A. Tackett III regarding his lease for two hangers at the Draughon-Miller Regional Airport.

**IV. ANNEXATION - PUBLIC HEARING**

4. **PUBLIC HEARING** – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 1.310 acres of land out of the William Gilmore Survey, Abstract No.339, Bell County, Texas, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, located at 2391 FM 1237.

**V. CONSENT AGENDA**

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

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

**Minutes**

- (A) [March 15, 2018 Special and Regular Meeting](#)
- (B) [March 16, 2018 Special Meeting](#)
- (C) [March 22, 2018 Special Meeting](#)



## **Contracts, Leases, & Bids**

- (D) [2018-9085-R](#): Consider adopting a resolution authorizing the purchase of a compact street sweeper from Pollock Paper Distributors of Grand Prairie in the amount of \$30,571.95.
- (E) [2018-9086-R](#): Consider adopting a resolution authorizing the purchase of 80 traffic signal Ethernet switches in the amount of \$72,825.22 from Solid IT Networks, Inc. of Houston.
- (F) [2018-9087-R](#): Consider adopting a resolution authorizing annual contract renewal with SHI Government Solutions of Austin, in the amount of \$169,808.12, for Microsoft Software Enterprise licensing.
- (G) [2018-9088-R](#): Consider adopting a resolution authorizing the purchase of right of way necessary for the expansion of Kegley Road Phase IV and authorizing closing costs associated with the purchase in an estimated amount of \$7,000.
- (H) [2018-9089-R](#): Consider adopting a resolution authorizing the City Manager to enter into a contract between the City of Temple and the Department of the Army, Corps of Engineers to reimburse the city for salary and benefit expenses and vehicle cost related to police patrols at Temple Lake Park from May 5, 2018 through September 4, 2018.
- (I) [2018-9090-R](#): Consider adopting a resolution authorizing a construction contract with Montgomery Construction of Hewitt in the amount of \$74,318.55 for replacement of the roof at the Social Security Administration Building.
- (J) [2018-9091-R](#): Consider adopting a resolution authorizing change order #2 to the construction contract with Archer Western Construction, LLC, of Irving, in the amount of \$62,890.97 to construct Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion.
- (K) [2018-9092-R](#): Consider adopting a resolution authorizing a change order to a construction contract for the street overlay program for FY 2018 with Oldcastle Materials Texas, Inc. (formerly known as APAC-Texas, Inc.) of Cedar Park in the estimated amount of \$291,310.
- (L) [2018-9093-R](#): Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$61,000 for acquisition and relocation services for five properties needed for Phase 6 of the Outer Loop, as well as, declare an official intent to reimburse the expenditures with the issuance of the 2018 Tax Increment Financing Reinvestment Zone Revenue Bonds.
- (M) [2018-9094-R](#): Consider adopting a resolution authorizing contract amendment #2 to a professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$365,311 for construction administration and on-site representation required to construct the Shallowford Lift Station Improvements.
- (N) [2018-9095-R](#): Consider adopting a resolution authorizing a Geographical Information System license agreement and maintenance contract with Environmental Systems Research Institute, Inc., of San Antonio, in the amount of \$50,000.



## **Ordinances – Second & Final Reading**

- (O) [2018-4901](#): SECOND READING: Consider adopting an ordinance authorizing a renewal of the franchise with Acadian Ambulance Service, Inc., to provide non-emergency ambulance transfer services within the City.
- (P) [2018-4902](#): SECOND READING: Consider adopting an ordinance authorizing the closure of a section of Avenue C, between Avenue B and Main Street, and the closure of a section of 1st Street south of Avenue B.
- (Q) [2018-4903](#): SECOND READING – Z-FY-18-11: Consider adopting an ordinance authorizing a rezoning from Agricultural district to General Retail district on Lots 1 & 2, Block 5 of South Pointe Phase I, 2.21 +/- acres, located on the north side of Loop 363, approximately 172 feet south east of its intersection with Dogwood Lane, addressed as 3137 & 3131 Alton Road.

## **Misc.**

- (R) [2018-9096-R](#): Consider adopting a resolution amending a street use license (SUL-FY-15-02) to allow existing buildings and improvements both above and below ground, on Lot 3, Block 1, Golden Valley Subdivision, with an encroachment of 50 +/- feet that covers 0.67 of an acre into the Georgetown Railroad Right-of-Way.
- (S) [2018-9097-R](#): Consider adopting a resolution rescinding Resolution No. 94-656-R, which was passed and approved on February 17, 1994 and established a Police Reserve Unit for the Temple Police Department.
- (T) [2018-9098-R](#): Consider adopting a resolution revising the City of Temple Housing Improvement Program Guidelines and authorizing the City Manager to waive permitting fees related to the program.
- (U) [2018-9099-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

## **VI. REGULAR AGENDA**

### **RESOLUTIONS**

- 6. [2018-9100-R](#): Consider adopting a resolution authorizing approval of a dual street name of West Avenue A /Santa Fe Way on a section of West Avenue A between South 3rd Street and South 11th Street in the City of Temple, Bell County, Texas.
- 7. [2018-9101-R](#): Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that a 0.639-acre permanent easement situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas is necessary for the construction of the Charter Oak Water Line and authorizing the use of eminent domain to condemn the property.

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

- 8. [2018-4904](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing a speed limit of 45 miles per hour from the 5100 block of South 5th Street to the 6400 of South 5th Street.



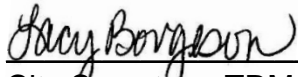
9. [2018-4905](#): FIRST READING – PUBLIC HEARING – Z-FY-18-13: Consider adopting an ordinance authorizing a rezoning from General Retail to Planned Development Multi-Family Three with a site development plan on 4.203 +/- acres for a five-story apartment building situated on Lot 5, Block 1, Temple Mall Addition Replat No. 1, addressed as 1210 Azalea Drive.
10. [2018-4906](#): FIRST READING – PUBLIC HEARING – Z-FY-18-15: Consider adopting an ordinance authorizing rezoning from Agricultural to General Retail proposed for 3 +/- acres and Multiple-Family Dwelling 1 proposed for 1 +/- acre, located on the eastside of State Highway 317, approximately 1,100 feet south of its intersection with Hogan Road, addressed as 5701 State Highway 317.
11. [2018-4907](#): FIRST READING – PUBLIC HEARING – Z-FY-18-16: Consider adopting an ordinance authorizing a rezoning and site development plan on 81.00 +/- acres from Agricultural zoning district to Planned Development Single Family Two zoning district, addressed as 1810 South Pea Ridge Road in the Baldwin Robertson Survey, Abstract No. 17, Temple, Texas.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 12:45 pm, on Thursday, March 29, 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

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04/05/18  
Item #3  
Regular Agenda  
Page 1 of 1

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

Daniel A. Dunn, Mayor

**ITEM DESCRIPTION:** Receive comments from Mr. Boyd A. Tackett III regarding the non-renewal of his lease for two hangers at the Draughon-Miller Regional Airport.

**STAFF RECOMMENDATION:** Receive comments as presented in item description.

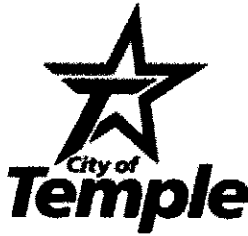
**ITEM SUMMARY:** Mr. Tackett submitted a Request for Placement on the City Council Agenda, please see attached the forms.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Request for placement on agenda](#)





CITY OF TEMPLE, TEXAS  
CITY COUNCIL MEETINGS

RECEIVED

MAR 29 2018  
CITY OF TEMPLE, TX  
CITY SECRETARY

REQUEST FOR PLACEMENT ON AGENDA

\_\_\_ Priority

NAME OF PRESENTER: BOYD A TACKETT III

ADDRESS: 7720 Airport Rd, Bldg's 20/26

TELEPHONE NO. 1-254-681-0946

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) 5 April 2018

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) I would like to discuss the

non-renewal of my lease for the two hangars I occupy at the  
Drachman-Miller Regional Airport. I was not given a reason in  
my letter.

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

Boyd A Tackett III  
SIGNATURE OF PRESENTER

29 Mar 2018 0815 hrs.  
DATE

For Office Use:

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## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #4  
Regular Agenda  
Page 1 of 2

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

Tammy Lyerly, Senior Planner  
Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** PUBLIC HEARING – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 1.310 acres of land out of the William Gilmore Survey, Abstract No.339, Bell County, Texas, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, located at 2391 FM 1237.

**STAFF RECOMMENDATION:** Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time.

**ITEM SUMMARY:** Janet Clark filed a petition on January 18, 2018, seeking voluntary annexation of 1.310 acres into the City of Temple. Ms. Clark purchased this 1.310-acre tract from Royce and Diane Oliver, whose 12.64-acre tract is subject to a 2008 development/non-annexation agreement. The purchase of the 1.310 acres and a proposed manufactured home triggers a plat and per the development agreement, voluntary annexation.

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

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

On February 15, 2018, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. The second public hearing is scheduled as a **special meeting** of the City Council, on Friday, April 6, 2018 at 8:30 am in the City Council Chambers.

The proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on May 17, 2018.

**FISCAL IMPACT:** The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.



**ATTACHMENTS:**

Voluntary Annexation Maps

Municipal Service Plan

Voluntary Annexation Letter

Survey of Proposed Annexation Area

Field Notes of Proposed Annexation Area


Voluntary Annexation Schedule

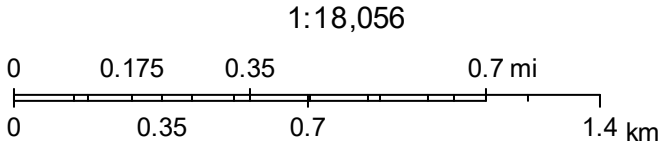


Temple Web Map

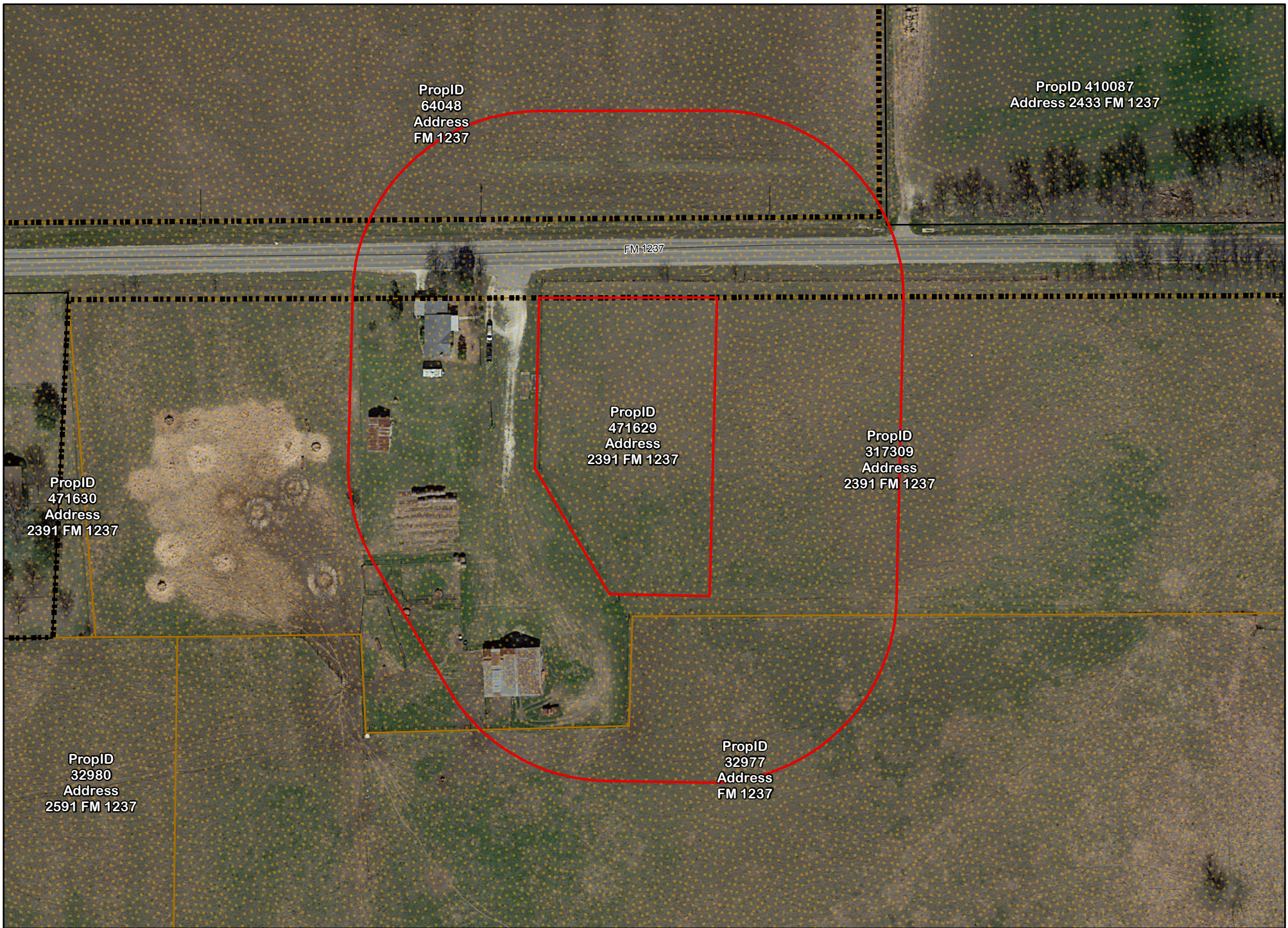


3/8/2018, 1:17:09 PM

 Easement







PropID  
64048  
Address  
FM 1237

PropID 410087  
Address 2433 FM 1237

PropID  
471629  
Address  
2391 FM 1237

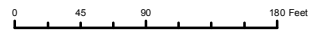
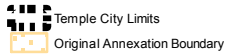
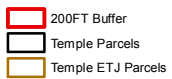
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317309  
Address  
2391 FM 1237

PropID  
471630  
Address  
2391 FM 1237

PropID  
32977  
Address  
FM 1237

PropID  
32980  
Address  
2591 FM 1237

## 2391 FM 1237 Notification Map



2/13/2018

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.



**CITY OF TEMPLE**  
**ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION**  
**2391 FM 1237**

For 1.310 acres of land out of the William Gilmore Survey, Abstract No.339, Bell County, Texas, located at 2391 FM 1237, a state maintained roadway, and being more particularly described as Exhibit "A" (Field Notes) and depicted as Exhibit "B" (Survey) of the Annexation Ordinance (2018-####).

**SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION**

**1. POLICE PROTECTION**

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

**2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City will provide fire protection to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through **American Medical Response dba Temple EMS.**

**3. SOLID WASTE COLLECTION**

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

**4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES**

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

**5. MAINTENANCE OF ROADS AND STREETS**

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

**6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS**



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

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

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

#### 8. INSPECTIONS

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

#### 9. CODE ENFORCEMENT

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

#### 10. MOWING

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

### CAPITAL IMPROVEMENTS

#### 1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

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

#### 2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use



and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple does not have water facilities within the boundaries of the voluntary annexation. Pendleton Water Supply Corp. CNN is the water provider for the subject property.

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

4. CAPITAL IMPROVEMENTS

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

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**SPECIFIC FINDINGS**

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

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

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

City of Temple, Texas

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary



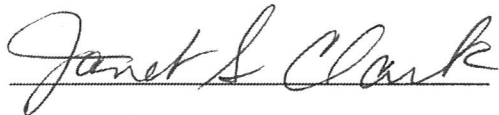
VOLUNTARY PETITION FOR ANNEXATION

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.



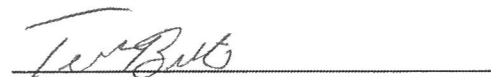
Janet S. Clark

STATE OF TEXAS

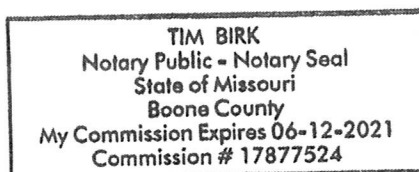
COUNTY OF BELL

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*



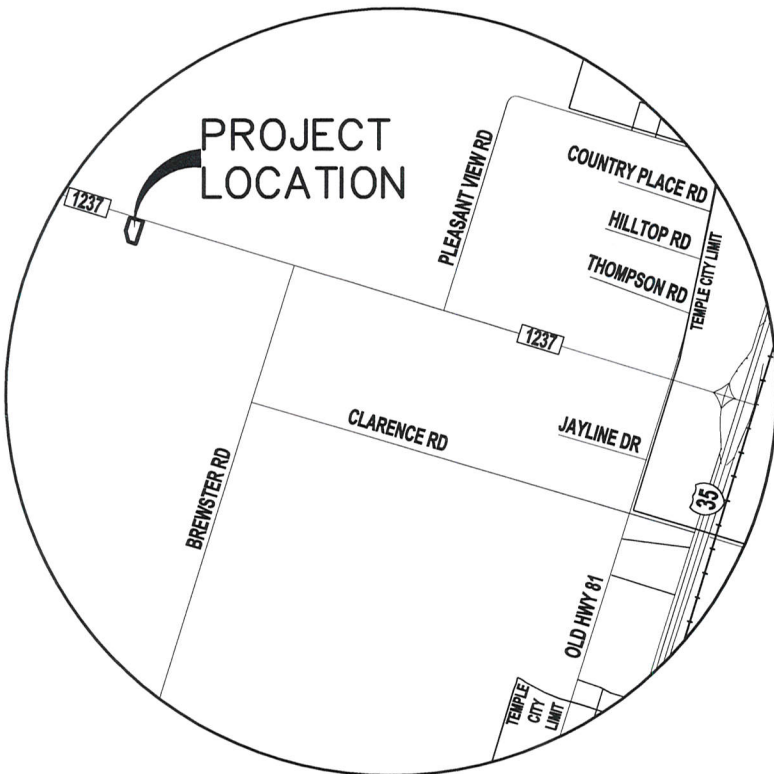
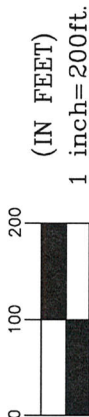
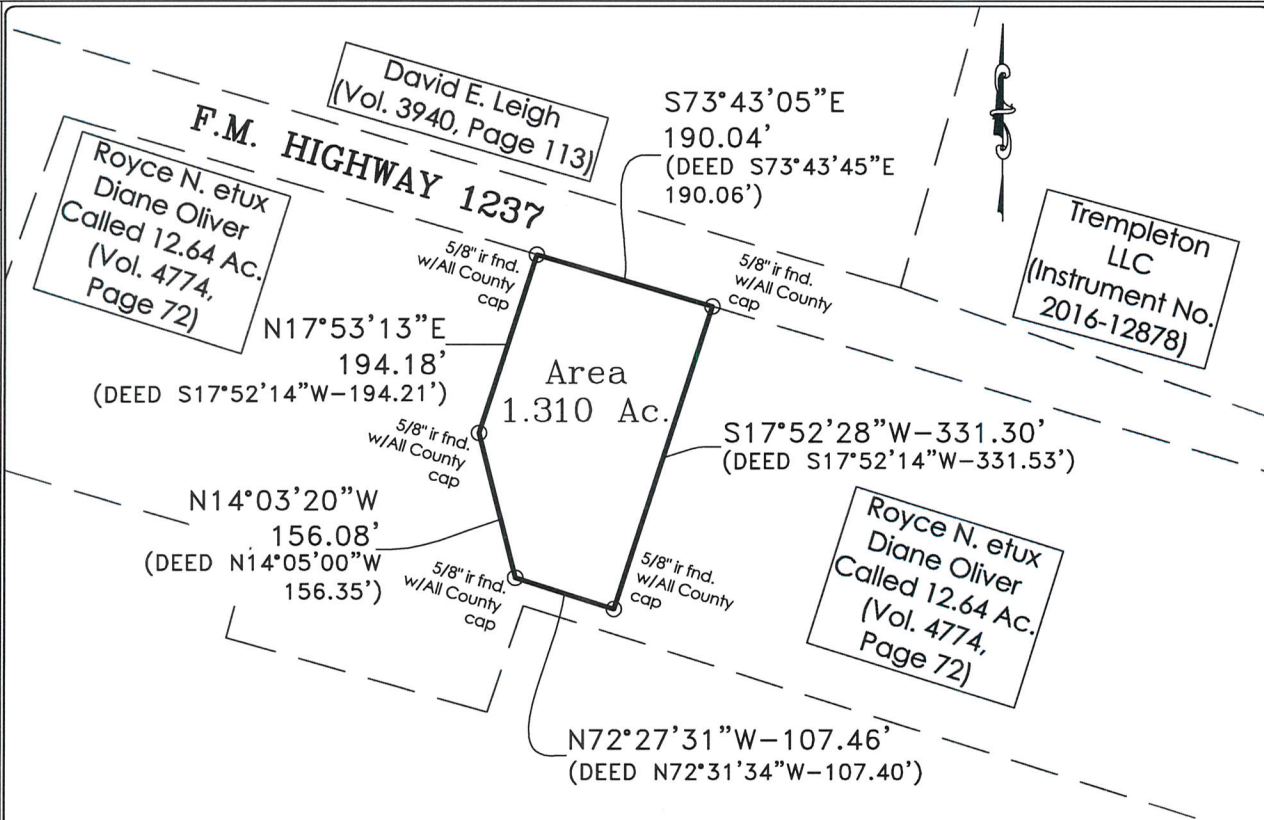


1.310 ACRES BEING PART OF THE WILLIAM GILMORE SURVEY, ABSTRACT No. 339  
BELL COUNTY, TEXAS  
<SEE FIELD NOTES>

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.

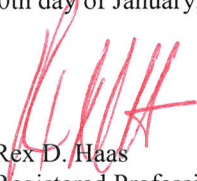
The bearings for the above description are grid bearings based on the Texas Coordinate System, Central Zone, NAD 83 (CORS 96) as determined by Leica Texas SmartNet GPS observations.

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





# SCHEDULE

## Voluntary Annexation – 1.310 Acres (Janet Clark)

DATE	ACTION	TIME LIMIT/NOTES
<b>01-18-18</b>	<b>CITY RECEIVES PETITION</b> of landowner to annex area adjacent to city limits; fewer than 3 qualified voters reside in the area.	N/A
<b>02-15-18</b> <b>Regular Meeting</b>	<b>COUNCIL ADOPTS RESOLUTION</b> 1. Granting petition (28th day after petition filed); 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings	1. Hear and grant or deny petition after the 5 <sup>th</sup> day, but on or before the 30 <sup>th</sup> day after petition is filed. 2. Council must direct Staff to develop the services plan before publication of notice of 1 <sup>st</sup> hearing required under § 43.063 LGC. § 43.065 LGC
<b>03-02-18</b>	<b>CITY SECRETARY MAILS NOTICES TO</b> 1. Property owners 2. Public and private service entities 3. Railroads <i>35th day before 1<sup>st</sup> public hearing</i>	Before the 30 <sup>th</sup> day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
<b>03-19-18</b>	<b>CITY SECRETARY SENDS NOTICE TO</b> Public school districts located in annexation area <i>17th day before 1<sup>st</sup> public hearing</i>	Within the period prescribed for publishing the notice of the 1 <sup>st</sup> hearing under § 43.063 LGC
<b>03-18-18</b>	<b>CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION</b> Posts notice on City web site Publishes notice in Telegram <i>18th day before 1<sup>st</sup> public hearing</i> <i>19th day before 2<sup>nd</sup> public hearing</i>	Publish hearing notice on or after the 20 <sup>th</sup> day but before the 10 <sup>th</sup> day before the date of the hearing § 43.063(c) LGC
<b>03-28-18</b>	<b>RESIDENTS' LAST DAY TO FILE PROTEST</b> <i>10th day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 10 days after publication of notice. § 43.063(b) LGC
<b>04-05-18</b> <b>Regular meeting</b>	<b>COUNCIL HOLDS 1<sup>st</sup> PUBLIC HEARING</b> Staff presents service plan <i>28th day before 1<sup>st</sup> reading of ordinance</i>	Hold hearings on or after the 40 <sup>th</sup> day but before the 20 <sup>th</sup> day before the date of institution of annexation proceedings with 1 <sup>st</sup> reading of ordinance. § 43.063(a) LGC.
<b>04-06-18</b> <b>Special meeting</b>	<b>COUNCIL HOLDS 2<sup>nd</sup> PUBLIC HEARING</b> Staff presents service plan <i>27th day before 1<sup>st</sup> reading of ordinance</i>	Hold hearings on or after the 40 <sup>th</sup> day but before the 20 <sup>th</sup> day before the date of institution of annexation proceedings with 1 <sup>st</sup> reading of ordinance. LGC § 43.063(a)
<b>05-03-18</b> <b>Regular Meeting</b>	<b>COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1<sup>ST</sup> READING &amp; HOLDS PUBLIC HEARING</b>	First reading institutes proceedings for purposes of statutory time limits.
<b>05-17-18</b> <b>Regular Meeting</b>	<b>COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2<sup>ND</sup> READING</b> <i>14th day from 1<sup>st</sup> reading</i>	Complete annexation proceedings within 90 days from 1 <sup>st</sup> reading. § 43.064(A) LGC.



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

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

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

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04/05/18  
Item #5(A-C)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) March 15, 2018 Special and Regular Meetings
- (B) March 16, 2018 Special Meetings
- (C) March 22, 2018 Special 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:**

[March 15, 2018 Special and Regular Meetings](#)  
[March 16, 2018 Special Meetings](#)  
[March 22, 2018 Special Meetings](#)  
[Video](#)



## TEMPLE CITY COUNCIL

**MARCH 15, 2018**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, March 15, 2018 at 4:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

**PRESENT:**

Councilmember Susan Long  
Mayor Pro Tem Timothy Davis  
Councilmember Michael Pilkington  
Councilmember Judy Morales  
Mayor Daniel A. Dunn

1. **Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 15, 2018.**
2. **Receive an I-35 update from TXDOT.**

John Habermann with TXDOT, provided a presentation to Council. He spoke concerning ongoing excavation, drill shaft construction and retaining wall construction regarding I35.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, March 15, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Susan Long  
Mayor Pro Tem Timothy Davis  
Councilmember Mike Pilkington  
Councilmember Judy Morales  
Mayor Daniel A. Dunn

**I. CALL TO ORDER**

**1. Invocation**

Pastor Ryan Wood, Christian Life Church, voiced the invocation.

**2. Pledge of Allegiance**

Belinda Mattke, Director of Purchasing, lead the Pledge of Allegiance.

**II. PUBLIC COMMENTS**



Carol Hodge, 510 Park Place Lane, addressed the Council in regards to the LGBT books at the Temple Public Library.

Alan Lytle, 504B Paseo Del Plata, addressed Council in regards to Consent Agenda item 4(F) concerning the HVC equipment replacement project and item 4(I) concerning the Temple Children's Museum. He also congratulated Councilmember Tim Davis on winning his hard fought campaign.

Joe Goodson, 501A Paseo Del Plata, addressed the Council in regards to the LGBT display at the Temple Public Library and stated he would like to get the councilmembers emails so he could send them more information concerning homosexuality.

Mayor Dunn informed him that he could obtain the Council's emails through the City's website.

### III. ANNEXATION - PUBLIC HEARING

#### 3. **PUBLIC HEARING: Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 18.589 acres of land out of the Sarah Fitzhenry Survey, Abstract No.312, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, located at 14220 State Highway 317.**

Tammy Lyerly, Senior Planner, provided a presentation to Council. She stated that Virgil Smith filed a petition on January 4, 2018, seeking voluntary annexation of 18.589 acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is (1) less than one-half mile in width, (2) contiguous to the annexing municipality, and (3) vacant and without residents or on which fewer than three qualified voters reside.

On February 1, 2018, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. The second public hearing is scheduled as a **special meeting** of the City Council, on Friday, March 16, 2018 at 8:30 am in the City Council Chambers.

The applicant requests the subject property be annexed into the City of Temple with a zoning of Agricultural District with a Conditional Use Permit to allow a Recreational Vehicle Park (Z-FY-18-10), subject to all requirements of Chapter 31 of the Code of Ordinance (Recreational Vehicle Parks), including an RV site plan approval.

The proposed schedule anticipates completion of annexation



proceedings through a Second Reading at City Council on May 3, 2018.

Mayor Dunn declared the public hearing open with regards to agenda item 3, and asked if anyone wished to address this item.

Alan Lytle, 504B Paseo Del Plata, addressed Council stating that he hopes the City has considered if it will be of value to have another RV park so close to the city.

There being no one else wishing to speak, Mayor Dunn declared the public hearing closed.

#### **IV. CONSENT AGENDA**

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

**(A) March 1, 2018 Special and Regular Meeting**

**(B) 2018-9070-R: Consider adopting a resolution authorizing the purchase of E-citation software, printers and services from Advanced Public Safety, Inc. of Deerfield Beach, FL, in the amount of \$85,915.56.**

**(C) 2018-9071-R: Consider adopting a resolution authorizing the purchase of E-Citation hardware from GovConnection, Inc., of Merrimack, NH, in the amount of \$74,917.12.**

**(D) 2018-9072-R: Consider adopting a resolution authorizing the purchase of a vacuum excavator from Kinloch Equipment & Supply of Pasadena, in the amount of \$46,100.**

**(E) 2018-9073-R: Consider adopting a resolution ratifying the execution of change order #1 to a construction contract with R.T. Schneider Construction Company, Ltd of Belton, in the net amount of \$21,002.50 for adjustments to the Martin Luther King Jr. Festival Grounds construction project.**

**(F) 2018-9074-R: Consider adopting a resolution authorizing a deductive change order to a construction contract with Lochridge-Priest, Inc. of Waco, in the amount of \$90,927 for a modification to the warranty policy associated with a heating, ventilation and cooling equipment replacement project.**

**(G) 2018-9075-R: Consider adopting a resolution authorizing a Master Interlocal Purchasing Agreement with the North Central**



**Texas Council of Governments allowing cooperative purchasing for actuarial consulting services.**

**(H) 2018-9076-R: Consider adopting a resolution authorizing a lease renewal with American Medical Response Ambulance Service, Inc., for lease of space at Fire Station 8 located at 7268 Airport Road, Temple.**

**(I) 2018-9077-R: Consider adopting a resolution authorizing a lease agreement with the Temple Children's Museum for lease of space in the Public Services Building.**

**(J) 2018-9078-R: Consider adopting a resolution amending a street use license (SUL-FY-15-02) to allow existing buildings and improvements both above and below ground, on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of 10.9 +/- feet into the Georgetown Railroad Right-of-Way.**

**(K) 2018-9079-R: Consider adopting a resolution declaring the candidates for General and Special elections of May 5, 2018, Mayor and District 1 City Councilmember, as unopposed and elected to office; thereby canceling the election as ordered.**

**(L) 2018-9080-R: Consider adopting a resolution authorizing the formal presentation of the assigned duty weapon to officers who have retired after 25 years of consecutive service with the Temple Police Department.**

**(M) 2018-9081-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.**

Mayor Dunn stated that the council will be table 4(J).

Councilmember Mike Pilkington stated he is excited about the Temple Children's Museum and he believes it will be a good thing for the community.

Brynn Meyers, City Manager, made Council aware that the lease for the Temple Children's Museum is for a small space that is needed for storage. She also stated that the City Staff is excited to support them; but this is not a permanent location for them as it will only be used to store some items.

Mayor Dunn stated he serves on the Bell County Museum Board and they have a similar agreement with the museum as well for a small exhibit.



Motion by Councilmember Judy Morales to approve consent agenda as presented, except item 4(J), seconded by Mayor Pro Tem Timothy Davis.

Motion passed unanimously.

**(J) 2018-9078-R: Consider adopting a resolution amending a street use license (SUL-FY-15-02) to allow existing buildings and improvements both above and below ground, on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of 10.9 +/- feet into the Georgetown Railroad Right-of-Way.**

Motion by Councilmember Susan Long to table item 4(J), seconded by Mayor Pro Tem Timothy Davis.

Motion passed unanimously.

## **V. REGULAR AGENDA**

### **RESOLUTIONS**

- 5. 2018-9082-R: Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc. of Belton in the amount of \$1,728,689.32 for the construction of the Northwest and Northeast Little Elm Creek Trunk Sewer project.**

Don Bond, City Engineer provided a presentation to Council. He stated that construction of the Northwest & Northeast Little Elm Creek Trunk Sewer project will provide gravity wastewater service from the Hart Road to the Troy Lift Station (just south of the new Scott & White Logistics facility), from the northern Industrial Park to the new wastewater line that starts at Hart Road, and from Moores Mill Road to the new northern Industrial Park wastewater line. The project also includes the abandonment of the following three lift stations: Hart Road, PFG, and the Wendland Road/GST.

On February 4, 2016, Council authorized an agreement with Kasberg, Patrick, & Associates, LP in the amount of \$189,220 for design, bidding and construction phase services.

On February 1, 2018, eight bids ranging from a base bid of \$1,688,569.02 to \$2,824,669.35 were received for the project. In addition, add alternate pricing for video inspection of the completed wastewater lines was also requested. Staff recommends awarding a construction contract to the low bidder,



Bell Contractors, Inc, in the amount of their base bid of \$1,688,569.02, plus their add alternate bid for video inspection in the amount of \$40,120.30, making a total recommended contract value of \$1,728,689.32. The Engineer's opinion of probable construction cost was \$2,300,000.

City Staff and the Engineer agree that Bell Contractors, Inc. is qualified to complete this project and recommends award of a construction contract for the base bid plus alternate totaling \$1,728,689.32. Time allotted for construction is 300 calendar days.

Motion by Mayor Pro Tem Timothy Davis to adopt resolution as presented, seconded by Councilmember Susan Long.

Councilmember Mike Pilkington abstained. The other Councilmembers voted aye. The motion passed.

**6. 2018-9083-R: Consider adopting a resolution authorizing a construction contract with SSP Industries, LP, of Killeen for construction of the Shallowford Lift Station Improvements for a lump sum price of \$6,100,000.**

Don Bond, City Engineer provided a presentation to Council. He stated that the sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe to reduce inflow, infiltration and overflows. In 2007, Council authorized a professional services agreement for engineering services related to the Bird Creek Interceptor, addressing significant issues within the basin and embarking upon a ten year plan to address system needs. The Shallowford Lift Station receives wastewater from the Bird Creek basin, and now requires an upgrade to adequately convey discharge from the collection system to the TBP.

On December 17, 2015, Council authorized an agreement with Kasberg, Patrick, & Associates, LP in the amount of \$641,530 for professional services to relocate and expand the Shallowford Lift Station.

On February 27, 2018, eight bids were received that ranged from \$6,100,000 to \$7,725,000. SSP submitted the low bid in the amount of \$6,100,000. The opinion of probable construction cost was \$7,900,000.

City Staff and the Engineer agree that SSP is qualified to complete this project and recommend award of a construction



contract for the low bid of \$6,100,000. Time allotted to substantially complete the lift station is 390 calendar days, with an additional 60 days for demolition and cleanup, for a total of 450 calendar days.

Motion by Councilmember Mike Pilkington to adopt resolution as presented, seconded by Councilmember Judy Morales.

Motion passed unanimously.

7. **2018-9084-R: Consider adopting a resolution pursuant to Government Code § 2206.053 finding that a 0.189-acre right-of-way and a 0.030-acre permanent easement situated in the George Givens Survey, Abstract 345, located along Daniels Drive in Temple, Texas, are necessary for the construction of the Bird Creek Interceptor Project, Phase 4 and for converting Daniels Drive from a private to public street and authorizing the use of eminent domain to condemn the property.**

Christina Demirs, Deputy City Attorney provided a presentation to Council. She stated that in 2007, Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc., for engineering services related to the Bird Creek Interceptor. This project, targeted toward reducing sanitary sewer overflows, will rehabilitate existing deteriorated infrastructure through the heart of the City.

The design of Phase 4 includes a realignment of the interceptor beneath Daniels Drive, currently a private street in south Temple that runs parallel to Bird Creek, with a steep slope in between. Erosion from the creek requires significant repairs to Daniels Drive to ensure its integrity and protect the welfare of residents in the neighborhood. Therefore, to prevent the erosion of the slope between Daniels Drive and Bird Creek, and to realign the Bird Creek interceptor beneath the roadway, it was determined to be in the public interest to acquire the right-of-way necessary to convert the private road into a public street.

The design requires the acquisition of right-of-way and easements for wastewater utilities and the new public street from five property owners. Right-of-way and easements have been acquired from four property owners.

However, the design still requires the acquisition of fee simple title, being 0.189-acre, and a permanent easement, being 0.030-acre, to a portion of one property, both being legally described as situated in the GEORGE GIVENS SURVEY,



ABSTRACT 345, Bell County, Texas, embracing a portion of a called 0.574-acre tract conveyed to Susan Hansen in Document No. 2011-00044038, Official Public Records of Real Property, Bell County, Texas. A legal description of the real property needed is included with the Resolution.

An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owner of record on January 6, 2017 via Stateside Right of Services, Inc., the right-of-way acquisition company assisting the City with this project. After negotiations were unsuccessful, a final offer letter was sent to the owner of record on November 8, 2017.

Staff is asking pursuant to Government Code § 2206.053, for the City Council to authorize the use of eminent domain to acquire the property described.

Motion by Councilmember Susan Long to adopt Resolution No. 2018-9084-R and authorize the use of the power of eminent domain to acquire fee simple title to a 0.189-acre tract of land and to acquire a 0.030-acre permanent easement on a property located along Daniels Drive in Temple, Texas, more particularly described as being situated in the GEORGE GIVENS SURVEY, ABSTRACT 345, Bell County, Texas, embracing a portion of a called 0.574-acre tract of land conveyed to Susan Hansen in Document No. 2011-00044038, Official Public Records of Real Property, Bell County, Texas for the conversion of Daniels Drive from a private to public street and the construction of the Bird Creek Interceptor Project Phase 4, seconded by Mayor Pro Tem Timothy Davis.

Motion passed unanimously.

## ORDINANCES

8. **2018-4901: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing a renewal of the franchise with Acadian Ambulance Service, Inc., to provide non-emergency ambulance transfer services within the City.**

Kayla Landeros, City Attorney provided a presentation to Council. She stated that Acadian Ambulance Service, Inc., is operating a non-emergency ambulance transfer service in the City under a current franchise agreement that was authorized by Council in 2013. That franchise agreement will expire on September 30, 2018. Acadian has asked for a renewal to the agreement so that it may continue operating within the City.



Acadian has submitted the necessary paperwork requesting renewal of the franchise. The Staff recommends authorizing a five year renewal. Five years is the normal franchise term pursuant to Chapter 5 of the City's Code of Ordinances. The commencement date for the renewal agreement would be October 1, 2018 and the expiration date would be September 30, 2023.

Mayor Pro-Tem Davis asked if the renewal would have the same fees.

Kayla Landeros, City Attorney, stated that the fees would be the same at 3 1/2% of the gross receipts. She also stated that the City has had a good experience with Acadian and the fees.

Brynn Meyers, City Manager, stated that as far as the fees, no changes are being proposed.

Mayor Pro-Tem Davis asked if Acadian has been abiding by the fee schedule.

Mrs. Myers stated that there is no reason to believe that they are not charging according to the ordinance.

Mrs. Landeros stated that franchises are by ordinance and that this would be the first hearing, with the second hearing being held on April 5th.

Mayor Pro-Tem Davis, stated that the City had updated the fees about two years ago but prior to that, there was a service that was not following the ordinance.

Mrs. Landeros stated that at that time it was different service, not Acadian.

Mayor Dunn declared the public hearing open with regards to agenda item 8, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Judy Morales to adopt ordinance as presented, with second and final reading on April 5, 2018, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.



**2018-4902: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing the closure of a section of Avenue C, between Avenue B and Main Street, and the closure of a section of 1st Street south of Avenue B.**

Kayla Landeros, City Attorney provided a presentation to Council. She stated that the City of Temple Parks and Recreation Department has submitted a request to close a section of Avenue C, between Avenue B and Main Street, and a section of 1<sup>st</sup> Street, south of Avenue B. The request is for the planned construction of Santa Fe Market Trail. Pursuant to Texas Transportation Code, Section 311.007, a home-rule municipality may vacate, abandon, or close a street or alley. Since this is a closure, not an abandonment, and does not require private acquisition of the street, no conveyance is required and the land area encompassing the closed streets will be retained by the City of Temple and will be accessible to pedestrians.

Mayor Dunn declared the public hearing open with regards to agenda item 9, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Susan Long to adopt ordinance as presented, with second and final reading on April 5, 2018, seconded by Mayor Pro Tem Timothy Davis.

Motion passed unanimously.

**10. 2018-4903: FIRST READING – PUBLIC HEARING – Z-FY-18-11: Consider adopting an ordinance authorizing a rezoning from Agricultural district to General Retail district on Lots 1 & 2, Block 5 of South Pointe Phase I, 2.21 +/- acres, located on the north side of Loop 363, approximately 172 feet south east of its intersection with Dogwood Lane, addressed as 3137 & 3131 Alton Road.**

Mark Baker, Senior Planner, provided a presentation to Council. He stated that staff recommends approval for a rezoning from AG to GR districts for the following reasons:(1)the proposed GR zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area; (2) the proposal is in compliance with the Thoroughfare Plan; and (3) public facilities are available to serve the subject property.

Mr. Baker also stated that at their February 20, 2018 meeting, the Planning & Zoning Commission voted seven to zero to



recommend approval of the proposed rezoning per staff's recommendation.

The applicant, Short Term Lending Group Inc. requests rezoning of 2.21 +/- acres from Agricultural zoning district to General Retail zoning district. The subject property is described as Lots 1 and 2, Block 5 of the recently platted South Pointe, Phase I subdivision, approved by the Planning and Zoning Commission on September 18, 2017.

TxDOT responded during the subdivision plat process and concurred with the lot layout. At this time, no proposed development of the site has been proposed. While TxDOT is aware of the rezoning, they have not provided input relative to driveway access. Discussions may be on-going regarding the need for future access directly to Loop 363.

While it is anticipated for the property to be developed with non-residential uses, there are a number of residential and non-residential uses that are permitted by right or with a conditional use permit. A comparison between the existing and proposed zoning districts, which include but are not limited to.

The subject property is split by two Future Land Use Map designations, the Auto-Urban Commercial designation. The Auto-Urban designation, which is established for a majority of the areas identified for commercial use. The Auto-Urban designation supports the proposed GR zoning and therefore the requested GR zoning is consistent with the Auto-Urban designation.

The subject property takes access from Loop 363, an expressway and Alton Road, a local street. To date, since the final plat has been approved and recorded, no new dedication issues have been identified. While TxDOT interests are on-going, the state was notified of the proposed rezoning to general retail. No Transportation Capital Improvement Program improvements scheduled through FY 2024 have been identified.

Sewer is available through extension of an 8-inch and a 12-inch sewer line at several places in Case Road along the north and north east sides of the adjacent South Pointe development. Sewer is also available through extension of an 8-inch sewer line on the west side of South Martin Luther King Jr. Drive. Sewer is expected to be available to the subject property as South Pointe continues to develop. Water is available through an 8-inch waterline in the existing Alton Road alignment as well as along the northern property line of the subject property (Lot #1).



No proposed trails are shown on the Trails Master Plan and no sidewalks are required. It should be noted however that the applicant proposes a four foot sidewalk along the west side of Alton Road, which will be developed as an oversized local street, where it meets Loop 363.

Thirteen notices, represented by seven separate property owners, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. Four notices, one of which represents eight separate properties, have been received in agreement.

Mayor Dunn declared the public hearing open with regards to agenda item 10, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Mayor Pro Tem Timothy Davis to adopt ordinance as presented, with second and final reading on April 5, 2018, seconded by Councilmember Susan Long.

Motion passed unanimously.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



# TEMPLE CITY COUNCIL

**MARCH 16, 2018**

The City Council of the City of Temple, Texas conducted a Regular Meeting on Friday, March 16, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Susan Long  
Mayor Pro Tem Timothy Davis  
Councilmember Mike Pilkington  
Councilmember Judy Morales  
Mayor Daniel A. Dunn

**I. CALL TO ORDER**

**1. Invocation**

Councilmember Judy Morales voiced the invocation.

**2. Pledge of Allegiance**

Shelly Fowler, Records Technician lead the Pledge of Allegiance.

**II. ANNEXATION - PUBLIC HEARING**

**3. PUBLIC HEARING: Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 18.589 acres of land out of the Sarah Fitzhenry Survey, Abstract No.312, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, located at 14220 State Highway 317.**

Tammy Lyerly, Senior Planner, provided a presentation to Council. She stated that Virgil Smith filed a petition on January 4, 2018, seeking voluntary annexation of 18.589 acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is: (1) less than one-half mile in width, (2) contiguous to the annexing municipality, and (3) vacant and without residents or on which fewer than three qualified voters reside.

On February 1, 2018, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. The first public hearing was held at the City Council meeting, on Thursday,



March 15, 2018 at 5:00 pm in the City Council Chambers.

The applicant requests the subject property be annexed into the City of Temple with a zoning of Agricultural District with a Conditional Use Permit to allow a Recreational Vehicle Park (Z-FY-18-10), subject to all requirements of Chapter 31 of the Code of Ordinance (Recreational Vehicle Parks), including an RV site plan approval.

The proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on May 3, 2018.

Councilmember Susan Long had concerns regarding water service for 72 extended RV sites.

Brian Chandler, Director of Planning, stated that right now they are in the Municipal Service Plan process which does not go into those details but the CUP will definitely have that level of detail listed in it. He also informed Councilmember Long that David Mojica, the engineer on the project was present to answer any questions she may have.

Brynn Meyers, City Manager, stated that this property is outside of the city's water service area and is serviced by Pendleton Water Supply Company. She also stated that the City through the DRC process will coordinate with other utility providers as necessary.

Mayor Dunn declared the public hearing open with regards to agenda item 3, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



# TEMPLE CITY COUNCIL

**MARCH 22, 2018**

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Thursday, March 22, 2018 at 9:00 AM at the The Cellar at Pignetti's, 14 South 2<sup>nd</sup> Street.

**Present:**

Councilmember Susan Long  
Mayor Pro Tem Timothy Davis  
Councilmember Mike Pilkington  
Councilmember Judy Morales  
Mayor Daniel A. Dunn

**1. Discuss the City's FY 2019 budget process and calendar, and various strategic and budget related policy issues, including but not limited to:**

Brynn Myers, City Manager welcomed the Council to their FY19 budget retreat. She began by offering an overview of the FY18 budget, and reminding the Council that the City's tax rate has been consistently flat; while the taxable value has increased, which is good for the City's growth. She also noted that we fund our operational costs with a lower tax rate than we had 10 years ago.

Ms. Myers reminded the Council to be mindful of budgetary and project priorities as they continue the budget process for FY19; and while the goal is not to raise taxes, she asked them to make note of anything they believe a rate adjustment is necessary to fund. Ms. Myers discussed the rising cost of services. Again, the Council was asked to consider the growth of the City; the cost to provide services to new areas; as well as the new and/or enhanced services to existing areas of the city. The City saw a 19% growth rate in an eight-year period.

- a. The City's financials to include a financial outlook for fiscal year 2019;
  - Traci Barnard, Director of finance provided a financial overview. She began by reminding Council that the City of Temple is unique from our peer cities. Sales tax is greater than 30% of our major revenue source. We have a diverse sales taxes base 50/50, and don't depend on one source.

For FY19, the Transportation Capital Improvement Plan of \$34 million will be the largest issued. This will not require a tax rate increase, as the model is built around that, and the can support the increase.

Ms. Barnard pointed out a few areas of focus for FY19 to include, 2/3 of the budget is personnel; health care costs; parks bond projects; and the ability to improve and maintain current facilities and vehicles.

She also reviewed the Water/Wastewater Capital Improvement Plan. Over the past 10 years, the city has invested \$142 million in improving the infrastructure. The current Master Plan takes the city through 2070; of which there will be elevated demands. Currently the Master Plan is being reviewed by KPA, and is anticipated to be completed



in FY18. Ms. Barnard noted that our current rate supports both the current Master Plan and residential water/wastewater rates.

At approximately 10:00 am the Council took a short recess. Mayor Dunn left the meeting at this time.

At approximately 10:16 am, Mayor Pro Tem Davis reconvened the meeting of the Council.

b. The City's strategic and master planning initiatives and priorities;

- Brynn Meyers, City Manager provided a presentation to Council. She stated she believed it is time to review and update several of the City's planning documents to include the Strategic Plan - last updated in 2008; the Comprehensive Plan – updated in 2008; the Parks Master Plan – updated 2014; the Water/Sewer Master Plan; Drainage Plan; Pavement Assessment Plan; the Downtown Master Plan – updated in 2013; and to create a Transportation Master Plan. These documents are used to help guide the City's efforts every step of the ways as we continue to grow.

c. The current and future needs of the Public Works Department;

- Nicole Torralva, Director of Public Works, provided a presentation to Council. She focused on utilities, solid waste, and transportation concerns for FY19. Water collection and distribution is a high priority every year. The City has older infrastructure that needs to be replaced. There are critical components at the treatment facilities that needs to be addressed due to age.

Solid waste will have some major equipment replacement needs, as well as a space assessment to address the recycling program efforts.

Ms. Torralva also discussed the Transportation/Equipment needs. The mowing and maintenance of right-of-ways, and drainage channels has increased. Also mentioned was the concrete/construction crews. This crew would maintain our sidewalks and different concrete needs.

d. The current and future needs of the Police Department;

- Police Chief Floyd Mitchell provided a presentation to Council. He gave a brief summary of some of the 2019 FY Budget priorities for the police department to include a Crime Scene Unit, staffing, anticipated fleet/vehicle replacement, equipment/training, and a replacement of a command post mobile operations unit. He also updated the council on the 2018 Homicide Investigations.

At approximately 12:00 pm the Council took a short recess. At approximately 12:28 pm, Mayor Pro Tem Davis reconvened the meeting of the Council.

e. The current and future needs of the Fire Department;

- Fire Chief Mitch Randles provided a presentation to Council. He gave a brief summary of some of the 2019 FY Budget priorities for the fire department to include a fire fleet single axle ladder truck, fire fleet rescue truck, station alerting systems, swift water rescue boat, training and succession planning. He also informed Council about projects that are



underway such as the training of personnel, ISO improvements, Texas best practices recognition, and improvement/replacement of tools and equipment.

- f. The current and future needs of the Parks and Recreation Department; and
- Kevin Beavers, Director of Parks and Recreation, provided a presentation to the Council. He discussed the greens and membership dues/fees for Sammons Golf Course. The greens will be worked on from May 2018 – October 2018, at which time membership dues/fees will be suspended. During this time temporary greens will be available, as part of the project. It is anticipated that the course will reopen for play in early to mid-October/November 2018.

Also mentioned was the need to relocate the north pump station. It needs to be closer to the lake.

Mr. Beavers also discussed the need for an engineer study for the tennis courts at the Summit; and determine if this is the best location for courts.

- g. The City's Neighborhood Services program.
- Ms. Myers suggested that the Council hear item 1(G) regarding the Neighborhood Services Programs, at their next workshop on April 5, 2018 due to time.

Mayor Pro Tem Davis asked that the Council offer feedback to staff as the FY19 Budget process continues. He then adjourned the meeting at approximately 1:29 pm.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(D)  
Consent Agenda  
Page 1 of 1

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

Buford Craig, Transform Temple Director  
Kirk Scopac, Fleet Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a compact street sweeper from Pollock Paper Distributors of Grand Prairie in the amount of \$30,571.95.

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

**ITEM SUMMARY:** Transform Temple performs regular and routine cleaning of streets and sidewalks in the main Downtown District. With the growth of business in the downtown area, the purchase of a small street sweeper/cleaner will help staff improve cleanliness and will also allow cleaning of some areas (sidewalks and tight corners) not currently accessible by the larger street sweepers.

Staff is recommending the purchase of a Tennant Company 'Green Machine' 424S2D, a diesel-powered high-speed compact air sweeper, from Pollock Paper Distributors utilizing BuyBoard contract #490-15. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** Funding for the purchase of this compact street sweeper from Pollock Paper Distributors in the amount of \$30,571.95 is available in account 110-3795-524-6222, project # 101835, as follows:

Project Budget	\$	30,572
Encumbered/Committed to Date		-
Pollock Paper Distributors		(30,572)
Remaining Project Funds Available	\$	-

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2018-9085-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A COMPACT STREET SWEEPER IN THE AMOUNT OF \$30,571.95, FROM POLLOCK PAPER DISTRIBUTORS OF GRAND PRAIRIE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Transform Temple performs regular and routine cleaning of streets and sidewalks in the main Downtown District and with the growth of business in the downtown area, the purchase of a small street sweeper/cleaner will allow for improved cleanliness and the cleaning of areas (sidewalks and tight corners) not currently accessible by the larger street sweeper;

**Whereas,** Staff recommends Council authorize the purchase of a Tennant Company 'Green Machine' 424S2D, a diesel-powered high-speed compact air sweeper, in the amount of \$30,571.95, from Pollock Paper Distributors of Grand Prairie, Texas utilizing BuyBoard Contract No. 490-15;

**Whereas,** contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas,** funds are available for this purchase in Account No. 110-3795-524-6222, Project No. 101835; 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 a Tennant Company 'Green Machine' 424S2D, a diesel-powered high-speed compact air sweeper, in the amount of \$30,571.95, from Pollock Paper Distributors of Grand Prairie, Texas utilizing BuyBoard Contract No. 490-15.

**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 **5<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(E)  
Consent Agenda  
Page 1 of 1

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of 80 traffic signal Ethernet switches in the amount of \$72,825.22 from Solid IT Networks, Inc. of Houston.

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

**ITEM SUMMARY:** The purchase of 80 traffic signal Ethernet switches is a component of a traffic signal package that will allow the Traffic Signal Department to remotely receive information from traffic signal controllers throughout the City. The Ethernet switches are needed in order for Traffic Signal Technicians to receive troubleshooting information from multiple signals simultaneously back to a central server.

Staff is recommending purchase of the 80 Ethernet switches from Solid IT Networks, Inc. utilizing a Department of Information Resources (DIR) cooperative contract. Contracts awarded through DIR have been competitively procured and comply with the statutory procurement guidelines from Texas municipalities.

Staff will be coming back to Council on April 19, 2018, with recommendations for additional purchases needed to complete the build-out of the upgraded traffic control system.

**FISCAL IMPACT:** A budget adjustment is being presented to Council for approval to appropriate TCIP contingency funds to upgrade the City's traffic control system. Funding for the purchase of 80 traffic signal Ethernet switches from Solid IT Networks, Inc. in the amount of \$72,825.22 will be available in account 365-2800-532-6810, project 101833, as follows:

Project Budget	\$	-
Budget Adjustment		225,000
Encumbered/Committed to Date		-
Solid IT Networks, Inc.		(72,825)
<b>Remaining Project Funds Available</b>	<b>\$</b>	<b>152,175</b>

As stated above, staff will be coming back to Council on April 19, 2018, with recommendations for additional purchases needed to complete the build-out of the upgraded traffic control system.

**ATTACHMENTS:**

[Budget Adjustment](#)  
[Resolution](#)



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	
365-2800-532-68-10	101833	MMU - Signal Upgrades	\$ 225,000		
365-3400-531-65-32		Contingency Fund Balance		225,000	
<b>TOTAL.....</b>			\$ 225,000	\$ 225,000	

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

To fund a project within the scope of the Transportation Capital Improvement Program that will upgrade the Malfunction Management Unit equipment and software at all signals City wide.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

4/5/2018

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved  
☐ Disapproved

Finance

Date

☐ Approved  
☐ Disapproved

City Manager

Date

☐ Approved  
☐ Disapproved



RESOLUTION NO. 2018-9086-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 80 TRAFFIC SIGNAL ETHERNET SWITCHES IN THE AMOUNT OF \$72,825.22, FROM SOLID IT NETWORKS, INC. OF HOUSTON, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Ethernet switches are a component of a traffic signal package that allows the Traffic Signal Department to remotely receive information from traffic signal controllers throughout the City;

**Whereas**, the Ethernet switches are needed in order for Traffic Signal technicians to receive troubleshooting information from multiple signals simultaneously back to a central server;

**Whereas**, Staff recommends Council authorize the purchase of 80 Ethernet switches from Solid IT Networks, Inc. of Houston, Texas utilizing a Department of Information Resources (DIR) Cooperative Contract - contracts awarded through DIR have been competitively procured and comply with the statutory procurement guidelines from Texas municipalities;

**Whereas**, funds are available for this purchase, but an amendment to the fiscal year 2018 budget needs to be approved to appropriate TCIP contingency funds to Account No. 365-2800-532-6810, Project No. 101833;

**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 any documents that may be necessary for this purchase.

**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 5<sup>th</sup> day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(F)  
Consent Agenda  
Page 1 of 3

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing annual contract renewal with SHI Government Solutions of Austin, in the amount of \$169,808.12, for Microsoft Software Enterprise licensing.

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

**ITEM SUMMARY:** Authorization of this software agreement will provide for the continued use of Microsoft office applications from May 1, 2017 through April 30, 2018.

The City currently uses Microsoft for all of our office applications, as well as database servers, throughout the City. The primary Microsoft applications currently used include the following: Microsoft Word, PowerPoint, Excel, Sharepoint, Outlook, and Publisher, as well as Enterprise solutions for servers and operating systems.

After reviewing some of the volume licensing programs that were presented, we decided to request a Microsoft Enterprise Agreement that covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2012 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for all of the City computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers.

We would like to continue with Office 365 so that all employees have the ability to work across multiple devices, from anywhere, and have a consistent, clean, and fast experience. It will enable staff to establish settings that roam with the employee so files are up to date and ready to pick up right where the employee left the file, no matter what device is being used. This also will give us new access for online collaboration and meeting tools instead of having to go through a hosted service such as Webex or Go-To-Meeting. In addition, Office 365 will provide for simplified legal compliance by using in-place legal holds which will be hosted by Microsoft, allowing our staff more time to concentrate on security compliance.



In summary, Office 365 will provide the following:

Advanced email	Use archiving and legal hold capabilities, plus unlimited storage, for compliance needs. And use data loss prevention (DLP) policies and policy tips that educate your users for additional compliance enforcement in email.
Document and email access control	Rights Management Services enables you to restrict access to documents and email to specific people and to prevent anyone else from viewing or editing them, even if they are sent outside the organization.
Online conferencing	Host online meetings with audio and video using one-click screen sharing and HD video conferencing.
Instant messaging and Skype connectivity	Connect with other Lync users via instant message, voice calls, and video calls, and let people know your availability with your online status. Share presence, IM, and audio calling with Skype users.
File storage and sharing	OneDrive for Business gives each user 25 GB of personal cloud storage that can be accessed from anywhere and that syncs with their PC for offline access. Easily share documents with others inside and outside the organization and control who can see and edit each file.
Team sites	Enable easy access and sharing of documents with 10 GB of baseline storage plus 500 MB of storage per user. Share insights through interactive reports with Excel Services and Visio Services, and view them on mobile device browsers that support HTML5.
Site mailboxes	Make it easier for teams to collaborate. Store and share email and documents in project-specific folders, so everyone on the team can find the information they need fast.
Yammer Enterprise	Keep ideas and work moving with enterprise social networking that makes collaborating with the right people easy and that comes with advanced support, security, administration, and integrations.
Office Online	Create and edit Word, OneNote, PowerPoint, and Excel documents from a browser.
Mobility	Sync email, calendar, and contacts; access SharePoint sites; view and edit Office documents with Office Online using a browser on Windows Phone, iOS, and Android devices.



This is the ninth year of the City's Enterprise Agreement and through the Enterprise Agreement we are able to more effectively standardize software across all desktops and take advantage of many of the included software assurance benefits, including New Version Rights, Desktop Deployment Planning Services, Training Vouchers, Microsoft eLearning, Home Use Program, 24x7 Problem Resolution Support, a TechNet Plus subscription, and Extended Hotfix's. The pricing has increased by \$40,000 based on the fact that our original license agreement was based on 500 users, but we now have close to 750 users citywide.

Prior to 2010, it was the Information Technology Department's practice of purchasing new licenses every three to four years through a select agreement program because we felt the Enterprise Agreement was more expensive over the three to four year period, but the pricing now has reversed in the sense that it is less costly to go through a yearly Enterprise Agreement. We also felt that the cycle for software upgrades by Microsoft was about every three to four years but that has changed in the past four years in that software upgrades are on a more frequent basis. This also helps solve a problem in that we would be on the same Enterprise Agreement with many other State and local agencies that currently upgrade their software on a more frequent basis.

SHI Government Solutions has been awarded a Texas Department of Information Resources (DIR) contract #DIR-SDD-2503, which this purchase is recommended for awarded under. Contracts awarded by DIR have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** A budget amendment is being presented to Council for approval to appropriate \$169,808.12 of Technology Funds to account 351-1900-519-2515, for the purchase of Microsoft Enterprise Agreement License and software with SHI Government Solutions. This is the ninth year of our Enterprise Agreement.

**ATTACHMENTS:**

[Budget Amendment](#)  
[Resolution](#)



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	
351-1900-519-25-15		Dues & Subscriptions	\$ 169,809			
351-0000-490-25-82		Transfer In- Desg Capital Proj Fund	\$ 169,809			
110-0000-351-09-43		Desg Capital Unallocated Tech Funds			169,809	
110-9100-591-81-51		Transfer Out- Desg Capital Proj Funds	169,809			
		<b>Do Not Post</b>				
<b>TOTAL.....</b>			<b>\$ 509,427</b>		<b>\$ 169,809</b>	

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

2018 Microsoft Annual EA Agreement

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

4/5/2018

WITH AGENDA ITEM?

☒

Yes

☐

No

3/27/2018

Date

☒

Approved

☐

Disapproved

Department Head/Division Director

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved



RESOLUTION NO. 2018-9087-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT RENEWAL WITH SHI GOVERNMENT SOLUTIONS, INC. OF AUSTIN, TEXAS IN THE AMOUNT OF \$169,808.12, FOR MICROSOFT SOFTWARE ENTERPRISE LICENSING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City currently uses Microsoft for all office applications, as well as database servers throughout the City and the primary Microsoft applications currently used include Microsoft Word, PowerPoint, Excel, Sharepoint, Outlook, and Publisher, as well as Enterprise solutions for servers and operating systems;

**Whereas**, after reviewing the volume of licensing programs presented, Staff decided to request a Microsoft Enterprise Agreement that covers Microsoft Office Professional and the Microsoft Core Client Access License Suite, including the Windows Server® 2012 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server, for all of the City computers;

**Whereas**, the agreement will also cover a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers;

**Whereas**, Staff wishes to continue with Office 365 so that all employees have the ability to work across multiple devices, from anywhere, and have a consistent, clean, and fast experience;

**Whereas**, this agreement will enable Staff to establish settings that roam with the employee so files are up to date and ready to pick up right where the employee left the file, no matter what device is being used – this agreement will also give the City new access for online collaboration and meeting tools instead of having to go through a hosted service such as Webex or Go-To-Meeting;

**Whereas**, Office 365 will also provide for simplified legal compliance by using in-place legal holds which will be hosted by Microsoft, allowing our staff more time to concentrate on security compliance;

**Whereas**, this will be the ninth year of the City's Enterprise Agreement and through the Enterprise Agreement, the City is able to more effectively standardize software across all desktops and take advantage of many of the included software assurance benefits, including New Version Rights, Desktop Deployment Planning Services, Training Vouchers, Microsoft eLearning, Home Use Program, 24x7 Problem Resolution Support, a TechNet Plus subscription, and Extended Hotfix's;

**Whereas**, the pricing has increased by \$40,000 based on the fact that our original license agreement was based on 500 users, but we now have close to 750 users citywide;



**Whereas,** SHI Government Solutions has been awarded Texas Department of Information Resources (DIR) Contract No. DIR-SDD-2503- contracts awarded by DIR have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas,** funds are available for this purchase, but an amendment to the fiscal year 2018 budget needs to be approved to transfer the funds to Account No. 351-1900-519-2515; 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 annual contract renewal with SHI Government Solutions of Austin, Texas in the amount of \$169,808.12, for Microsoft Software Enterprise licensing.

**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 5<sup>th</sup> day of **April**, 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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04/05/18  
Item #5(G)  
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 right of way necessary for the expansion of Kegley Road Phase IV and authorizing closing costs associated with the purchase in an estimated amount of \$7,000.

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

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

**ITEM SUMMARY:** The City is currently in the design phase for the proposed expansion of Kegley Road. The design requires the acquisition of eight rights-of-way, four drainage easements, and five temporary construction easements from eight property owners. Appraisals have been performed and offers have been made to the all the owners. The City has acquired right of way from one of the property owners and continues to negotiate with the remaining owners. Staff hopes to reach agreements in the coming weeks for the remaining property needs.

The City has reached an agreement with one property owner for right of way. At this time, Staff is asking for authorization to purchase the right of way and pay closing costs in an estimated amount of \$7,000.

The address and Bell County Appraisal District ID Numbers of the property is Kegley Road, Temple, Texas—Bell CAD ID #90459.

**FISCAL IMPACT:** Funding is available for the purchase of right of way necessary for the expansion of Kegley Road Phase IV in an estimated amount of \$7,000 in account 365-3400-531-6888, project 101607.

### **ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2018-9089-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RIGHT-OF-WAY NECESSARY FOR THE EXPANSION OF KEGLEY ROAD, PHASE IV; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE, IN AN ESTIMATED AMOUNT OF \$7,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently in the bid phase for the proposed upgrades to Kegley Road - the design requires the acquisition of eight rights-of-way, four drainage easements, and five temporary construction easements from eight property owners;

**Whereas**, appraisals have been performed and offers have been made to all of the owners - the City has acquired right-of-way from one of the property owners and continues to negotiate with the remaining owners in hopes to reach agreements for the remaining property needs in the coming weeks;

**Whereas**, Staff recommends Council authorize the purchase of right-of-way necessary for the expansion of Kegley Road, Phase IV, as well as pay closing costs associated with the purchase, in a total estimated amount of \$7,000;

**Whereas**, the Bell County Appraisal District ID Number of this property is 90459;

**Whereas**, funding is available in Account No. 365-3400-531-6888, Project No. 101607; 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 right-of-way necessary for the expansion of Kegley Road, Phase IV, as well as pay closing costs associated with the purchase, in an estimated amount of \$7,000.

**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 the 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 **5<sup>th</sup>** day of **April**, 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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04/05/18  
Item #5(H)  
Consent Agenda  
Page 1 of 1

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

Floyd Mitchell, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to enter into a contract between the City of Temple and the Department of the Army, Corps of Engineers to reimburse the city for salary and benefit expenses and vehicle cost related to police patrols at Temple Lake Park from May 5, 2018 through September 4, 2018.

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

**ITEM SUMMARY:** The City of Temple and the US Army Corps of Engineers have identified a need for increased law enforcement services for Temple Lake Park on Lake Belton during the late spring and summer months. This contract will provide for the city to be reimbursed for up to 516 hours of additional police patrols within the park and vehicle cost. We have provided this service for the last 5 years that resulted in positive outcomes for both the City of Temple and the Corps of Engineers.

**TERM OF AGREEMENT:** This contract shall commence on May 5, 2018 and end on September 4, 2018.

**FISCAL IMPACT:** Per the contract, the Department of the Army, Corps of Engineers will reimburse approximately \$31,182 in police officer salaries and benefits, and \$10,320 in vehicle costs based on 516 hours of additional police patrols at Temple Lake Park.

### **ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2018-9089-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, TO REIMBURSE THE CITY FOR SALARY, BENEFIT EXPENSES, AND VEHICLE COSTS RELATED TO POLICE PATROLS AT TEMPLE LAKE PARK FROM MAY 5, 2018 THROUGH SEPTEMBER 4, 2018; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple and the Department of the Army, Corps of Engineers have identified the need for increased law enforcement services at Temple Lake Park on Lake Belton during the late spring and summer months;

**Whereas**, Temple Police have provided this service for the past 5 years and it has resulted in positive outcomes for both the City of Temple and the Corps of Engineers – the new contract will begin on May 5, 2018 and end on September 4, 2018;

**Whereas**, the Army Corps of Engineers will reimburse the City for up to 516 hours of additional police patrols within Temple Lake Park as well as vehicle costs;

**Whereas**, Staff recommends Council authorize a contract with the Department of the Army, Corps of Engineers, to reimburse the City for salary and benefit expenses, and vehicle costs related to patrols at Temple Lake Park from May 5, 2018 through September 4, 2018;

**Whereas**, per the contract with the Department of the Army, the Corps of Engineers will reimburse approximately \$31,182 in police officer salaries and benefits, and \$10,320 in vehicle costs based on 516 hours of additional police patrols at Temple Lake Park; 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 enter into a contract with the Department of the Army, Corps of Engineers for reimbursement to the City for salary, benefit expenses and vehicle costs related to police patrols at Temple Lake Park from May 5, 2018 through September 4, 2018.

**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 5<sup>th</sup> day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(I)  
Consent Agenda  
Page 1 of 1

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Montgomery Construction of Hewitt in the amount of \$74,318.55 for replacement of the roof at the Social Security Administration Building.

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

**ITEM SUMMARY:** The Social Security Administration Building, a City-owned facility located at 511 North Main Street, had its roof damaged by hail as a result of a hail storm in May 2013. Staff engaged Neal Architectural Group to assist in the development of plans and specifications for the roof replacement.

Staff is recommending award of a construction contract with Montgomery Construction to install a new TPO roof system on the building. Montgomery Construction has been assigned cooperative contract #170201 by The Interlocal Purchasing System (TIPS), which staff is recommending award of the construction contract through. Contracts awarded through TIPS have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Staff anticipates that the roof replacement will be complete by May 11, 2018. The new roof will have a 20-year material & labor manufacturer's warranty.

**FISCAL IMPACT:** In November 2017, Council authorized a budget adjustment in the amount of \$80,269 to appropriate insurance proceeds received from Texas Municipal League (TML) related to May 5, 2013 hail damage to the Social Security Administration Building. Funding for the Social Security Administration Building roof replacement is available in account 110-2600-519-2516 as shown below:

Project Budget	\$	80,269
Encumbered/Committed to Date		(2,400)
Montgomery Construction - Roof Replacement		(74,319)
Remaining Project Funds	\$	<u>3,550</u>

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2018-9090-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH MONTGOMERY CONSTRUCTION OF HEWITT, TEXAS IN THE AMOUNT OF \$74,318.55, FOR ROOF REPLACEMENT AT THE SOCIAL SECURITY ADMINISTRATION BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Social Security Administration Building, a City-owned facility located at 511 North Main Street, had its roof damaged as a result of a hail storm in May 2013;

**Whereas**, Staff engaged Neal Architectural Group to assist in the development of plans and specifications for the roof replacement;

**Whereas**, Staff recommends Council authorize a construction contract with Montgomery Construction of Hewitt, Texas to install a new TPO roof system on the Social Security Administration building;

**Whereas**, Montgomery Construction has been assigned Cooperative Contract No. 170201 by The Interlocal Purchasing System (TIPS), which Staff recommends using for this contract - contracts awarded through TIPS have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, Staff anticipates that the roof replacement will be complete by May 11, 2018 and the new roof will have a 20-year material & labor manufacturer's warranty;

**Whereas**, in November 2017, Council authorized a budget adjustment in the amount of \$80,269 to appropriate insurance proceeds received from Texas Municipal League related to May 5, 2013 hail damage to the Social Security Administration Building - funding for the Social Security Administration Building roof replacement is available in Account No. 110-2600-519-2516; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Montgomery Construction of Hewitt, Texas to install a new TPO roof system on the Social Security Administration building in the amount of \$74,318.55.



**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 **5<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(J)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #2 to the construction contract with Archer Western Construction, LLC, of Irving, in the amount of \$62,890.97 to construct Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion.

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

**ITEM SUMMARY:** The TBP, located on FM 93 between I-35 and South 31<sup>st</sup> Street (Project Map attached), is jointly owned by the Cities of Temple and Belton and is permitted to treat 10 million gallons per day of wastewater. Temple and Belton share capital improvement costs at 75% and 25%, respectively, and contract with the Brazos River Authority to operate the facility. The plant was constructed in 1975, expanded in 1990, and currently treats wastewater from approximately 70% of Temple and all of Belton.

TCEQ requires wastewater plants to complete steps toward expansion at specific inflow thresholds. In 2010, influent flow was at least 75% of the permitted capacity for three consecutive months, triggering a TCEQ requirement to perform preliminary engineering for expansion. On August 18, 2011, Council authorized KPA to prepare a preliminary engineering report for the TBP in the amount of \$895,698.75 (Temple's share of \$1,194,265).

On October 15, 2015, Council authorized an agreement with KPA in the amount of \$1,006,166.25 (Temple's share of \$1,341,555) for professional services to design and bid Phase 1 of the expansion. This original scope of services consisted of three items organized as Task 1: Basis of Design, Task 2: Phase 1 Final Design, and Task 4: Phase 1 Bidding. Task 3: Phase 2 Final Design was not awarded at that time. On June 16, 2016, Council authorized Task 3, modified Task 2 to remove ORBAL improvements and add design of an equalization basin, and added Task 5 to bid Phase 2 improvements when ready in the amount of \$1,527,832.50 (Temple's share of \$2,037,110).

On September 7, 2017, Council authorized a construction contract with Archer Western for the base bid and deductive change order #1 totaling \$12,122,418 with Temple's 75% portion being \$9,091,813.50.



As indicated in the attached change order and Engineer's Letter of Recommendation, this change order is necessary due to unknown conditions discovered in the field and includes added amounts of pipe materials, labor, and pumping/hauling of sludge totaling \$62,890.97, with Temple's 75% portion being \$47,168.23. This change order also includes an increase in contract time of 56 days. (Project Map attached).

**FISCAL IMPACT:** Funding for the City of Temple's portion of change order #2 with Archer Western Construction, LLC in the amount of \$47,168.23 is available in account 561-5500-535-6938, project 101774, as follows:

Project Budget	\$ 10,100,000
Encumbered/Committed to Date	(9,694,176)
Archer Western Construction Change Order #2	(47,168)
<b>Remaining Project Funds Available</b>	<b>\$ 358,656</b>

**ATTACHMENTS:**

Engineer's Letter of Recommendation  
Change Order  
Project Map  
Resolution





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

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

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

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

March 22, 2018

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

Re: Cities of Temple and Belton, Texas  
TBWWTP Phase I -- Headworks and Flow Equalization Improvements  
Change Order No. 2

Dear Mr. Billeck:

Please find attached documentation related to Change Order No. 2 for the referenced project. Attached documentation includes CO2 signed by the engineer and contractor, CPR No. 2 from the Contractor and exhibits showing the location of the force mains referenced in Change Order No. 2. The construction plans and documents include connections to two (2) 14-inch force mains between the Belton Lift Station and the new Headworks facilities. During the design phase, there was some question as to the existing force main pipe material. The available documentation and recollection of Belton City Staff was that the pipe material was ductile iron. As such, the construction plans included two (2) connections to existing ductile iron pipe.

Early in the construction phase, Archer Western excavated the lines to verify dimensions and locate the adjacent pipe joints. At that time, it was determined the lines were actually steel cylinder concrete pipe. Archer began coordination with Thompson Pipe Group (formerly Forterra/Hanson) to obtain proposals on both the necessary pipe materials and welding services. The tie-ins were completed on February 10, 2018. The material, equipment, labor and services included in the change proposal request (CPR) were installed and/or performed during the time period. Additionally, we have reviewed the schedule and concur with the request for 56 additional construction days. We recommend approval of an addition of \$62,890.97 and 56 days to the construction contract. The City of Temple's portion of the change order is \$47,168.23. We are available to discuss any questions you may have concerning this change order.

Sincerely,

Thomas D. Valle, P.E.  
TDV/

xc:

2015-140-40



**Project: I Temple Belton WWTP Expansion Phase 1**  
**Owner: Cities of Temple and Belton**  
**Contractor: Archer Western Construction**  
**Engr: Kasberg, Patrick and Associates LP**

This proposal includes the addition of adapter pieces, third party welding, additional support and cost impacts for additional time required to perform this tie in. AWC is requesting an additional 8 weeks to the project due to investigation of existing pipe and procurement of the adapter pieces.

Archer Western Representative

Archer Western Representative



# CHANGE ORDER

PROJECT: Temple-Belton Wastewater Treatment Plant - Phase I, Headworks & Flow Equalization Improvements  
 OWNER: Cities of Temple and Belton, Texas  
 CONTRACTOR: Archer Western  
 ENGINEER: Kasberg, Patrick & Associates, LP  
 CHANGE ORDER #: 2

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

Item	Description	Quantity	Unit	Cost	Total
CO2-1	Belton Force Main Material Change (Existing FM is RCCP instead of Ductile Iron), including additional material, pumping, hauling and welding.	100%	LS	\$ 62,890.97	\$ 62,890.97
Total Add/Delete					\$ 62,890.97

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

	Total Contract	City of Belton	City of Temple
Original Contract Amount	\$ 13,110,000.00	\$ 3,277,500.00	\$ 9,832,500.00
Previous Net Change in Contract Amount	\$ (987,582.00)	\$ (246,895.50)	\$ (740,686.50)
Net Change in Contract Amount	\$ 62,890.97	\$ 15,722.74	\$ 47,168.23
Revised Contract Amount	\$ 12,185,308.97	\$ 3,046,327.24	\$ 9,138,981.73
Original Contract Time	420 days		
Previous Net Change in Contract Time	0 days		
Net Change in Contract Time	56 days		
Revised Contract Time	476 days		
Original Final Completion Date	December 25, 2018		
Revised Final Completion Date	February 19, 2019		

Recommended By:

James Billed 3-23-18  
 Project Manager (Temple) Date

Recommended by:

Don P. Bell 3-9-18  
 Engineer Date

Recommended By:

Angela Ch 3/13/18  
 Project Manager (Belton) Date

Approved by City of Belton:

Sam L. Lister 3/15/18  
 City Manager Belton Date

Agreed to:

Luke Holt 3-9-18  
 Contractor Date

Approved by City of Temple:

City Manager Temple Date

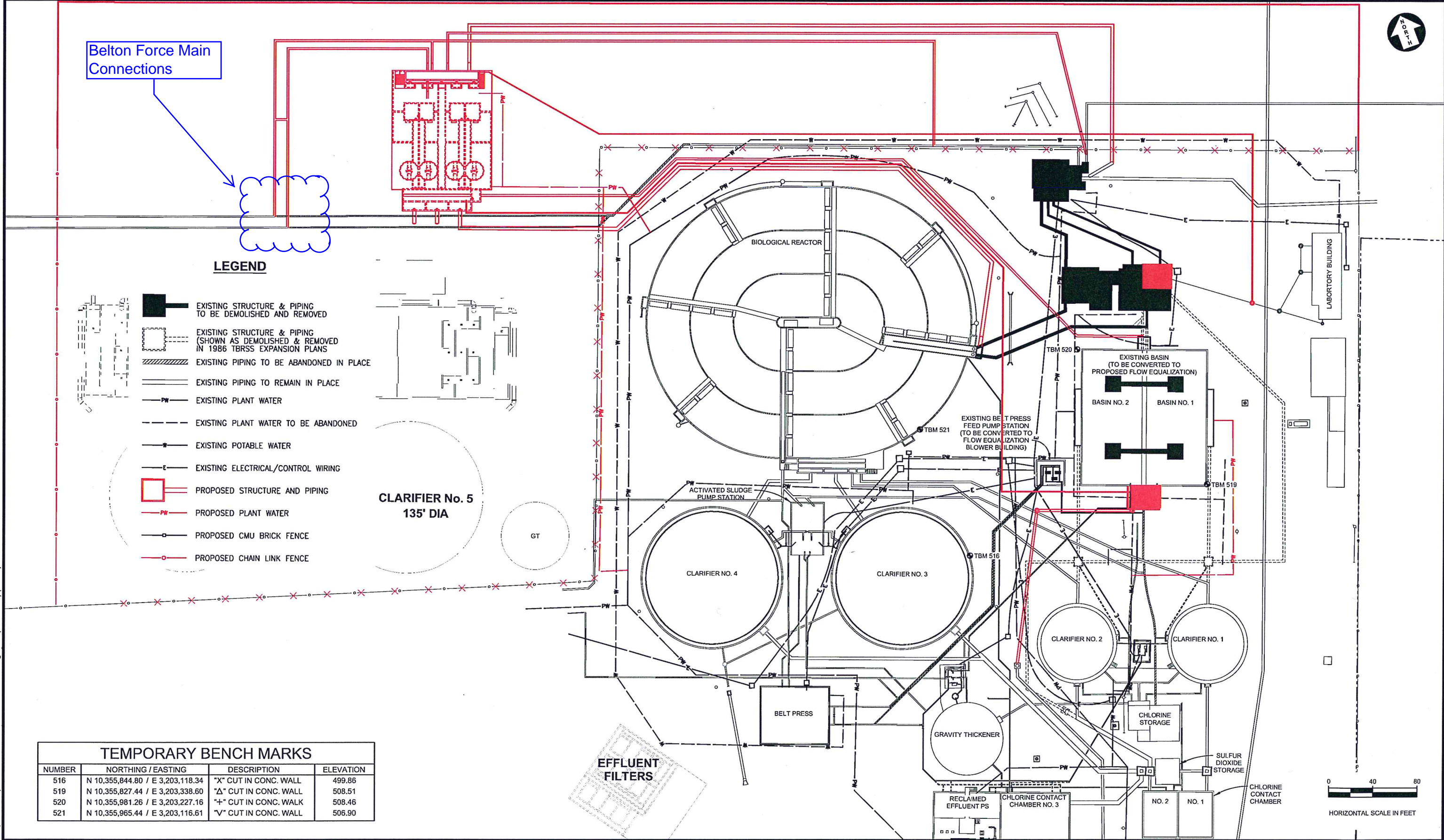
Approved as to form:

City Attorney's Office Date

Approved by Finance Department

Rebecca L. Boyer 3/17/18  
 Finance Date





Belton Force Main  
Connections

LEGEND

- EXISTING STRUCTURE & PIPING TO BE DEMOLISHED AND REMOVED
- EXISTING STRUCTURE & PIPING (SHOWN AS DEMOLISHED & REMOVED IN 1986 TBRSS EXPANSION PLANS)
- EXISTING PIPING TO BE ABANDONED IN PLACE
- EXISTING PIPING TO REMAIN IN PLACE
- EXISTING PLANT WATER
- EXISTING PLANT WATER TO BE ABANDONED
- EXISTING POTABLE WATER
- EXISTING ELECTRICAL/CONTROL WIRING
- PROPOSED STRUCTURE AND PIPING
- PROPOSED PLANT WATER
- PROPOSED CMU BRICK FENCE
- PROPOSED CHAIN LINK FENCE

CLARIFIER No. 5  
135' DIA

TEMPORARY BENCH MARKS			
NUMBER	NORTHING / EASTING	DESCRIPTION	ELEVATION
516	N 10,355,844.80 / E 3,203,118.34	"X" CUT IN CONC. WALL	499.86
519	N 10,355,827.44 / E 3,203,338.60	"Δ" CUT IN CONC. WALL	508.51
520	N 10,355,981.26 / E 3,203,227.16	"+" CUT IN CONC. WALL	508.46
521	N 10,355,965.44 / E 3,203,116.61	"V" CUT IN CONC. WALL	506.90

NO.	DATE	REVISION	BY

© 2017 Kasberg, Patrick & Associates, LP  
KPA Firm Registration Number F-510

Plot Date: Oct 18, 2017 - 4:08pm  
Plotted By: DKRUMNOW

PROJECT NO.	2015-140
DRAWN BY	Jared A. Chandler
DESIGNED BY	Thomas D. Valle, P.E.
APPROVED BY	<i>Thomas D. Valle</i>
DATE	OCTOBER 16, 2017



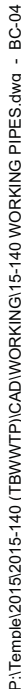
**KPA**

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

**CITY OF TEMPLE & BELTON, TEXAS**  
TEMPLE-BELTON WASTEWATER TREATMENT PLANT - PHASE I  
HEADWORKS & FLOW EQUALIZATION IMPROVEMENTS

PLANT LAYOUT (OVERALL)







RESOLUTION NO. 2018-9091-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 2 IN THE AMOUNT OF \$62,890.97 TO THE CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONSTRUCTION, LLC OF IRVING, TEXAS FOR CONSTRUCTION OF PHASE 1 OF THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT EXPANSION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Temple-Belton Wastewater Treatment Plant (TBP), located on FM 93 between I-35 and South 31<sup>st</sup> Street, is jointly owned by the Cities of Temple and Belton and is permitted to treat 10 million gallons (MGD) of wastewater per day;

**Whereas**, the Cities of Temple and Belton share capital improvement costs at 75% and 25%, respectively, and contract with the Brazos River Authority to operate the facility – this facility was constructed in 1975, expanded in 1990, and currently treats wastewater from approximately 70% of Temple and all of Belton;

**Whereas**, the Texas Commission on Environmental Quality (TCEQ) requires wastewater plants to complete steps toward expansion at specific inflow thresholds - in 2010, influent flow was at least 75% of the permitted capacity for three consecutive months, triggering a TCEQ requirement to perform preliminary engineering for expansion;

**Whereas**, on August 18, 2011, Council authorized Kasberg, Patrick & Associates (KPA) of Temple, Texas to prepare a preliminary engineering report for the TBP - on October 15, 2015, Council again authorized an agreement with KPA for professional services to design and bid Phase 1 of the expansion which included Task 1, Task 2 and Task 4;

**Whereas**, on June 16, 2016, Council authorized Task 3, modified Task 2 to remove ORBAL improvements and add design of an equalization basin, and added Task 5 to bid Phase 2 improvements when ready;

**Whereas**, on September 7, 2017, Council authorized a construction contract with Archer Western for the base bid and deductive Change Order No. 1 totaling \$12,122,418 with Temple's 75% portion being \$9,091,813.50;

**Whereas**, Change Order No. 2 is necessary due to unknown conditions discovered in the field and includes added amounts of pipe materials, labor, and pumping/hauling of sludge totaling \$62,890.97, with Temple's 75% portion being \$47,168.23 - this change order also includes an increase in contract time of 56 days;

**Whereas**, funding for the City of Temple's portion of Change Order No. 2 is available in Account No. 561-5500-535-6938, Project No. 101774; 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 Change Order No. 2 to the construction contract with Archer Western Construction, LLC, of Irving, Texas to construct Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion 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 5<sup>th</sup> day of **April**, 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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04/05/18  
Item #5(K)  
Consent Agenda  
Page 1 of 2

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

Nicole Torralva, PE, Director of Public Works  
Kenny Henderson, Transportation Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a change order to a construction contract for the street overlay program for FY 2018 with Oldcastle Materials Texas, Inc. (formerly known as APAC-Texas, Inc.) of Cedar Park in the estimated amount of \$291,310.

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

**ITEM SUMMARY:** On December 7, 2017, Council authorized a one-year renewal to a construction contract for the street overlay program with Oldcastle Materials Texas, Inc. ("Oldcastle") in the amount of \$2,817,797. The funding appropriated in the FY 2018 TCIP Budget is \$3,110,000 for street overlay. An additional \$164,000 is needed to complete the streets identified in the December 7, 2017 Agenda Item, and Staff is recommending to overlay the following streets with the remaining TCIP funds designated for overlay in the amount of \$130,340:

- 1) Steeplechase from Canyon Creek to Sterling Drive
- 2) Sterling Drive from Sturbridge Drive to Sturbridge Drive
- 3) Sturbridge Drive from Sterling Drive to Sterling Drive

The work will be completed in accordance with the pricing defined in the original contract, which are as follows:

Installation of hot mix asphalt	\$100.60 per ton
Milling	\$3.10 per square yard
4" yellow striping	\$1.05 per linear foot
4" white striping	\$2.50 per linear foot
8" white striping	\$3.30 per linear foot
24" white striping	\$11.50 per linear foot
Directional arrows	\$160-\$200 each
Traffic buttons	\$3.85 per linear foot



**FISCAL IMPACT:** The street overlay project was funded with the issuance of CO Bonds sold in October 2017. Funding for the change order with Oldcastle Materials Texas, Inc. in the amount of \$291,310 is available in account 365-3400-531-6527, project 101712, as follows:

Project Budget	\$ 3,110,000
Encumbered/Committed to Date	(2,818,690)
Oldcastle Materials Texas, Inc. - Change Order	(291,310)
<b>Remaining Project Funds Available</b>	<b>\$ -</b>

**ATTACHMENTS:**  
[Resolution](#)



RESOLUTION NO. 2018-9092-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH OLDCASTLE MATERIALS TEXAS, INC. (FORMERLY KNOWN AS APAC-TEXAS, INC.) OF CEDAR PARK, TEXAS IN THE AMOUNT OF \$291,310 TO ENABLE IMPROVEMENTS TO ROADWAYS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 7, 2017, Council authorized a one-year renewal to a construction contract for the street overlay program with Oldcastle Materials Texas, Inc. (“Oldcastle”);

**Whereas**, based on additional funding being available, Staff recommends Council authorize a Change Order to the Oldcastle contract in the estimated amount of \$291,310 to enable improvements to the following roads:

- 1) Steeplechase from Canyon Creek to Sterling Drive;
- 2) Sterling Drive from Sturbridge Drive to Sturbridge Drive; and
- 3) Sturbridge Drive from Sterling Drive to Sterling Drive;

**Whereas**, the work will be completed in accordance with the pricing defined in the original contract;

**Whereas**, the street overlay project was funded with the issuance of CO Bonds sold in October 2017 – funding for this Change Order is available in Account No. 365-3400-531-6527, Project No. 101712; 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 Change Order to the Oldcastle contract in the estimated amount of \$291,310 to enable improvements to the following roads:

- 1) Steeplechase from Canyon Creek to Sterling Drive;
- 2) Sterling Drive from Sturbridge Drive to Sturbridge Drive; and
- 3) Sturbridge Drive from Sterling Drive to Sterling Drive.



**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 **5<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(L)  
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 a professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$61,000 for acquisition and relocation services for five properties needed for Phase 6 of the Outer Loop, as well as, declare an official intent to reimburse the expenditures with the issuance of the 2018 Tax Increment Financing Reinvestment Zone Revenue Bonds.

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

**ITEM SUMMARY:** The Outer Loop south of FM 2305 is an important north-south arterial that will connect the Adams Avenue growth corridor to IH 35. Phase 3A at Adams Avenue has recently been constructed and construction on the next phase (3B) to extend the Outer Loop just south of Jupiter Drive will begin in the coming months. Design on phases four, five, and six is in progress and acquisition of right of way will begin shortly after 30 percent design plans are reached.

Two property owners in Phase 6 have approached the City and would like to begin the acquisition and relocation process now. Based on preliminary design, it appears the City will need five properties from these owners, two whole properties and three partial takings. The City has instructed its design engineer to develop metes and bounds for the partial takings. Due to the complexity of these takings, the City asked Stateside Right of Way Services, Inc. for an estimate to provide acquisition and relocation services.

Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$61,000 for acquisition and relocation services for five properties needed for Phase 6 of the Outer Loop.

**FISCAL IMPACT:** The professional services agreement with Stateside Right of Way Services, Inc. for acquisition and relocation services for Phase 6 of the Outer Loop Project in the amount of \$61,000 will be funded with the issuance of the 2018 Tax Increment Financing Reinvestment Zone Revenue Bonds. The bonds will be sold in the summer of 2018. We are declaring an official intent to reimburse for this agreement.

Funding for the professional services agreement is reflected in the Reinvestment Zone No. 1 Financing and Project Plans, Line 320, and will be appropriated in account 795-9600-531-6557, project 101585.



**ATTACHMENTS:**  
[Stateside Proposal](#)  
[Resolution](#)





**March 16, 2018**

City of Temple, Texas  
Christina A. Demirs  
Deputy City Attorney, Right of Way  
2 North Main, Suite 308  
Temple, Texas 76501

Re: Proposal for Early Acquisition and Relocation – 5 Parcels for Project Management, Appraisals, Acquisition, Relocations, Title Curative and Closings in Temple, Texas – Outer Loop ROW Acquisition Project

**RIGHT OF WAY SCOPE OF SERVICES**

**Acquisition / Negotiation:**

Stateside will complete negotiations through Final Offer Letter and Closings for \$4,000 per parcel.

Set up Files: Stateside will set up and maintain paper files as well as electronic files on each property (may be referred to as parcel). Files will include copies of correspondence, completed notices and forms, title commitment, appraisal report, copies of informational documents such as Bell County Appraisal District print out, Secretary of State print out, and title research backup. All information will remain confidential and must be requested through City of Temple.

- Initial Offer Packet: Upon written approval by the City of Temple (City), the Stateside Right of Way Agent (Agent) will notify the property owners in writing of the City's interest in acquiring their property and the approved offer amount for that interest. This packet will be sent by certified mail, return receipt requested to the owner's current address as listed on the Bell County Tax Office website. All individuals that may be affected by this project will be given an opportunity to meet and discuss the procedures to which they may be interested or by which they may be affected. Arrangements will be made, as required, to present information to persons who are unable to read or write English or otherwise need additional assistance.
- In negotiating with the owners of the subject land, it is assumed that the owner will in turn negotiate with any lessees or others who may own any interest in the land or improvements, and settle any lease or leasehold interests prior to closing.
- Counteroffer: During negotiations, if a property owner provides appraisal information or a counteroffer, either written or verbal, which the landowner believes is relevant to the acquisition, the Agent may forward the information to the appraisal firm for analysis. The Agent will discuss with the City a recommendation for review. The Agent will provide an appropriate response to the property owner based upon the City's decision.



- Final Offer Letter: If negotiations reach an impasse, the Agent will prepare a Final Offer Letter restating the terms of the offer and submit to the City for approval. Upon written approval by the City, the Agent will send the Final Offer Letter to the property owner via certified mail, return receipt requested.

**Title/Closing:**

Stateside will complete title / closing with Centraland Title Company.

- Stateside will order Commitments for Title Insurance with copies of all supporting documents for items listed on Schedules A, B and C of the Title Commitment for properties to be acquired.
- Copies of all Schedule A and B documents are to be provided to the survey team by the City or Stateside.
- Upon receipt of the Title Commitments and supporting documents, the Agent will:
  - Review Commitment and supporting documents
    - Vesting Deeds will be verified with ownership shown on the Commitment
    - Secretary of State information will be researched for Corporations, LLC or other entity information
    - Lien information and clouded or complicated title issues will be noted for:
      - ✓ Long lead time issues
      - ✓ Condemnation by Publication actions needed
  - Provide a copy of the Title Commitment and backup documents to the appraisal firm.
- Prior to acquiring any real property, the Agent will take all appropriate steps necessary to ensure that the area being acquired is purchased with acceptable title and clear title, if possible.
- Upon receipt of properly executed conveyance and title curative documents, all originals will be submitted to the Title Company to be held in escrow until closing.
- The Title Company will provide a check request or wire transfer with the Settlement Statement as per the Closing Disclosures and their contact information for the purchase price and closing costs will be sent to the City.
- The Agent will prepare a Closing Packet for the City which will include an executed Memorandum of Agreement.
- The City will sign all closing documents and Stateside will attend closing.



- The Title Company will record all Deeds and title curative release documents and provide file marked copies to the Agent. The original recorded Deed shall be returned to the City Attorney.
- The Title Company will provide a Title Policy for the purchase price on all fee acquisitions.

**Relocation:**

Stateside will complete residential relocations for \$4,000 each and business relocations for \$5,000 each.

- Acquisitions that may require the displacement of residential or business occupants will have a relocation analysis prepared before initiating negotiations.
  - The Agent will inspect the proposed acquisition site to determine if any relocation assistance may be required. If relocation assistance is required, at the appropriate time the Agent will contact each potential displacee to conduct a personal interview to include: length of residency, how the length of residency was determined (i.e. lease agreement, utility bills), number of persons occupying the dwelling and the condition of the property.
  - The Agent will begin to identify any unique relocation assistance problems requiring special consideration and update the City of possible problems and proposed solutions for displacees. For residential displacees, the Agent will determine if an adequate supply of comparable replacement dwellings will exist at the time displacement occurs. For non-residential displacees, the Agent will determine if suitable replacement sites exist and begin assessing problems that may be encountered in relocating to a replacement site.
  - The Agent will physically inspect the real property to determine if buildings or structures are occupied, vacant, or if personal property is located on the real property.
  - The displacees will be informed, in writing, of the Relocation Assistance Program.
- The Agent will prepare and submit a relocation supplement packet to the City for approval.
- A Notice of Relocation Eligibility will be prepared by the Agent for each displacee indicating the following:
  - The date initiation of negotiations occurred.
  - That they may be eligible to receive relocation benefits.
  - That residential displacees will not be required to vacate until at least one (1) decent, safe and sanitary comparable replacement dwelling is made available.



- That business displacees must provide reasonable advance notice of their move date, moving options and access for reasonable and timely inspections to monitor the move to the new location.
- That the occupant will receive written notice to vacate no less than ninety (90) days before displacement is required. When a ninety (90) day notice is given at the beginning of negotiations and a specific date is not included, a subsequent thirty (30) day written notice will be given with a specific date. If the occupant moves and vacates the property at least thirty (30) days in advance of the time the property will be needed by the City, no thirty (30) day notice is required.
- The name and telephone number of the Agent assigned to them.
- Every effort will be made to personally deliver the Notice of Eligibility to each eligible displacee within ten (10) working days of the initiation of negotiations. If personal delivery cannot be made, the Notice of Eligibility will be sent by certified mail, return receipt requested or by a courier service that confirms receipt of delivery. When the notice is mailed, the Agent will attempt to personally contact the displacee as soon as feasible. A log will be maintained of all contacts with the displacee indicating the date of the contact and a brief summary of the discussion.

#### **Condemnation Support Services:**

Stateside will provide condemnation support services for an hourly rate of \$80 per hour for Right of Way Technician tasks, and \$110 per hour for Right of Way Agent tasks.

- The Agent will provide a summary of activities related to the acquisition efforts for review and consideration by the City for Eminent Domain proceedings.
- The Agent will be available to assist the City Attorney as necessary.

#### **Pass-Through Costs:**

All invoices submitted to Stateside will be a pass through cost to the City. These costs may include: closing costs, landowner incidental costs, appraisal costs, mover estimates, interpreter fees, and relocation costs.

#### **Reporting:**

Stateside will maintain office files containing copies of completed notices and forms, contacts and discussions and project status reports, as required. The City will have access to files and will be cc'd on email correspondence. Additional exhibits will be available through the City, if needed. Stateside will notify the City if a landowner retains an attorney and makes that information available to Stateside. All information will remain confidential and must be requested through the City of Temple Project Manager.



**Invoice:**

Stateside accounting requires invoicing on a month end basis. Payment is expected within 30 days of the date of the invoice.

**The Stateside total amount is not to exceed:**

**\$ 61,000**

**Fees:****Appraisal Services:** Appraisals by Dan Wright, Appraiser:

- Parcels 5 and 6 @ \$3,500 each **\$ 7,000**
- Parcels 7, 15 and 16 @ \$5,000 each **\$ 15,000**

**The Appraisal total amount: \$ 22,000**

**Acquisition Services:**

- Residential Relocations – up to 4 relocations @ \$4,000 each **\$ 16,000**
- Business Relocations – up to 3 relocations @ \$5,000 each **\$ 15,000**
- Negotiation Services – up to 2 acquisitions - @ \$4,000 each **\$ 8,000**

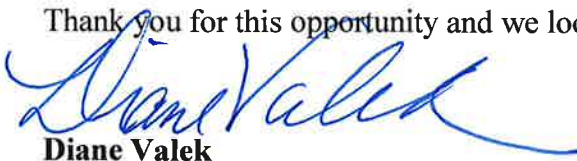
**The Acquisition and Relocation total amount: \$ 39,000**

**Milestone Payments:**

The fees will be submitted on a milestone basis:

- **Residential Relocation**
  - Set up 20% per relocation
  - Interview 20% per relocation
  - Submit Replacement Payment Packet to City of Temple 40%
  - Move Out and Inspection 20%
- **Business Relocation**
  - Set up 20% per relocation
  - Interview 50% per relocation
  - Move Out and Inspection 30%
- **Acquisition**
  - Set up 20% per parcel
  - Offer Packet 50%
  - Final Offer/Closing 20%
  - File Close Out/Submit for ED 10%
- **Appraisals**
  - Completion 100%

Thank you for this opportunity and we look forward to working with you and your team.



**Diane Valek**



RESOLUTION NO. 2018-9093-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$61,000, FOR ACQUISITION AND RELOCATION SERVICES NEEDED FOR FIVE PROPERTIES FOR PHASE 6 OF THE OUTER LOOP, AS WELL AS DECLARE AN OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES WITH THE ISSUANCE OF THE 2018 TAX INCREMENT FINANCING REINVESTMENT ZONE REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Outer Loop, south of FM 2305, is an important north-south arterial that will connect the Adams Avenue growth corridor to IH 35;

**Whereas**, Phase 3A at Adams Avenue has recently been constructed and construction on the next phase (3B) to extend the Outer Loop just south of Jupiter Drive will begin in the coming months - design on Phases four, five, and six is in progress and acquisition of right of way will begin shortly after 30 percent design plans are reached;

**Whereas**, two property owners in Phase 6 have approached the City and would like to begin the acquisition and relocation process - based on preliminary design, it appears the City will need five properties from these owners, two whole properties and three partial takings;

**Whereas**, the City has instructed its design engineer to develop metes and bounds for the partial takings and due to the complexity of these takings, the City has asked Stateside Right of Way Services, Inc. ("Stateside") for an estimate to provide acquisition and relocation services;

**Whereas**, Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$61,000 for acquisition and relocation services for five properties needed for Phase 6 of the Outer Loop;

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

**Whereas**, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations and the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution - upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

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



**Whereas**, this project is being funded with the issuance of 2018 Tax Increment Financing Reinvestment Zone Bonds which will make funding available for this professional services agreement in the Reinvestment Zone No. 1 Financing and Project Plan, Line 320, and will be appropriated in Account No. 795-9600-531-6557, Project No. 101585; 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 professional services agreement with Stateside Right of Way Services, Inc. of Temple, Texas in the amount of \$61,000, for acquisition and relocation services for five properties needed for Phase 6 of the Outer Loop, as well as, declare an official intent to reimburse the expenditures with the issuance of the 2018 Tax Increment Financing Reinvestment Zone (TIRZ) Revenue Bonds.

**Part 3:** This Resolution is a declaration of official intent by the City under Section 1.150.2 of the Treasury Regulations that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

**Part 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 **5<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(M)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing contract amendment #2 to a professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$365,311 for construction administration and on-site representation required to construct the Shallowford Lift Station Improvements.

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

**ITEM SUMMARY:** Sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe to reduce inflow, infiltration and overflows. In 2007, Council authorized a professional services agreement for engineering services related to the Bird Creek Interceptor, addressing significant issues within the basin and embarking upon a multi-year plan to address system needs. The Shallowford Lift Station receives wastewater from the Bird Creek basin and now requires an upgrade to adequately convey discharge from the collection system to the Temple-Belton Wastewater Treatment Plant.

On December 17, 2015, Council authorized an agreement with KPA in the amount of \$641,530 for professional services to relocate and expand the Shallowford Lift Station.

On June 16, 2016, Council authorized Contract Amendment #1 with KPA in the amount of \$275,100 to design and bid, at a later date, an additional force main paralleling the existing force main to carry the additional flows.

On March 15, 2018, Council authorized a construction contract with SSP Industries, L.P., of Killeen for \$6,100,000 to construct the Shallowford Lift Station Improvements.



The attached proposal includes the following recommended services and costs:

<b>I.</b>	<b>Basic Services</b>	
	A. Construction Administration	\$231,475
	<b>Sub Total</b>	<b><u>\$231,475</u></b>
<b>II.</b>	<b>Special Services</b>	
	A. Resident Project Representative	\$109,286
	B. Warranty Phase	\$10,800
	C. Power Study	\$9,250
	D. Expenses / Direct Costs	\$4,500
	<b>Sub Total</b>	<b><u>\$133,836</u></b>
	<b>Total Professional Services</b>	<b><u>\$365,311</u></b>

Please refer to the attached proposal and project map for further details. Construction is anticipated to begin in April 2018. Construction time allotted for this project is 450 calendar days.

**FISCAL IMPACT:** Funding for contract amendment #2 with Kasberg, Patrick, and Associates, LP in the amount of \$365,311 is available in account 561-5400-535-6905, project 101475, as follows:

Project Budget	\$ 8,841,530
Encumbered/Committed to Date	(6,754,643)
<b>KPA Contract Amendment #2</b>	<b>(365,311)</b>
<b>Remaining Project Funds Available</b>	<b><u>\$ 1,721,576</u></b>

**ATTACHMENTS:**

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





# KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

Temple

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

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., CFM

THOMAS D. VALLE, P.E.

GINGER R. TOLBERT, P.E.

ALVIN R. "TRAE" SUTTON, III, P.E., CFM

JOHN A. SIMCIK, P.E., CFM

Georgetown

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

March 2, 2018

Mr. James Billeck, P.E.

3210 E. Avenue H

Building A

Temple, Texas 76501

Re: City of Temple, Texas  
Shallowford Lift Station Improvements

Dear Mr. Billeck:

This letter is in response to your request for a proposal to perform Construction Phase Services for the Shallowford Lift Station Improvements project. Bids were received on February 27, 2018 with SSP Industries, LP of Killeen, Texas, as the successful low bidder. This proposal includes the following tasks:

1. Construction Administration Services
2. Resident Project Representative Services
3. Power System Study
4. Warranty Period Services

The referenced construction project has a 450 day total construction period. It is anticipated that the Lift Station Construction will be substantially complete within 390 days, with demolition and project cleanup occurring over the remaining 60 days. This proposal based the resident project representative services on an average of 4 hours per working day over the entire construction period. In order for us to provide the professional services for the construction phase of the referenced project, the following lump sum fees are applicable:

Basic Services:

- Construction Administration = \$ 231,475.00

Special Services

- Resident Project Representative = \$ 109,286.00

- Warranty Phase = \$ 10,800.00

- Power Study = \$ 9,250.00

- Expenses / Direct Costs = \$ 4,500.00

Total Professional Fees = \$ 365,311.00



Mr. James Billeck, P.E.  
March 2, 2018  
Page Two

A detailed scope of services is attached as Exhibit A. It is anticipated that this proposal will be incorporated into the existing Shallowford Lift Station professional services contract by contract amendment. As such, a revised Exhibit B, detailing the fee schedule for additional services, has not been included in this proposal. Any additional services will be performed at the rates included in the existing contract. We appreciate the opportunity to submit this proposal and are available to discuss with you at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas D. Valle".

Thomas D. Valle, P.E.  
TDV/

xc:

2015-152-40



**Exhibit A**  
**City of Temple, Texas**  
**Shallowford Lift Station Improvements**

**TASK IDENTIFICATION**  
**For**  
**ENGINEERING SERVICES**

**March 2018**

**TASK A - CONSTRUCTION ADMINISTRATION SERVICES** - Engineer shall perform construction administration services for the Shallowford Lift Station Improvements construction contracts

- a. Conduct a pre-construction conference with the contractor and owner and prepare meeting minutes.
- b. Establish communication procedures and issue instructions from owner to contractor.
- c. Conduct construction progress meetings with the contractor and owner.
- d. Maintain a documentation system within the requirements of the construction Contract Documents.
- e. Coordinate, review and prepare written responses to contractor's submittals.
- f. Monitor the progress of the contractor in sending and processing submittals.
- g. Inspect project site at a frequency sufficient to observe and report on the progress and the quality of work, including site visits for equipment startup and checkout.
- h. Review contractor's Modification Request(s) for deviations from the construction Contract Documents.
- i. Interpret the drawings and specifications for owner and contractor.
- j. When necessary, issue a Non-Conforming Report.
- k. Evaluate contractor claims and make recommendations on the merit and value of the claim.
- l. Recommend the amount that the contractor shall be paid on monthly and final estimates.
- m. Schedule and conduct substantial completion inspection with owner and contractor.
- n. Accompany owner on final inspection to assure that work has been completed in accordance with the Construction Documents, including preparation of letter detailing punchlist items.
- o. Review contractor's as-built documents to ascertain they were updated during construction.
- p. Prepare project record documents by modifying the electronic version of the Contract Documents.
- q. Submit certified record drawings to owner electronically without an engineer's seal in AutoCAD format.
- r. Submit three (3) bound sets of certified record drawings to owner with engineers seal.
- s. Maintain a photo log of construction activities including periodic photographs of SWPP devices.



**TASK B - RESIDENT PROJECT REPRESENTATION SERVICES - Engineer shall provide RPR services for construction of:**

- a. KPA will provide the services of an on-site, senior, fully qualified RPR. It is anticipated that the RPR will average 4 hours per day over the 14 month duration of the construction phase.
- b. The RPR shall provide construction administration and observation services.
- c. The RPR shall act under supervision of Engineer in order to provide more extensive on-site observations.
- d. The RPR shall function as engineer's agent in all matters relating to on-site construction review.
- e. The RPR shall also perform, but not be limited to, the following services:
  1. Conduct on-site observations of work in progress to determine if the work conforms to Contract Documents.
  2. Attend pre-construction conference(s), progress meetings, job conferences, and other project construction meetings.
  3. Establish communication procedures with owner, engineer and contractor(s).
  4. Maintain a project documentation system consistent with the requirements of the construction Contract Documents.
  5. Serve as engineer's liaison with contractor(s), working principally through contractor's(s) Superintendent.
  6. Establish and administer quality assurance procedures in accordance with the construction Contract Documents.
  7. Review Applications for Payment with contractor(s) for compliance with the established procedure.
  8. Participate in preparation of field orders and change orders.
  9. Verify that contractor(s) maintain updated as-built documents and verify the accuracy of the as-built documents.
  10. Assist in project completion activities at the conclusion of construction.
  11. Coordinate all project startup and performance testing activities with the owner, equipment suppliers or other contractors.
  12. Verify that tests, equipment and systems start-up and operating and maintenance training are conducted.
  13. Conduct a final inspection with engineer, owner, and contractor(s) and prepare a final list of items.
- f. The Engineer nor its RPR will guarantee the performance by any contractor(s).
- g. The RPR shall not undertake any responsibilities of contractor(s).
- h. The RPR shall not advise on, issue directives regarding, or assume control over safety precautions.
- i. The RPR shall not accept submittals from any entity other than the contractor or engineer.
- j. The RPR shall not participate in specialized field or laboratory tests or inspections conducted by others.



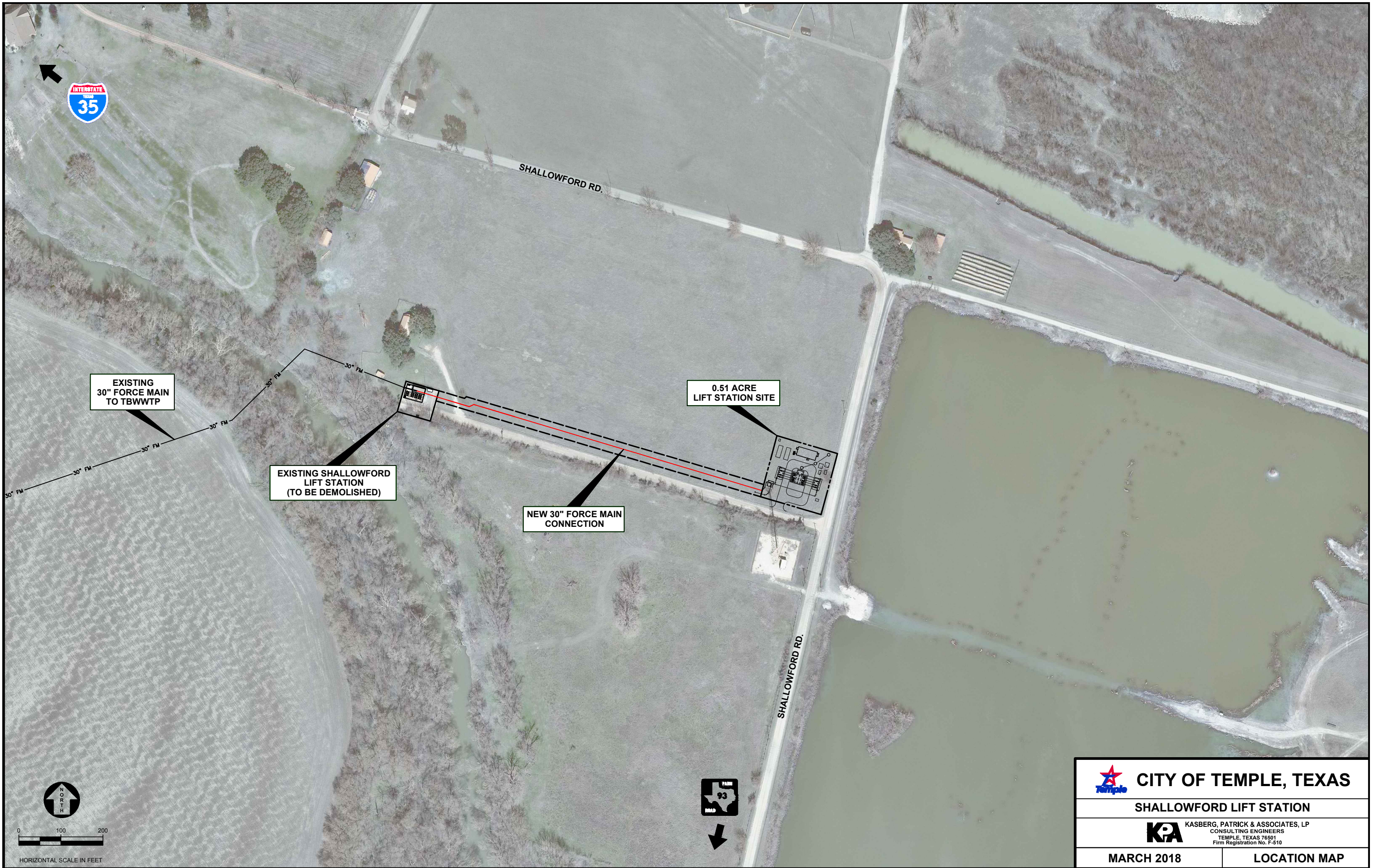
**TASK C - WARRANTY PERIOD SERVICES** - Engineer shall perform the following services for owner for one year following final payment



- a. Engineer shall perform the following services for owner for one year following final payment
  - 1. Serve as primary point of contact for Warranty Items, including initial review of issue and coordination with Contractor.
  - 2. Eleven months after final payment, Engineer shall schedule and conduct a warranty inspection.
  - 3. Engineer shall submit a certification to owner stating that contractor's warranty obligations have been completed or list unresolved warranty items.

**TASK D – POWER SYSTEM STUDY** -- Engineer shall perform the following services:

- a. Model Power System in SKM. Updated to reflect actual electrical gear purchased.
- b. Prepare Final Report and Permanent Labels, including startup assistance.





 <b>CITY OF TEMPLE, TEXAS</b>	
<b>SHALLOWFORD LIFT STATION</b>	
 <b>KASBERG, PATRICK &amp; ASSOCIATES, LP</b> CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
<b>MARCH 2018</b>	<b>LOCATION MAP</b>



## CONTRACT AMENDMENT (Professional Service Agreements)

**PROJECT:** TBWWTP, Phase I – Shallowford Lift Station Improvements  
**OWNER:** City of Temple  
**ARCHITECT/ENGINEER:** Kasberg, Patrick & Associates, LP  
**AMENDMENT #:** 2

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

Construction Phase Services for the Shallowford Lift Station Improvements consist of:

**Basic Services:**

- Construction Administration	\$ 231,475.00
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**Special Services**

- Resident Project Representative	\$ 109,286.00
- Warranty Phase	\$ 10,800.00
- Power Study	\$ 9,250.00
- Expenses / Direct Costs	<u>\$ 4,500.00</u>

<b>Total Professional Fees</b>	<b>\$ 365,311.00</b>
--------------------------------	----------------------

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

<b>Original Contract Amount:</b>	<u>\$ 641,530.00</u>
<b>Previous Change in Contract Amount:</b>	<u>\$ 275,100.00</u>
<b>Amount This Amendment:</b>	<u>\$ 365,311.00</u>
<b>Revised Contract Amount:</b>	<u>\$ 1,281,941.00</u>
<b>Original Contract Completion Date:</b>	<u>October 3, 2016</u>
<b>Revised Contract Completion Date:</b>	<u>Determined by Construction</u>

**Recommended by:**

**Agreed to:**

\_\_\_\_\_  
Project Manager                      Date

\_\_\_\_\_  
Architect or Engineer                      Date

**Approved by City of Temple:**

**Approved as to form:**

\_\_\_\_\_  
Brynn Myers, City Manager                      Date

\_\_\_\_\_  
City Attorney's Office                      Date

**Approved by Finance Department:**

\_\_\_\_\_  
Date



RESOLUTION NO. 2018-9090-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH MONTGOMERY CONSTRUCTION OF HEWITT, TEXAS IN THE AMOUNT OF \$74,318.55, FOR ROOF REPLACEMENT AT THE SOCIAL SECURITY ADMINISTRATION BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Social Security Administration Building, a City-owned facility located at 511 North Main Street, had its roof damaged as a result of a hail storm in May 2013;

**Whereas**, Staff engaged Neal Architectural Group to assist in the development of plans and specifications for the roof replacement;

**Whereas**, Staff recommends Council authorize a construction contract with Montgomery Construction of Hewitt, Texas to install a new TPO roof system on the Social Security Administration building;

**Whereas**, Montgomery Construction has been assigned Cooperative Contract No. 170201 by The Interlocal Purchasing System (TIPS), which Staff recommends using for this contract - contracts awarded through TIPS have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, Staff anticipates that the roof replacement will be complete by May 11, 2018 and the new roof will have a 20-year material & labor manufacturer's warranty;

**Whereas**, in November 2017, Council authorized a budget adjustment in the amount of \$80,269 to appropriate insurance proceeds received from Texas Municipal League related to May 5, 2013 hail damage to the Social Security Administration Building - funding for the Social Security Administration Building roof replacement is available in Account No. 110-2600-519-2516; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Montgomery Construction of Hewitt, Texas to install a new TPO roof system on the Social Security Administration building in the amount of \$74,318.55.



**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 **5<sup>th</sup>** day of **April**, 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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04/05/18  
Item #5(N)  
Consent Agenda  
Page 1 of 1

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Geographical Information System license agreement and maintenance contract with Environmental Systems Research Institute, Inc., of San Antonio, in the amount of \$50,000.

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

**ITEM SUMMARY:** Authorization of this purchase will allow for the continued use of Environmental Systems Research Institute's Geographical Information Systems software from May 7, 2018 to May 6, 2019. The GIS software is used to integrate hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information by the following departments: Information Technology, Public Works, Parks, Police, Police, and Fire. GIS allows staff to view, understand, question, interpret, and visualize data in many ways that reveal relationships, patterns, and trends in the form of maps, globes, reports, and charts.

GIS is used for many purposes such as crime analyses, water/wastewater, transportation, parcel studies, 911, planning, zoning, parks, infrastructure, political boundary, topographical, hydrological and census analysis and management. In addition, the GIS software is used for information sharing on our City website.

This Enterprise Licensing Agreement allows the City to take advantage of unlimited licensing and maintenance which will provide the following benefits:

- A lower cost per unit for the licensed software,
- Substantially reduced administrative and procurement expenses,
- Maintenance on all ESRI software deployed under this agreement, and
- Complete flexibility to deploy software products when and where needed.

ESRI is the sole provider of maintenance for the ArcGIS applications software, which the City has been using for three years. Changing GIS software would be cumbersome and expensive; therefore, staff is requesting that this purchase be made from ESRI as the sole source provider.

**FISCAL IMPACT:** Funding for the Geographical Information System license agreement and maintenance contract with Environmental Systems Research Institute, Inc. in the amount of \$50,000 is available in account 110-1900-519-23-38.

### **ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2018-9095-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A GEOGRAPHICAL INFORMATION SYSTEM LICENSE AGREEMENT AND MAINTENANCE CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. OF SAN ANTONIO, TEXAS IN THE AMOUNT OF \$50,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** Geographical Information System (GIS) software is used to integrate hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information throughout various departments within the City;

**Whereas,** GIS software allows Staff to view, understand, question, interpret, and visualize data in many ways that reveal relationships, patterns, and trends in the form of maps, globes, reports, and charts;

**Whereas,** GIS software is used for many purposes, to include crime analyses, water/wastewater, transportation, parcel studies, 911, planning, zoning, parks, infrastructure, political boundary, topographical, hydrological and census analysis and management, and, in addition, the GIS software is used for information sharing on our City website;

**Whereas,** the Enterprise Licensing Agreement will allow the City to take advantage of unlimited licensing and maintenance which will provide the following benefits:

- A lower cost per unit for the licensed software;
- Substantially reduced administrative and procurement expenses;
- Maintenance on all ESRI software deployed under this agreement; and
- Complete flexibility to deploy software products when and where needed;

**Whereas,** Environmental Systems Research Institute (ESRI) is the sole provider of maintenance for the ArcGIS applications software, which the City has been using for three years - changing this software would be cumbersome and expensive, and therefore, Staff recommends this purchase be made from ESRI as the sole source provider;

**Whereas,** authorization of this purchase will allow for the continued use of ESRI's GIS software from May 7, 2018 to May 6, 2019;

**Whereas,** funding for the GIS license agreement and maintenance contract is available in Account No. 110-1900-519-2338; 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 City Attorney, to execute a Geographical Information System license agreement and maintenance contract with Environmental Systems Research Institute, Inc., of San Antonio, Texas in the amount of \$50,000.

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

PASSED AND APPROVED this the **5<sup>th</sup>** day of **April**, 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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04/05/18  
Item #5(O)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance authorizing a renewal of the franchise with Acadian Ambulance Service, Inc., to provide non-emergency ambulance transfer services within the City.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description on second and final reading.

**ITEM SUMMARY:** Acadian Ambulance Service, Inc. (Acadian) is operating a non-emergency ambulance transfer service in the City under a current franchise agreement that was authorized by Council in 2013. That franchise agreement will expire on September 30, 2018. Acadian has asked for a renewal to the agreement so that it may continue operating within the City.

Acadian has submitted the necessary paperwork requesting renewal of the franchise and a copy of the paperwork is attached to this Memorandum. The Staff recommends authorizing a five year renewal. Five years is the normal franchise term pursuant to Chapter 5 of the City's Code of Ordinances. The commencement date for the renewal agreement would be October 1, 2018 and the expiration date would be September 30, 2023.

**FISCAL IMPACT:** By ordinance, non-emergency ambulance transfer services franchisees pay the City 3½ % of the total amount billed per year. In FY 2017, Acadian paid the City \$9,359.70 in non-emergency ambulance transfer service franchise fees which was deposited into account 110-0000-413-0936.

**ATTACHMENTS:**

[Franchise Renewal Request Letter](#)  
[Ordinance](#)





February 15, 2018

Mr. Brynn Myers  
City Manager  
City of Temple  
2 N. Main St.  
Temple, TX 76501

RE: Acadian Ambulance Service Franchise Renewal Request

Dear Mr. Myers:

On behalf of Acadian Ambulance Service, I respectfully request renewal of our non-emergency ambulance transfer service franchise for the City of Temple.

I acknowledge that this is an exclusive agreement and that, according to Article III of the franchise agreement, "It shall be unlawful for any person to furnish, operate, advertise or otherwise engage or profess to be engaged in the operation of a non-emergency ambulance transfer service from a point originating and ending within the streets of the City without a franchise as provided by this article." On behalf of Acadian Ambulance Service, I also attest that neither our company nor officials representing the company have been convicted of a felony or a misdemeanor involving moral turpitude within the past 10 years.

Acadian continues to abide by all of the requirements outlined in the franchise application. A public liability insurance policy is in effect on all of our vehicles. This policy provides liability coverage for each vehicle of not less than \$250,000 per person or \$500,000 per occurrence for personal injury or death, and \$100,000 for property damage. The City of Temple is named as an additional insured, and we have provided a waiver of subrogation in favor of the city. This coverage does not contain a passenger liability exclusion. Additionally, we agree to provide at least 30 days prior written notice of cancellation to the city. A copy of the policy is included with this letter.

Regarding the ordinance requirement that "public convenience will be served," Acadian has established a station at 204 W. Calhoun Avenue, in Temple, which is approximately 3 miles from Scott & White Hospital. We are currently staffing five ambulances to fulfill the needs of the health-care facilities in the city; we operate seven days a week. A description of the ambulances stationed within Bell County is included below:

An **Acadian** company

4100 ED BLUESTEIN BLVD., SUITE 100 | AUSTIN, TEXAS 78721 | [www.Acadian.com/TEXAS](http://www.Acadian.com/TEXAS)



Unit #	Schedule	VIN #	Year/Make/Model
1201	Monday to Friday 0900 to 1900 ALS crew	1GB6G5CL3E1191122	2014 Chevy 4500 Express
1217	Monday to Friday 1000 to 2200 ALS crew	1FDSS3EL9CDA59967	2012 Ford E350
X924	Monday to Friday 1200 to 2200 ALS crew Unit 744	1FDSS3EL9CDB20928	2015 Mercedes Sprinter
1210	Sunday to Saturday 1900 to 0500 ALS crew	WD3PE7CD8D5763040	2013 Mercedes
B921	Sunday to Saturday 0700 to 1900 BLS crew Unit 1225	1FDXE4FP5ADA22206	2017 Mercedes Sprinter

Acadian's Central Texas service area includes Williamson, Travis, Hays, Falls, Lampasas, and Bastrop counties. Ambulances can be pulled from those areas to ensure prompt response to our customer and facility needs.

Acadian is a nationally accredited, employee-owned ground and air ambulance service. Our organization has extensive experience in providing medical transportation service for non-emergency customers and facilities, as well as wheelchair transport. Acadian has served as a federal contractor for FEMA, the U.S. Department of Veterans Affairs and other government agencies. The parties who have a financial interest under this application request include Richard Zuschlag, CEO and chairman of the board, who owns 20% of the interest in Acadian Ambulance Service, and the employees who own 80% of the interest in the company under an established Employee Stock Ownership Plan.

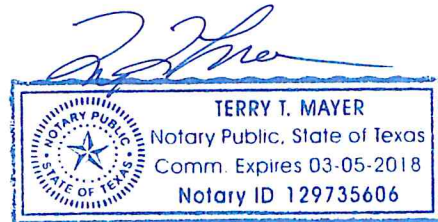
Acadian hopes to build upon the positive working relationships we have developed with local facilities and customers by continuing to deliver quality patient care and non-emergency transportation services.

I respectfully request your consideration to grant Acadian an extension to our current franchise agreement. If you need additional information, please do not hesitate to let me know.

Sincerely,



Eric Thibodeaux  
Director of Operations  
Acadian Ambulance Service



cc: City Attorney Kayla Landeros ✓  
Fire Chief Mitch Randles

An **Acadian** company

4100 ED BLUESTEIN BLVD., SUITE 100 | AUSTIN, TEXAS 78721 | [www.Acadian.com/TEXAS](http://www.Acadian.com/TEXAS)



ORDINANCE NO. 2018-4901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RENEWAL OF THE FRANCHISE AGREEMENT WITH ACADIAN AMBULANCE SERVICE, INC, TO PROVIDE NON-EMERGENCY AMBULANCE TRANSFER SERVICES WITHIN THE CITY OF TEMPLE, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Acadian Ambulance Service, Inc. (Acadian) is operating a non-emergency ambulance transfer service in the City under a current franchise agreement that was authorized by Council in 2013;

**Whereas**, that franchise agreement expires September 30, 2018 and Acadian has approached the City requesting to renew the agreement so that they may continue operating within the City;

**Whereas**, Acadian has submitted the necessary paperwork required to request a renewal of the franchise agreement and Staff recommends Council authorize a five-year renewal with Acadian;

**Whereas**, five years is the normal franchise term pursuant to Chapter 5 of the City's Code of Ordinances and the commencement date for the renewal agreement would be October 1, 2018 and the expiration date would be September 30, 2023;

**Whereas**, by Ordinance, non-emergency ambulance transfer services franchisees pay the City 3½ percent of the total amount billed per year - in fiscal year 2017, Acadian paid to the City the amount of \$9,359.70 in non-emergency ambulance transfer service franchise fees which was deposited into Account No. 110-0000-413-0936; and

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

**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 authorizes a five-year renewal of the franchise agreement with Acadian Ambulance Service, Inc to provide non-emergency transfer services within the City of Temple, Texas.

**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: 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 5: 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 **15<sup>th</sup>** day of **March**, 2018.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(P)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Kevin Beavers, Director of Parks and Recreation

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance authorizing the closure of a section of Avenue C, between Avenue B and Main Street, and the closure of a section of 1<sup>st</sup> Street south of Avenue B.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description on second and final reading.

**ITEM SUMMARY:** The City of Temple Parks and Recreation Department has submitted a request to close a section of Avenue C, between Avenue B and Main Street, as shown in orange on the attached map, and a section of 1<sup>st</sup> Street, south of Avenue B, also shown in orange on the attached map. The request is for the planned construction of Santa Fe Market Trail. Pursuant to Texas Transportation Code, Section 311.007, a home-rule municipality may vacate, abandon, or close a street or alley. Since this is a closure, not an abandonment, and does not require private acquisition of the street, no conveyance is required and the land area encompassing the closed streets will be retained by the City of Temple and will be accessible to pedestrians.

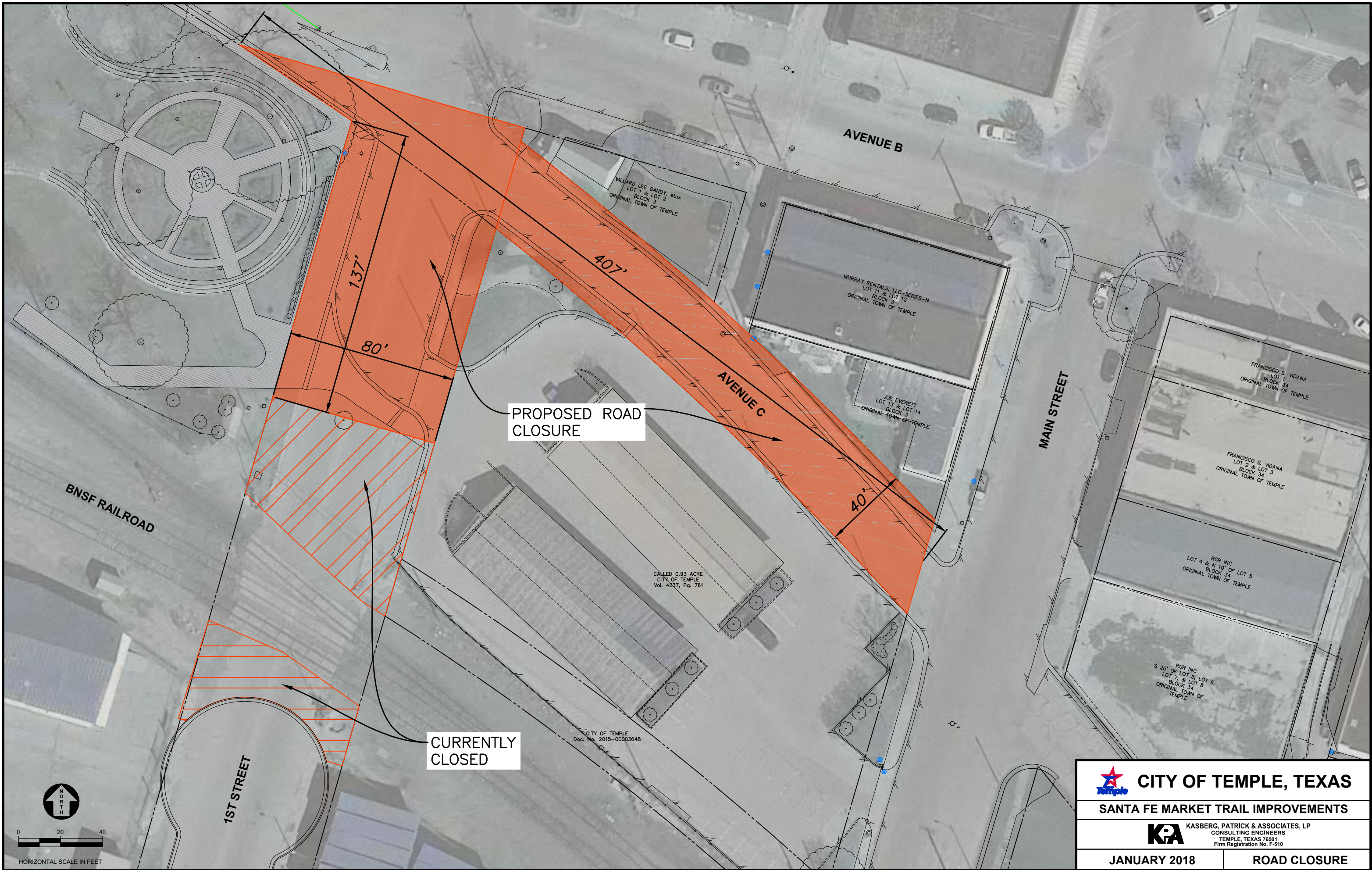
**FISCAL IMPACT:** Not applicable.



**ATTACHMENTS:**

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



P:\Temple Reinvestment\2016\16-104 Santa Fe Market Trail\CAD\Working\Exhibit\SF MKT Trail area abandonment.dwg - MKT TRL ROAD CLOSURE plat



 <b>CITY OF TEMPLE, TEXAS</b>	
<b>SANTA FE MARKET TRAIL IMPROVEMENTS</b>	
 <b>KASBERG, PATRICK &amp; ASSOCIATES, LP</b> CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
<b>JANUARY 2018</b>	<b>ROAD CLOSURE</b>



ORDINANCE NO. 2018-4902

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CLOSURE OF A SECTION OF AVENUE C, BETWEEN AVENUE B AND MAIN STREET, AND THE CLOSURE OF A SECTION OF 1<sup>ST</sup> STREET, SOUTH OF AVENUE B; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple Parks and Recreation Department has submitted a request to close a section of Avenue C, between Avenue B and Main Street and a section of 1<sup>st</sup> Street, south of Avenue B for the planned construction of the Santa Fe Market Trail;

**Whereas**, pursuant to Texas Transportation Code, Section 311.007, a home-rule municipality may vacate, abandon, or close a street or alley - since this is a closure, not an abandonment, and does not require private acquisition of the street, no conveyance is required and the land area encompassing the closed streets will be retained by the City of Temple and will be accessible to pedestrians; and

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

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

**Part 1: 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 of Temple, Texas, hereby closes a section of Avenue C, between Avenue B and Main Street, and the closure of a section of 1<sup>st</sup> Street south of Avenue B, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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



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

PASSED AND APPROVED on First Reading and Public Hearing on the **15<sup>th</sup>** day of **March**, 2018.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **April**, 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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04/05/18  
Item #5(Q)  
Consent Agenda  
Page 1 of 3

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** SECOND READING – Z-FY-18-11: Consider adopting an ordinance authorizing a rezoning from Agricultural district to General Retail district on Lots 1 & 2, Block 5 of South Pointe Phase I, 2.21 +/- acres, located on the north side of Loop 363, approximately 172 feet south east of its intersection with Dogwood Lane, addressed as 3137 & 3131 Alton Road.

**STAFF RECOMMENDATION:** Staff recommends approval for a rezoning from AG to GR districts for the following reasons:

1. The proposed GR zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
2. The proposal is in compliance with the Thoroughfare Plan; and
3. Public facilities are available to serve the subject property.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their February 20, 2018 meeting, The Planning & Zoning Commission voted seven to zero to recommend approval of the proposed rezoning per staff's recommendation.

**ITEM SUMMARY:** The applicant, Short Term Lending Group Inc. requests rezoning of 2.21 +/- acres from Agricultural (AG) zoning district to General Retail (GR) zoning district. The subject property is described as Lots 1 and 2, Block 5 of the recently platted South Pointe, Phase I subdivision, approved by the Planning and Zoning Commission on September 18, 2017.

TxDOT responded during the subdivision plat process and concurred with the lot layout. At this time, no proposed development of the site has been proposed. While TxDOT is aware of the rezoning, they have not provided input relative to driveway access. Discussions may be on-going regarding the need for future access directly to Loop 363.

While it is anticipated for the property to be developed with non-residential uses, there are a number of residential and non-residential uses that are permitted by right or with a conditional use permit (CUP). A comparison between the existing and proposed zoning districts, which include but are not limited to, are shown 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 split by two Future Land Use Map (FLUM) designations, the Auto-Urban Commercial designation. The Auto-Urban designation, which is established for a majority of the areas identified for commercial use. The Auto-Urban designation supports the proposed GR zoning and therefore the requested GR zoning **is** consistent with the Auto-Urban designation.

**Thoroughfare Plan (CP Map 5.2)**

The subject property takes access from Loop 363, an expressway and Alton Road, a local street. To date, since the final plat has been approved and recorded, no new dedication issues have been identified. While TxDOT interests are on-going, the state was notified of the proposed rezoning to general retail. No Transportation Capital Improvement Program (TCIP) improvements scheduled through FY 2024 have been identified.

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

Sewer is available through extension of an 8-inch and a 12-inch sewer line at several places in Case Road along the north and north east sides of the adjacent South Pointe development. Sewer is also available through extension of an 8-inch sewer line on the west side of South Martin Luther King Jr. Drive. Sewer is expected to be available to the subject property as South Pointe continues to develop. Water is available through an 8-inch waterline in the existing Alton Road alignment as well as along the northern property line of the subject property (Lot #1).

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

No proposed trails are shown on the Trails Master Plan and no sidewalks are required. It should be noted however that the applicant proposes a four foot sidewalk along the west side of Alton Road, which will be developed as an oversized local street, where it meets Loop 363.

**DEVELOPMENT REGULATIONS:** The attached tables compare and contrast, the current development standards for AG with the proposed GR standards as provided for in UDC Sections 4.2, 4.5 and 4.5.1

**PUBLIC NOTICE:** Thirteen notices, represented by seven separate property owners, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Tuesday March 6, 2018 at 9:00 AM, four notices, one of which represents eight separate properties, have been received in agreement.

The newspaper printed notice of the public hearing on February 8, 2018, in accordance with state law and local ordinance.



**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Boundary Map \(Exhibit A\)](#)

[Photos](#)

[Tables](#)

[Maps](#)

[Returned Property Notices](#)

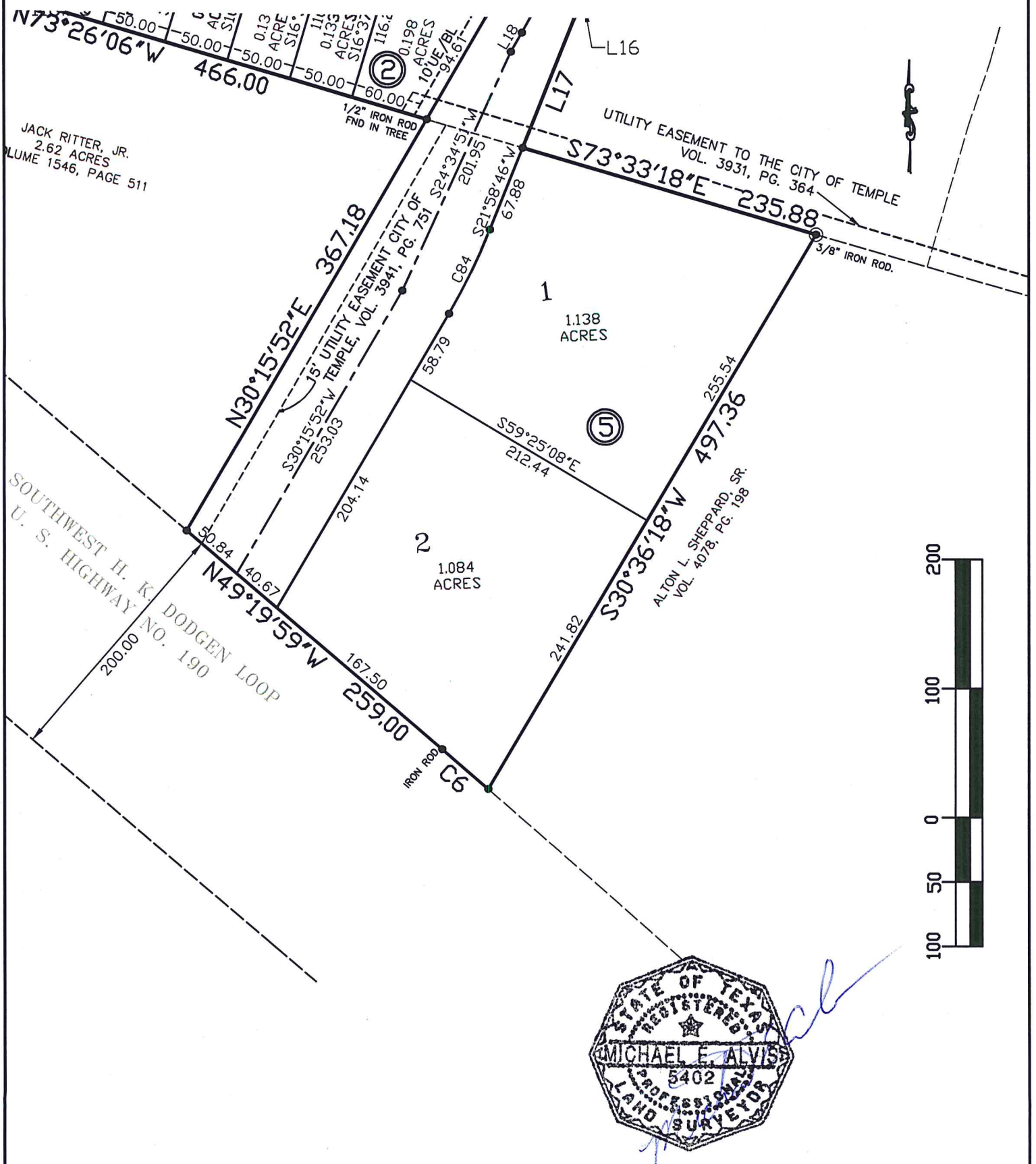
[PZ Excerpts \(February 20, 2018\)](#)

[Ordinance](#)



# EXHIBIT "A"

## SOUTH POINTE PHASE I REZONING LOTS 1 & 2 BLOCK 5





# Site & Surrounding Property Photos



**Site: Undeveloped  
(AG)**



**Site: Undeveloped  
(AG)**





**West: Existing Retail & Service Uses (Conoco)  
(GR)**



**South: Scattered Residential Uses on Acreage  
(AG)**





**North – Aerial Google Earth Image: South Pointe Development – Image does not reflect current grading and early site development (SFA-3)**

**East - Aerial Google Earth Image: Existing Agricultural and Non-Residential Uses (AG)**

**NOTE: Subject property boundaries of rezoning, shown in **RED**, are approximate**



# Tables

**Permitted & Conditional Uses Table  
Comparison between AG & GR**

<b>Use Type</b>	<b>Agricultural (AG)</b>	<b>General Retail (GR)</b>
<b>Agricultural Uses</b>	<b>Farm, Ranch or Orchard</b>	<b>Same as AG</b>
<b>Residential Uses</b>	<b>Single Family Residence (Detached &amp; Attached) Industrialized Housing Family or Group Home Home for the Aged (CUP)</b>	<b>Same as AG Duplex Townhouse Home for the Aged (No CUP)</b>
<b>Retail &amp; Service Uses</b>	<b>None</b>	<b>Most Retail &amp; Service Uses Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)</b>
<b>Commercial Uses</b>	<b>None</b>	<b>Plumbing Shop Upholstery Shop Kennel without Veterinary Hospital (CUP) Indoor Flea Market</b>
<b>Industrial Uses</b>	<b>Temporary Asphalt &amp; Concrete Batching Plat (CUP)</b>	<b>Temporary Asphalt &amp; Concrete Batching Plat (CUP) Laboratory, medical, dental, scientific or research Recycling collection location</b>
<b>Recreational Uses</b>	<b>None</b>	<b>Park or Playground Beer &amp; Wine (On Premise Consumption) &lt; 75%</b>
<b>Educational &amp; Institutional Uses</b>	<b>Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Child Care (CUP)</b>	<b>Same as AG Child Care (No CUP) Hospital</b>
<b>Vehicle Service Uses</b>	<b>None</b>	<b>Auto Leasing, Rental Auto Sales - New &amp; Used (Outside Lot) Car Wash Vehicle Servicing (Minor)</b>
<b>Restaurant Uses</b>	<b>None</b>	<b>With &amp; Without Drive-In</b>
<b>Overnight Accommodations</b>	<b>RV Park (CUP)</b>	<b>Hotel or Motel</b>
<b>Transportation Uses</b>	<b>Emergency Vehicle Service (CUP) Helistop (CUP)</b>	<b>Same as AG (No CUP)</b>



### Surrounding Property Uses

	<u>Surrounding Property &amp; Uses</u>		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	AG	Undeveloped
North	Auto Urban Commercial	SF-3	Undeveloped (South Pointe)
South	Auto Urban Residential	C, GR & AG	Scattered SF Residential Uses on Acreage
East	Auto Urban Commercial	AG	Undeveloped
West	Auto Urban Commercial	GR	Scattered Retail & Service Uses

### 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		



## Dimensional Standards

	<u>Current (AG) Residential</u>	<u>Proposed (GR) Non-Res</u>
Minimum Lot Size	1 Acre	N/A
Minimum Lot Width	100 Feet	N/A
Minimum Lot Depth	150 Feet	N/A
Front Setback	50 Feet	15 Feet
Side Setback	15 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	3 Stories	3 Stories

- ❖ 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3)

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

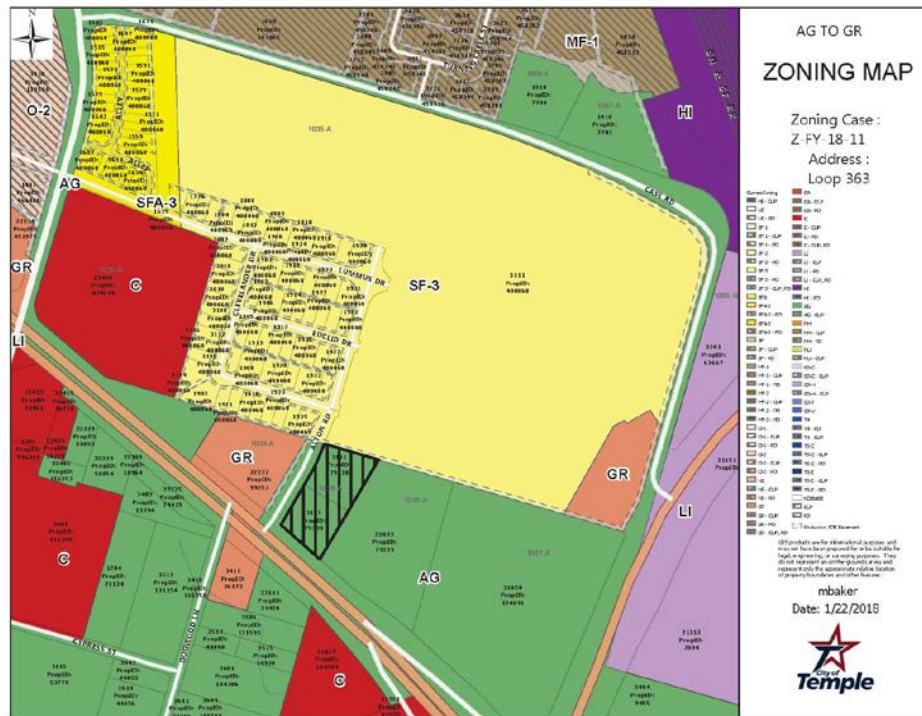


Location Map

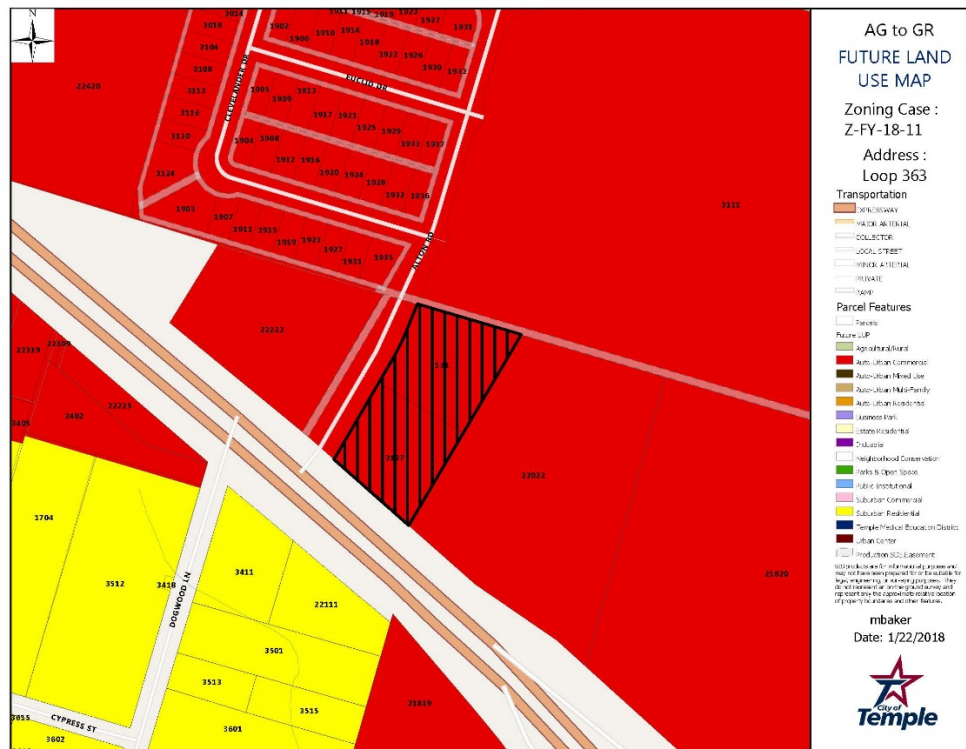


Aerial Map





**Zoning Map**

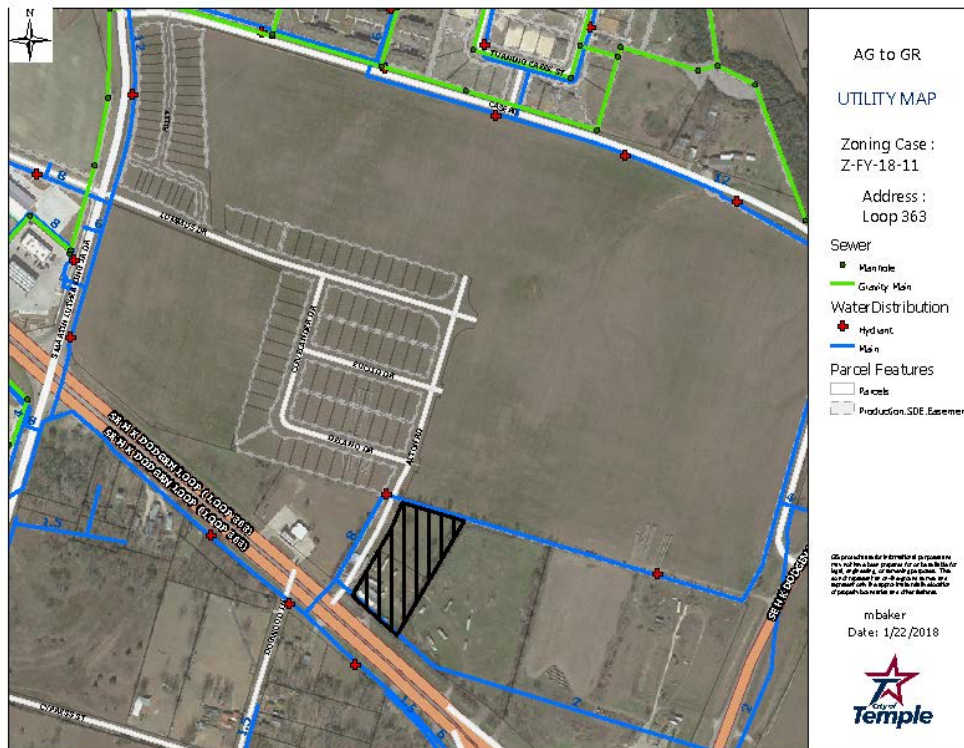


**Future Land Use Map**



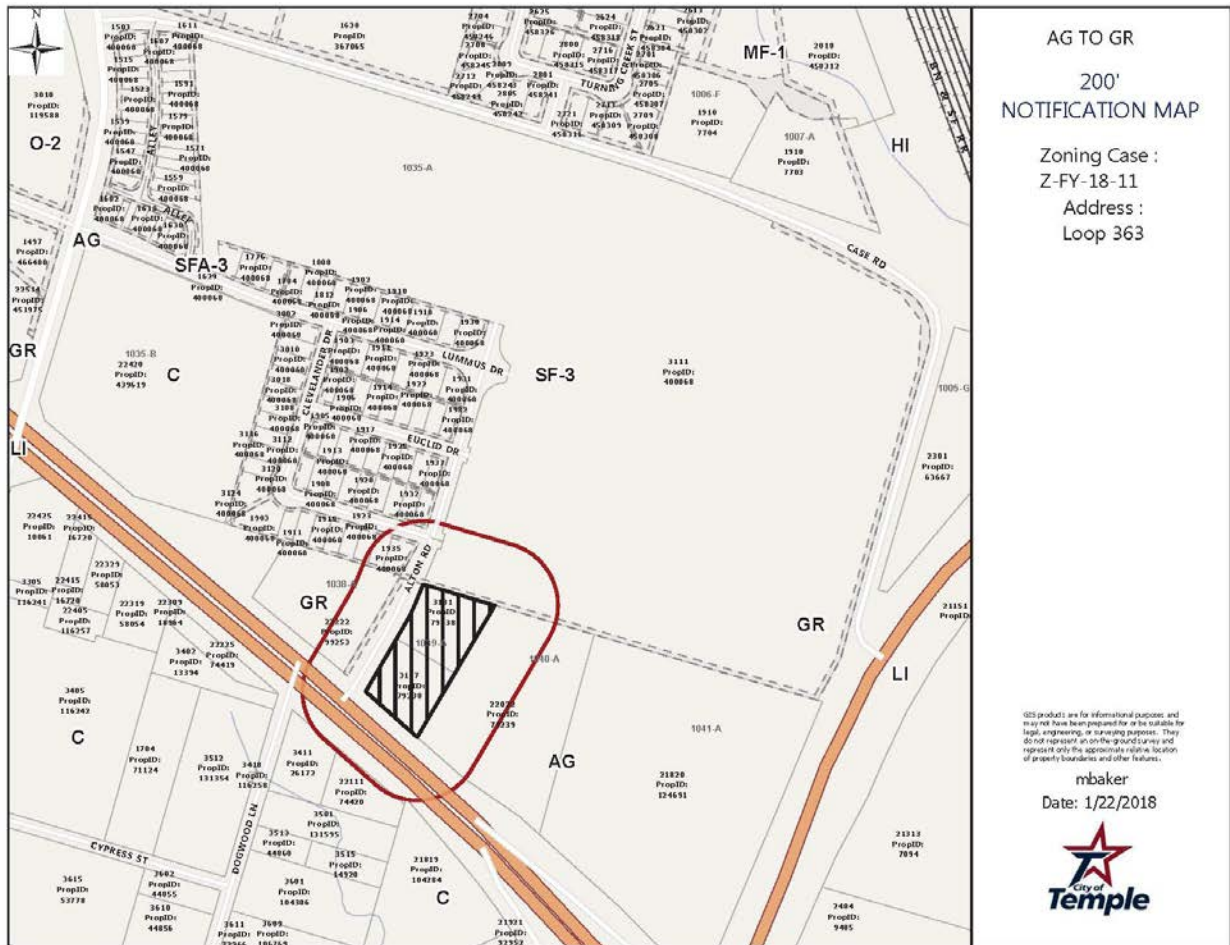


Thoroughfare & Trails Map



Utility Map





Notification Map





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

LAMAR ADVANTAGE OUTDOOR COMPANY LP  
C/O TLC PROPERTIES INC  
5110 N GENERAL BRUCE DR  
TEMPLE, TX 76501-9722

**Zoning Application Number: Z-FY-18-11**

**Case Manager: Mark Baker**

Location: 3137 & 3131 Alton Drive (Loop 363 & Alton Drive)

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:**


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---

  
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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **February 20, 2018**.

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

**RECEIVED**

**FEB 12 2018**

City of Temple  
Planning & Development

Number of Notices Mailed: 13

Date Mailed: February 8, 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**

CROUCH, LOIS FAMILY TRUST  
C/O TUBBS, MARCUS TRUSTEE  
10180 ROCKING H RD  
SALADO, TX 76571

**RECEIVED**

**FEB 22 2018**

City of Temple  
Planning & Development

**Zoning Application Number: Z-FY-18-11**

**Case Manager: Mark Baker**

Location: 3137 & 3131 Alton Drive (Loop 363 & Alton Drive)

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:**

We <sup>need</sup> City Sewer Across the street!!  
the City said they would put City Sewer in  
for over 20 years on my lot.

DEBRA TUBBS  
**Signature** DEBRA CROUCH TUBBS

DEBRA TUBBS  
**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](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **February 20, 2018**.

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

Number of Notices Mailed: 13

Date Mailed: February 8, 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**

SCOTT, ELVIRA M  
5304 REEF LN  
TEMPLE, TX 76502-6837

**Zoning Application Number:** Z-FY-18-11

**Case Manager:** Mark Baker

Location: 3137 & 3131 Alton Drive (Loop 363 & Alton Drive)

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

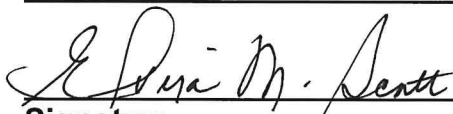
( ) disagree with this request

**Comments:**

**RECEIVED**

FEB 20 2018

City of Temple  
Planning & Development

  
Signature

ELVIRA M. 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](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **February 20, 2018**.

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

Number of Notices Mailed: 13

Date Mailed: February 8, 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**

KIELLA DEVELOPMENT, INC.  
P.O. BOX 1344  
TEMPLE, TX 76502

**Zoning Application Number:** Z-FY-18-11

**Case Manager:** Mark Baker

Location: 3137 & 3131 Alton Drive (Loop 363 & Alton Drive)

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:**

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**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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **February 20, 2018**.

**RECEIVED**

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

**FEB 23 2018**

City of Temple  
Planning & Development

Number of Notices Mailed: 13

Date Mailed: February 8, 2018

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





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

**Zoning Application Number:** Z-FY-18-11

**Case Manager:** Mark Baker

KIELLA DEVELOPMENT, INC.			
#	Property ID #	Address	City
1	400068	1935 DELANO DR	Temple, TX
2	400068	1932 DELANO DR	Temple, TX
3	400068	1936 DELANO DR	Temple, TX
4	400068	1927 DELANO DR	Temple, TX
5	400068	1931 DELANO DR	Temple, TX
6	79238	3137 ALTON DR	Temple, TX



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
TUESDAY, FEBRUARY 20, 2018**

**ACTION ITEMS**

**Item 2: Z-FY-18-11** – Hold a public hearing to discuss and recommend action for rezoning from Agricultural (AG) district to General Retail (GR) district on Lots 1 & 2, Block 5 of South Pointe Phase 1, 2.21 +/- acres, located on the north side of Loop 363, approximately 172 feet south east of its intersection with Dogwood Lane, addressed as 3137 & 3131 Alton Road.

Mr. Mark Baker, Senior Planner, stated this item is scheduled to go forward to City Council for first reading on March 15, 2018 and second reading April 5, 2018.

No specific use has been identified with this request. This is part of the platted South Pointe, Phase I, as Lots 1 & 2, Block 5.

The zoning map is shown. GR is intended for retail and service uses, it fronts along Loop 363, and supports the adjacent South Pointe development. Adjacent GR is already in place.

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 GR zoning.

Both water and sewer from the developing South Pointe subdivision will provide utilities to serve the subject property.

The Thoroughfare Plan designates Loop 363 as an Expressway so no sidewalk is required. There are no anticipated Transportation Capital Improvement Projects (TCIP) funded or scheduled through 2024.

There are no proposed trails identified for the area.

On site photos shown.

Surrounding properties include the Conoco Station along Loop 363, zoned GR, to the west, and scattered residential uses on acreage, zoned AG, to the south.

Aerial map shown.

Comparison Table of uses (not all inclusive) and Development Standards for AG and GR are shown.

Buffering and Screening standards would be required adjacent to residential uses:

Per the Unified Development Code (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

Thirteen notices were mailed in accordance with all state and local regulations with two responses returned in agreement and zero responses returned in disagreement.

The request is in compliance 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 AG District to GR District.

Chair Fettig opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Walker made a motion to approve Item 2, **Z-FY-18-11**, per Staff recommendation and Commissioner Crisp made a second.

*Motion passed: (7:0)*

Commissioners Armstrong and Marshall absent.



ORDINANCE NO. 2018-4903  
(Z-FY-18-11)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON LOTS 1 & 2, BLOCK 5 OF SOUTH POINTE PHASE I, APPROXIMATELY 2.21 ACRES, LOCATED ON THE NORTH SIDE OF LOOP 363, APPROXIMATELY 172 FEET SOUTH EAST OF ITS INTERSECTION WITH DOGWOOD LANE, ADDRESSED AS 3137 & 3131 ALTON ROAD; 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 from Agricultural zoning district to General Retail zoning district on lots 1 & 2, block 5 of South Pointe Phase I, approximately 2.21 acres, located on the north side of Loop 363, approximately 172 feet south east of its intersection with Dogwood Lane, addressed as 3137 & 3131 Alton Road, 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 **15<sup>th</sup>** day of **March**, 2018.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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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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04/05/18  
Item #5(R)  
Consent Agenda  
Page 1 of 1

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

Jason Deckman, Planner

**ITEM DESCRIPTION:** Consider adopting a resolution amending a street use license (SUL-FY-15-02) to allow existing buildings and improvements both above and below ground, on Lot 3, Block 1, Golden Valley Subdivision, with an encroachment of 50 +/- feet that covers 0.67 of an acre into the Georgetown Railroad Right-of-Way.

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

**ITEM SUMMARY:** The applicants, represented by Joe Naivar, Jr., request an amendment to the approved street use license (SUL-FY-15-02) to allow existing buildings, material storage, septic system, pavement and fence, on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of 50 +/- feet that covers 0.67 of an acre into the Georgetown Railroad right-of-way. The applicant represents Asphalt Inc. LLC, d/b/a Lone Star Paving Company. The original license inadvertently only included the existing building encroachment, omitting the other existing encroachments. The original license was approved by City Council on January 8, 2016, as Resolution No. 2015-7937-R.

Staff notified all utility providers, including the City of Temple Public Works Department, regarding the applicants' amended street use license. There are no objections to this request.

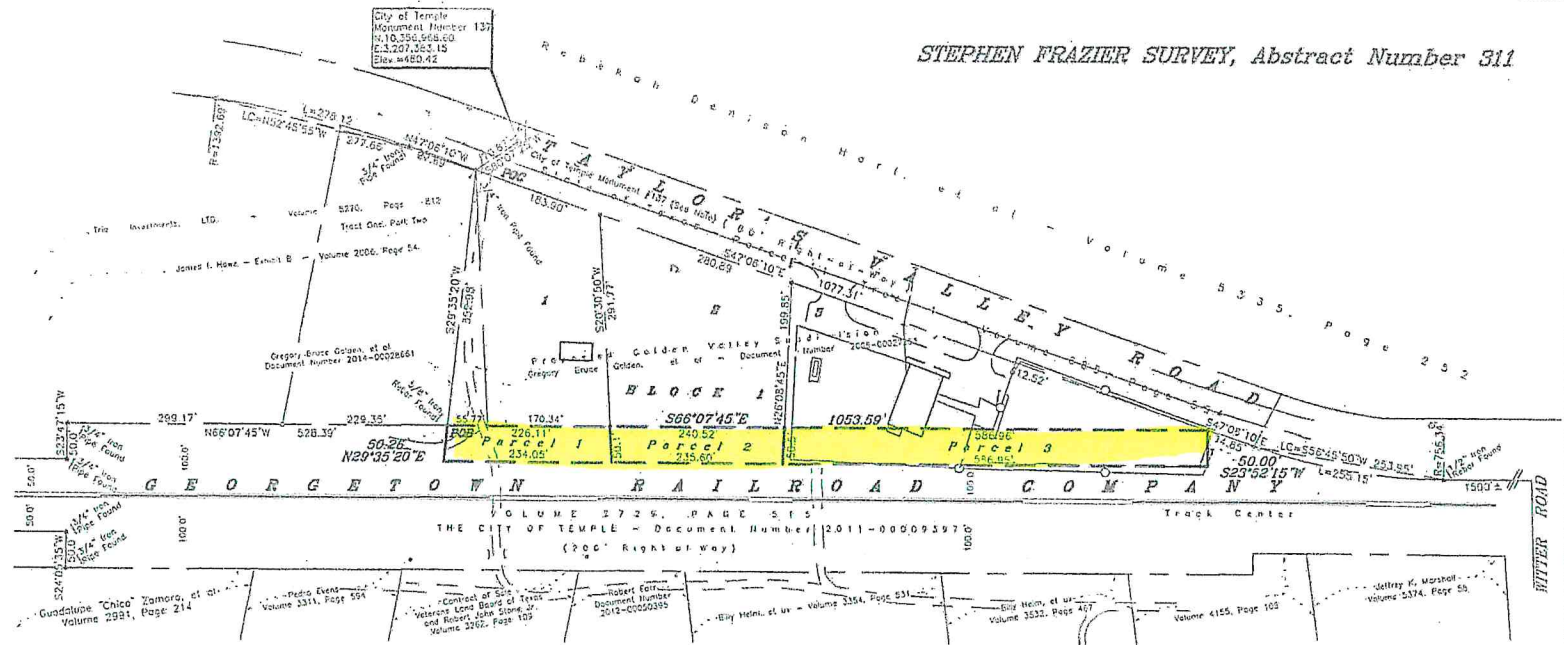
**FISCAL IMPACT:** None.

### **ATTACHMENTS:**

[Vicinity Map](#)  
[Original Resolution](#)  
[Survey & Field Notes](#)  
[Resolution](#)



STEPHEN FRAZIER SURVEY, Abstract Number 311



Sketch showing a Site Plan, for GOLDEN VALLEY  
for situated in the STEPHEN FRAZIER SURVEY,  
Abstract Number 311, in Bell County, Texas.  
Surveyed June 15, 2013.  
RONALD CARROLL SURVEYORS, INC.

NOTES:

- Property Corners are 5/8" Iron Rebar Set with yellow plastic cap stamped "RCS, INC.", unless otherwise stated.
- Calculated Point.
- △ 5/8" Iron Rebar Found with 3" Aluminum cap stamped Texas Department of Transportation, unless otherwise stated.
- POB Point of Beginning
- POC Point of Commencement

Parcel Area 1	0.26
Parcel Area 2	0.27
Parcel Area 3	0.67
Total Acres	1.21

FOR: Alma Golden  
JOB NO: 13041  
DATE: 10/15/14  
DWG NAME: GoldenSITE PLAN.dwg  
DISK: S:/RCS Jobs-2013  
DRAWN BY: G.B.C.  
FIELD BOOK: "NO. PG"

encroachment designated by  
paving and fence line.



RESOLUTION NO. 2015-7937-R

(SUL-FY-15-02)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE TO ALLOW EXISTING BUILDINGS AND AN EXISTING CHAIN LINK FENCE ON LOT 3, BLOCK 1, GOLDEN VALLEY SUBDIVISION, WITH AN ENCROACHMENT OF APPROXIMATELY 10.9 FEET INTO THE GEORGETOWN RAILROAD RIGHT OF WAY; PROVIDING FOR THE TERMS OF AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicants, Jeffrey Martin Ling and Lyndall Ling, request a street use license to allow existing buildings and an existing chain link fence on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of approximately 10.9 feet into the Georgetown Railroad right-of-way;

**Whereas**, the Final Plat of Golden Valley Subdivision was approved by the Planning and Zoning Commission on October 5, 2015, but it has not yet been recorded;

**Whereas**, Staff has notified all utility providers, including the City of Temple Public Works Department, regarding the applicants' requested street use license and there are no objections to this request; 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:** A Street Use License is granted to the applicants, Jeffrey Martin Ling and Lyndall Ling, to allow existing buildings and an existing chain link fence on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of approximately 10.9 feet into the Georgetown Railroad right-of-way, more fully shown on Exhibit 'A,' attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

**I. Term**

This license is granted for a term of fifteen years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license.

**II. Fee**

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150.00) for the fifteen year term of the license herein granted upon the execution by Licensee and approval by the City of the agreement.



### **III. Purpose**

The above-described property shall be used by the Licensee to utilize property located at Lot 3, Block 1, Golden Valley Subdivision, to allow an approximately 10.9 foot encroachment into the Georgetown Railroad right of way.

### **IV. Conditions of License**

The above-described license is granted subject to the following conditions, terms and reservations:

#### **a) Maintenance of Encroachment Area.**

1. Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly matter. A sufficient area of the public street, right of way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right of way. Licensee shall at all times, allow access to utilities and trash receptacles located within the encroachment area.
2. Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be borne by the Licensee.
3. In the event that City requests removal of the encroachment or any other physical improvement in the area of the licensee, Licensee shall remove said improvement at his own expense within thirty days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

#### **b) Right of Cancellation.**

1. This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to



cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a)(2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

c.) **Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for the license upon its renewal or extension.

d.) **Hold Harmless.**

1. As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.
2. Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.
3. It is the intention of this indemnity agreement on the part of the Licensee and a condition of the license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of



Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgement or judgements that may be rendered against the City of Temple in connection herewith.

### V. Acceptance by Licensee

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been cancelled fully.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 5<sup>th</sup> day of November, 2015.

THE CITY OF TEMPLE, TEXAS




DANIEL A. DUNN, Mayor

ATTEST:

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

APPROVED AS TO FORM:

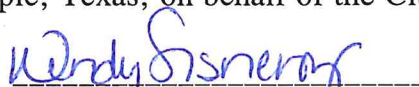
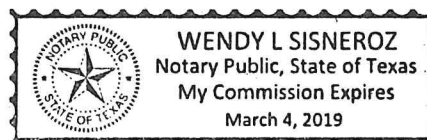
  
\_\_\_\_\_  
Kayla Landeros  
City Attorney

### CERTIFICATE OF ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF BELL

This instrument was acknowledged before me on the 8 day of January, 2016, by **Daniel A. Dunn**, Mayor, City of Temple, Texas, on behalf of the City.

  
\_\_\_\_\_  
Notary Public, State of Texas





February 16, 2018

page 1 of 2

Field notes for a SPECIFIC USE LICENSE for Mr. Joe Naviar for:

Part of the STEPHEN FRAZIER SURVEY, Abstract Number 311, situated in the City of Temple, in Bell County, Texas, and embracing a portion of the tract described in the deed to the City of Temple, recorded in Document Number 2011-00009397 of the Bell County Official Public Records.

BEGINNING at 5/8 inch iron rebar found with a cap stamped "RCS INC" in the south right of way line of Taylor's Valley Road, being in the south line of a tract described in the deed to the State of Texas, Parcel 11, Tract 1, recorded in Volume 685, Page 594 of the Bell County Deed Records, for a westerly northeast corner of said City of Temple tract, formerly known as the Georgetown Railroad Company tract, recorded in Volume 2729, Page 515 of said Official Public Records, and being the northeast corner of Lot 3, Block 1 of GOLDEN VALLEY SUBDIVISION, a subdivision to the City of Temple, in Bell County, Texas, as it appears upon the map recorded in Plat Year 2016, Map Number 64 of the Bell County Plat Records, for the northeast corner of a tract described in the deed to Asphalt, Inc., recorded in Document Number 2018-00000469 of said Official Public Records, also being 100 feet northerly and parallel to the Track Center of said former Georgetown Railroad Company.

Thence south 23 degrees-52 minutes-15 seconds west 50-0/10 feet to a calculated point being in a line 50 feet northerly and parallel to said Track Center of the Georgetown Railroad Company and City of Temple tract.

Thence north 66 degrees-07 minutes-45 seconds west (along a line 50 feet northerly and parallel to said Track Center of the Georgetown Railroad Company and City of Temple tract, 588-95/100 feet to a calculated point.

Thence north 26 degrees-08 minutes-45 seconds east 50-05/100 feet to a 5/8 inch iron rebar found with a cap stamped "RCS INC" in the north line of said City of Temple and Georgetown Railroad Company tracts, being 100 feet northerly and parallel to said Track Center, for the southeast corner of Lot 2, in said Block 1 and the southeast corner of a tract described in the deed to Peerless Group, LLC., recorded in Document Number 2018-00000468 of said Official Public Records, for the southwest corner of said Lot 3, in Block 1 and Asphalt, Inc. tract.

Thence south 66 degrees-07 minutes-45 seconds east (plat call) along the north line of said City of Temple and Georgetown Railroad Company tracts, being 100 feet northerly and parallel to said Track Center of the Railroad, for the south line of said Lot 3, Block 1 and Asphalt, Inc. tract, 588-95/100 feet to the place of BEGINNING and containing 0-67/100 of an acre, as surveyed.



February 16, 2018

Page 2 of 2

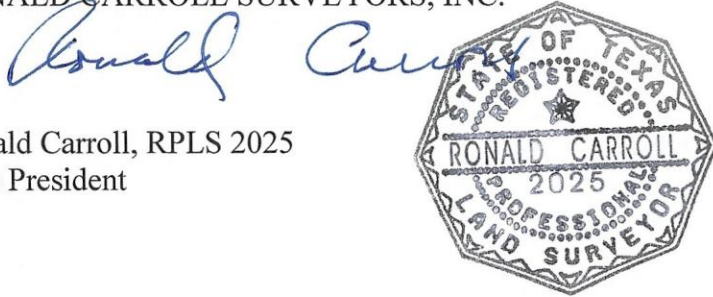
Field notes for a SPECIFIC USE LICENSE for Mr. Joe Navar for: (continued)

The basis of bearings was taken from the Texas State Plane Coordinate System, Central Zone, NAD83 Datum, as obtained by GPS observations, and referenced to the LEICA SMARTNET NETWORK of NORTH AMERICA Base Station "TXTC" at Temple College, in Temple, Texas.

See attached 11 inch by 17 inch sketch that accompanies these field notes.

Compiled February 15, 2018.

RONALD CARROLL SURVEYORS, INC.



Ronald Carroll, RPLS 2025  
Vice President

S:\jobs 13041 Golden Valley Sub draft fn Specific Use License Lot 3 Naivar 021318



RESOLUTION NO. 2018-9096-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING A STREET USE LICENSE TO ALLOW EXISTING BUILDINGS AND IMPROVEMENTS BOTH ABOVE AND BELOW GROUND, ON LOT 3, BLOCK 1, GOLDEN VALLEY SUBDIVISION, WITH AN ENCROACHMENT OF APPROXIMATELY 50 FEET INTO THE GEORGETOWN RAILROAD RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicants, represented by Joe Naivar, Jr., have requested an amendment to the approved street use license approved by City Council on November 5, 2015 by Resolution No. 2015-7937-R which allowed existing buildings, material storage, septic system, pavement and fence on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of approximately 50 feet that covers 0.67 of an acre into the Georgetown Railroad right-of-way;

**Whereas**, the applicants represent Asphalt Inc., LLC d/b/a Lone Star Paving Company and the original license inadvertently included only the existing building encroachment, omitting the other existing encroachments;

**Whereas**, Staff has notified all utility providers, including the City of Temple Public Works Department regarding the applicants' amended street use license and there are no objections to this request; 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 amends Resolution Number 2015-7937-R which granted a Street Use License which only allowed for existing buildings, material storage, septic system, pavement and fence on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of approximately 50 feet that covers 0.67 of an acre into the Georgetown Railroad right-of-way to now include other existing encroachments as outlined 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 **5<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(S)  
Consent Agenda  
Page 1 of 1

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

Floyd Mitchell, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution rescinding Resolution No. 94-656-R, which was passed and approved on February 17, 1994 and established a Police Reserve Unit for the Temple Police Department.

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

**ITEM SUMMARY:** There are currently no members of the Reserve Unit and membership in the past 10 years has dwindled to there being only an occasional Reserve Officer in the Unit. The Department finds it is no longer in the public interest to put forth the resources required to recruit, equip, manage, and maintain training on persons in a Reserve Unit.

**FISCAL IMPACT:** There will be nominal savings in required equipment costs due to the elimination of the Police Reserve Unit for the Temple Police Department.

### **ATTACHMENTS:**

[Resolution No. 94-656-R](#)  
[Resolution](#)



RESOLUTION NO. 94-656-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ESTABLISHMENT OF A RESERVE POLICE UNIT FOR THE TEMPLE POLICE DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, the establishment of a Police Reserve Unit will enhance and reinforce the law enforcement duties of the Temple Police Department in routine operations, as well as those of emergency and disaster;

**Whereas**, there is an expressed interest and approval by many citizens, as well as police officers within the department, to initiate the Reserve Police Unit;

**Whereas**, the Reserve Police Unit will enhance public relations for the City and the Temple Police Department, and the men and women of various backgrounds and ethnic origins who serve in the unit will be properly trained and receive State certification;

**Whereas**, the Law Enforcement Advisory Board and the Civil Service Commission have expressed support for the Reserve Unit; 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:** A Reserve Police Unit for the Temple Police Department is hereby established. The Reserve Police Unit shall operate in accordance with the policies and procedures which have been established, a copy of which is attached hereto and made a part hereof for all purposes as Exhibit "A."

**Part 2:** The maximum number of reserve police officers shall be set at fifty (50).

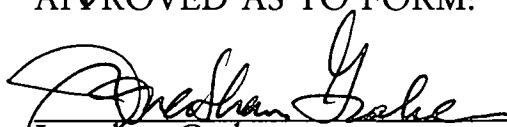
**Part 3:** That it is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 17th day of February, 1994.


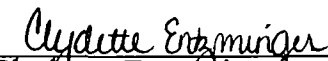
THE CITY OF TEMPLE, TEXAS

  
J.W. PERRY, Mayor

APPROVED AS TO FORM:

  
Jonathan Graham  
City Attorney

ATTEST:

  
  
Clydette Entzminger  
City Secretary



## **EXHIBIT**

"A"



### **PATROL PROCEDURES RESERVE UNIT**

#### **I. MEMBERSHIP**

- A. Members of the Temple Police Reserve Force, hereafter called the Reserve Force, shall be appointed at the discretion of the Chief of Police.**
- B. Members of the Reserve Force shall meet the following qualifications:**
  - 1. Minimum of 21 years of age.**
  - 2. Normal color vision.**
  - 3. Be of good moral character and reputation, having not been convicted of D.W.I. within the last ten years, nor ever have been convicted of a felony nor placed on probation for a felony.**
  - 4. Documented approval from the member's personal physician that the member can safely perform the type of physical exertion which may be required in the performance of duty as a reservist.**
  - 5. Satisfactory completion of the minimum required classroom training and subsequent certification by the Texas Commission of Law Enforcement Officer Standards and Education.**
  - 6. Achieving and maintaining a minimum qualification score in the use of the duty weapon as determined by Temple Police Department yearly training.**
- C. The Reserve Force shall not exceed fifty (50) members, including Reserve supervisors.**
- D. All members of the Reserve Force shall serve without compensation or any other benefit accruing from membership other than that designated or approved by the Chief of Police of Temple, Texas.**
- E. All members of the Reserve Force shall be subject to the Department Code of Conduct, and all other rules, regulations, policies, and laws to which regular police employees are subject, and may be summarily dismissed from the Reserve Force for violations thereof.**



## **II. APPLICATION, SELECTION, and MEMBERSHIP PROCEDURE**

- A. Applications will be given on request to interested persons. That application shall be forwarded to the Reserve Liaison Commander.**
- B. Application will be filled out in its entirety and returned by date given on application (2 weeks), with all necessary documentation.**
- C. On return of the application a background investigation will be completed prior to the review board. Omissions of required information or documentation or failure to return application by date due will be considered just cause to discontinue the processing of the applicant.**
- D. On completion of a background investigation, a review board will convene for the purpose of conducting oral interviews. This board shall consist of the following:**
  - 1. The Reserve Liaison Commander**
  - 2. Captain of Patrol (or his designee)**
  - 3. Two Regular Officers**
- E. Application will not be selected, if it is in the opinion of the board that the applicant's occupation is determined to be a conflict of interest or prejudicial to the good of the Reserve Force, Temple Police Department, and the City of Temple.**
- F. The mere successful completion of the above requirements does not guarantee appointment as a Reserve Police Officer for the City of Temple.**
- G. All applicants that successfully complete the above requirements will then be submitted to the Chief of Police for final approval.**

## **III. GENERAL RULES**

- A. A reserve officer has minimum required hours per month of 12 hours. Each Reserve Officer will perform duty a minimum of the 12 hours per month to remain on an active status, notwithstanding excused absences. Those members who fail to complete the minimum hours per month, will be placed on probationary status for 30 days; failure to complete the required hours is cause for dismissal from the Reserve Program. In addition to the required hours, all members shall be present at all required meetings. All members are expected to become actively involved in the Reserve Program. Although Reserve Officers receive no financial compensation, they are covered under Workman's Compensation and liability insurance.**
- B. A Reserve Officer will not carry a handgun; unless he/she is officially on duty.**



- C. A Reserve Officer will not represent him/herself at any time as a peace officer, except as prescribed in the Rules, Regulations and Procedures of the Reserve Officer Policy.
- D. A Reserve Officer will not ride with another Law Enforcement Agency and represent him/herself as a Police Officer.
- E. Leave of Absence:
  - 1. A Reserve Officer leaving the area for a minimum of 10 days, not to exceed 30 days, must notify the Director of the Reserve Unit or the Reserve Liaison Officer of the days they will be unavailable for service.
  - 2. A Reserve Officer leaving the area for a period exceeding 30 days, will notify the Director of the Reserves in person and is subject to having turning in his identification and equipment.
  - 3. Failure to maintain active status for a minimum of two months without excused absence shall be cause for dismissal from the Reserve Force.
- F. A Reserve Officer must maintain a valid Texas drivers license.
- G. A Reserve Officer must have completed a Driver Safety Course recognized or presented by the City of Temple prior to operating a City vehicle.
- H. A Reserve Officer will familiarize his/herself with and adhere to the Department Rules and Regulations, Policies and Procedures.
- I. Court Appearances:
  - 1. It is a normal procedure to not include Reserve Officers on tickets or other required paperwork, but should their testimony be crucial they shall be listed as a witness.
  - 2. It shall be the Reserve Officers responsibility to check the Court Docket and or adhere to subpoenas and other notices as required.
- J. Uniforms of Reserve Officers shall be the same as those of Regular Temple Officers with the following exception:
  - 1. Reserve Officers shall have a prescribed white cloth to the epaulets of their uniforms.
  - 2. Reserve Officers shall have the words Reserve on the shield and name tag.
- K. Reserve Officers may serve more than minimum required hours at the discretion of the Temple Police Department.



- L. Reserve Officers are expected to serve for scheduled assignments, regardless of the number of non-scheduled hours worked.**
- M. Absences resulting from civilian work related duties such as military orders, summer requirements, and other such events may be excused Absences if approved by the Director of the Reserve Unit.**

#### **IV. RESERVE ORGANIZATION**

- A. The Reserve Force shall be commanded by the Chief of Police of Temple and his Reserve Liaison Commander usually the Support Services Captain.**
- B. The Reserve Force shall be immediately under the command of the Director of the Reserve Force who serves by appointment of the Chief of Police.**
- C. Depending on the size of the Reserve Force, ranks of Lieutenants, and or Sergeants as Squad Leaders may be organized.**

#### **V. DUTIES**

- A. Members of the Reserve Force shall serve solely to assist the regular members of the Police Department of Temple, Texas in preserving the peace, enforcing the law, and maintaining order during periods of emergency as designated by the Chief of Police.**
  - 1. Members may be called into service at any time the Chief of Police considers it necessary to have supplemental manpower to preserve the peace.**
  - 2. Members of the Reserve Force shall act only in a supplemental capacity to the regular police force and shall in no case assume the full-time duties of regular police officers unless with the specific written approval of the Chief of Police.**
  - 3. It is the primary intention of this order that typical Reserve Officer assignments be focused on freeing regular police personnel from non-enforcement duties and that any assignments placing the Reserve Officer in a primary enforcement role be the exception rather than the rule.**
- B. No member of the Reserve Force may carry a weapon or otherwise act as a peace officer until after certification by the Texas Commission on Law Enforcement Officers Standards and Education, routine qualification with the particular weapon in Departmental training, and approval of the Chief of Police. Reserve Officers when not in uniform and not on official duty with the Temple Police Department shall be subject to the same laws and restrictions on the use and carrying of firearms as all citizens of Texas other than full time commissioned peace officers.**



- C. Reserve Force Officers shall be subject to the direction of their supervisors and the in charge regular officer at any scene of police activity.**

  - 1. Reserve Force Officers shall perform any authorized duty that the Regular Officer directs and which is within the scope of activities authorized by this and any future order.**
- D. No member of the Reserve Force shall serve in any plainclothes or undercover capacity without the prior approval of the Director of the Reserve Unit, Reserve Liaison Commander or the Chief of Police.**
- E. Reserve Force members shall keep their Reserve supervisors aware of their availability for assignments especially scheduled activities.**

  - 1. Failure to perform scheduled duty or to notify as to unavailability for assignment shall be causal grounds for involuntary release from the Reserve Force.**
- F. Reserve Force members shall not identify themselves nor in any way represent themselves or give the false impression that they are regular police officers or full time members of the Temple Police Department. Reserve Force identification is solely for on-duty purposes and shall not be used for personal reasons, such as securing credit, routine personal identification, etc.**
- G. Regular assignments for Reserve Force members shall take the form of the following priorities in this list:**

  - 1. Accompanying the regular police officers and assisting them in routine activities, such as patrol, supporting, and back-up roles.**
  - 2. Other duties and assignments as designated by the Reserve Force Director and the Reserve Liaison Commander.**
  - 3. Special events, parades, football games and etc. where traffic and crowd control considerations necessitate supplementing regular police manpower.**
  - 4. Departmental staff assignments, complaint desk, PSO, special administrative projects, involving in-house work activities, warrant service.**
  - 5. Crime prevention programs and activities involving inspections and community relations activities.**
- H. Discipline: Violations of this or any other order or any Departmental Rules and Regulations will be handled under progressive discipline policies of the City of Temple, Texas.**



**ALL MEMBERS OF THE RESERVE PROGRAM MUST KNOW AND REALIZE THAT THE AFOREMENTIONED POLICIES AND PROCEDURES AND ANY OTHERS THAT MAY BE PROMULGATED CONTAIN GENERALIZATION AND MAY NOT PRESUME THAT THE DUTIES ARE FULLY SET FORTH HEREIN.**





## **PATROL PROCEDURES RESERVE UNIT**

**IT IS THE INTENT OF THE TEMPLE POLICE DEPARTMENT** to provide the highest level of quality service to the Citizenry, while operating in the most efficient manner. The use of volunteer citizens to perform certain police functions will provide the most efficient form of service. The Department is committed to provide the guidelines to develop the volunteer citizen as a quality service provider.

**THE PURPOSE OF THIS POLICY** is to establish the guidelines for the Reserve Police Unit of the Department.

### **DEFINITIONS:**

1. **RESERVE UNIT** means the same as the term "Reserve Force" and refers to the sworn officers and non-sworn technical personnel of the Police Department which are voluntary and part time.
2. **RESERVE OFFICER** means a volunteer police officer who is licensed by the State of Texas and performs duties at the direction of a regular police officer under the authority of the Chief of Police. Reserves are not civil service employees.
3. **REGULAR OFFICER** means a police officer, of any rank, licensed by the State of Texas and employed by the City of Temple, Texas. Regular officers are civil service employees.
4. **CERTIFICATE** means the acknowledgement issued by the Texas Commission on Law Enforcement Standards and Education that classifies a reserve's law enforcement abilities as either basic, intermediate or advanced.
5. **LINE OFFICER** means a reserve police officer whose primary duties are enforcement related.
6. **SUPPORT OFFICER** is not a police reserve but is non-sworn personnel whose assignment is not related directly to enforcement duties i.e., a Media Representative.



7. **NON-SUPPORT OFFICER** means a police reserve who has completed twelve years of service and requested and been approved to serve in the technical reserve squad.
8. **RESERVE WARRANT OFFICER** means a police reserve assigned to the municipal court to serve warrants.
9. **DIRECTOR OF THE RESERVE UNIT** means the reserve officer appointed by the Chief of Police for the purpose of managing the reserve unit.
10. **ASSISTANT DIRECTOR OF THE RESERVE UNIT** means the reserve officer appointed by the Reserve Director to provide intermediate administrative support between the Director and the squad leaders.
11. **SQUAD LEADER** means a reserve that has been appointed by the Reserve Director to supervise a group of reserves.
12. **RESERVE LIAISON COMMANDER (RLC)** means a regular police officer who acts on behalf of the Chief of Police for the day to day direction of the reserve program.
13. **ON DUTY FOR POLICE RESERVES**, for purposes of carrying a handgun, means when the Reserve is acting at the direction of the Chief of Police or his designee.
14. **OFF DUTY FOR POLICE RESERVES** means at all times except when performing specific task at the direction of the Chief of Police or his designee.
15. **BASIC TEXAS PEACE OFFICERS LICENSE** means the license issued by the State of Texas to those persons who have completed the course of study necessary to be employed as a peace officer.
16. **RESERVE PEACE OFFICERS LICENSE** means the license issued by the State of Texas to those persons who have completed the course of study necessary to perform the duties of a reserve peace officer.

**PROCEDURE: AUTHORIZATION OF RESERVE POLICE UNIT**

- I. The authority to establish a Reserve Police Section is granted by the City Ordinance.



- II. The ordinance establishes a "reserve force". However, for clarity within the police department organization, the reserve force will be known as the reserve unit.
- III. The ordinance states that the reserve unit is a separate and distinct organization, thereby removing from the reserve personnel any obligation to the Civil Service Rules as applied to regular officers.
- IV. The ordinance establishes the Chief of Police as the head of the unit and this authority is delegated to the Reserve Liaison commander, normally a division commander, from the regular police department.
- V. The number of reserve officers will not exceed the number as listed by the ordinance.

#### **PROCEDURE: POLICE RESERVE UNIT ORGANIZATIONAL STRUCTURE**

- I. The Police Reserve Unit will consist of three sections; the Line Squads, the Technical Squad and the Warrant Squad. These three sections will report to the Reserve Director.
- II. The Chief of Police will appoint a Reserve Director. the Director will report to the Chief of Police through the Reserve Liaison Commander. Responsibilities of the reserve Director are:
  - A. To direct the reserve program within the guidelines of departmental policies and procedures.
  - B. The Reserve Director has the authority of a Command Rank Officer over other reserve officers.
  - C. The Reserve Director has the authority to promote, demote, transfer or remove from duty reserve officers within the reserve section.
  - D. The Reserve Director is responsible for ensuring that each Reserve Officer fulfills the hours per month requirement of assigned police operational duties. The hours requirement does not include meetings, school games, or administrative duties.
- III. An Assistant Director will be appointed for the Line Squads to serve as intermediate line manager to provide assistance in administrative functions. The number of Assistant Directors will be determined by the RLC and appointed by the Reserve Director.



## **PROCEDURE: LINE SQUAD**

- I. Line Squads will be established by the Reserve Director that will not exceed 10 officers. These squads will be supervised by a Squad Leader.
- II. Squad Leaders will be responsible for the administrative functions and support for their assigned squad. Squad leaders will be appointed by the Reserve Director.
- III. The Chain of Command for a line officer will be the Squad Leader, Assistant Director, Reserve Director, and Reserve Liaison Commander and Chief of Police.
- IV. Line Squads primary responsibility will be assignment to the Field Operations Division with patrol duties.
- V. Line Squads other responsibilities will be to provide police service for parades, civic events, and other special assignments.
- VI. Each line Reserve Officer is required to work 12 hours per month in the above listed responsibilities. Hours for meetings, school games and administrative duties will not be included in the 12 hour obligation.

## **PROCEDURE: TECHNICAL SQUAD**

- I. A Technical Squad will be established and supervised by the Director of Reserves. The squad will have two sections, Support and Non-Support.
- II. The Support Section of the Technical Squad will consist of persons appointed by the Chief of Police. They will include, but will not be limited to, Police Media Reserve and Fingerprint-Identification Officer. Assignments will be made by the Chief of Police.
- III. The Non-Support Section of the Technical Squad will consist of Reserve Officers that have provided twelve (12) years of continuous service to the City of Temple. These officers must indicate that it is their preference to be assigned to the Technical Squad.
- IV. Technical, Non-Support Reserves (TNSR) officers will be required to work 12 hours per month. The duties will be meetings, parades, ball games, special vents, emergency call outs and station duty.
- V. TNSR officers will report to the Shift Commander for assignment for only one of the above listed.



- VI. TNSR officers may ride patrol with regular officers and supervisors only by the approval of the Reserve Liaison Commander.

**PROCEDURE: WARRANT SQUAD**

- I. A warrant squad is established and the Reserve Director will assign reserve officers to serve the municipal court.
- II. Reserve officers assigned to the warrant squad will report directly to the Court Administrator's designee for daily supervision.
- III. Administrative functions will be the responsibility of the Director of the Reserve Unit.
- IV. Reserve officers assigned to the Warrant Squad will not be required to perform line functions. This does not prohibit their participation in line functions.
- V. The number of reserve officers assigned to the Warrant Squad will be determined by the Reserve Liaison commander.

**PROCEDURES: RESERVES USE OF MARKED POLICE UNITS**

- I. Advance Certificate Police Reserves (ACPR) are eligible to drive a City of Temple marked police unit under the following circumstances:
  - A. The ACPR has completed two (2) years service with the Temple Police Department.
  - B. The ACPR is insurable under the criteria established by the City of Temple Risk Manager for all police personnel who operate emergency equipment.
  - C. The ACPR is carrying out a specific assignment at the direction of the regular shift commander.
  - D. The ACPR is responding to a direct order from any police officer who has custody of a marked unit and needs assistance from the reserve that includes the temporary driving of a marked unit. No reserve will routinely drive a marked unit when assigned with a regular officer.
- II. Intermediate Certificate Police Reserves (ICPR) are eligible to drive a City of Temple marked police unit under the following circumstances:



- A. The ICPR has completed five (5) years service with the City of Temple Police Department.
- B. The ICPR reserve has met the criteria established in B, and D above.
- III. Basic Certificate Police Reserves (BCPR) are not eligible to drive a City of Temple marked police unit except to prevent the immediate loss of human life or when ordered by the regular shift commander.
- IV. No police reserve will operate a marked police unit with emergency lights and/or siren in response to an emergency (Code 3) unless the reserve has successfully completed a departmentally sanctioned course in Tactical Police Driving and received credit from the Texas Commission on Law Enforcement Standards and Education.
- V. Police reserves using marked and unmarked police units will check in and out of service using their identification number and identification number of any other officers with them.
- VI. Police reserves using marked police units will not remove the unit from service with more than 1/4 tank of gasoline having been expended according to the fuel gauge in the unit being operated.
- VII. Police reserves using marked police units are responsible for the maintenance of the vehicle while it is in their possession, making arrangements for repairs and/or service when necessary.

#### **PROCEDURES: SHIFT ASSIGNMENT AND ABSENCES**

- I. It is the responsibility of the Director of the Reserve Unit to cause a schedule of reserves to be posted monthly. Attendance is required on posted duty days of the assigned squad. Reserves who choose to work on non-duty days will follow the same procedure as duty days.
- II. It is the responsibility of each squad leader to coordinate the schedule with the regular shift commander to identify what reserve manpower is available on a weekly basis for the posted duty.
- III. Reserves will not have duty days Sunday through Thursday. The squad leader will be responsible for special assignments on Sunday through Thursday.
- IV. Each reserve officer will notify their squad leader if they can not work a duty night.



- V. In cases of emergencies, a reserve who is going to be absent need not contact the squad leader prior to attending to the emergency.
- VI. In any case of absence, the reserve, or his squad leader, will send a written notification to the RLC, explaining in detail the reason for the absence.
- VII. It is the responsibility of each reserve officer to fill out an attendance card each day of work and submit those cards to the RLC.
- VIII. The reserve officer will report to the shift commander for assignment and can be reassigned at the discretion of an on duty patrol supervisor in the case of a business need.
- IX. Assignments made by the shift commander will consider the reserve officer's level of certification and task definition as defined by the following chart.

	ACPR	ICPR	BCPR	*TNSR
Patrol Duties (with regular officer)	Yes	Yes	No	No**
Patrol Duties (one reserve alone)	Yes	No	No	No
Patrol Duties (two reserves)	Yes	Yes	No	No
Prisoner Transfer (unmarked vehicle)	Yes	Yes	No	No
Station Duty	Yes	Yes	Yes	Yes

**\*TNSR - Technical Non-Support Reserve**

**\*After approval OF RLC**

**PROCEDURE: DISCIPLINE (REFERENCE CITY ORDINANCE)**

- I. Police reserves serve at the pleasure of the Chief of Police. Appointments, promotions, demotions, and expulsions from the reserve are made by the Reserve Director, reviewed by the RLC and approved by the Chief of Police. All other matters of discipline, policy administration and program structure will be carried out by the RLC.



- II. The reserve unit is bound by all applicable written directives of the Temple Police Department and will be held strictly accountable for obeying the policies, procedures, rules and regulations set forth therein.
- III. It is the responsibility of each reserve to properly maintain a current manual of the written directives of the Temple, Texas Police Department.

#### **PROCEDURES: CALL OUT**

- I. Police reserve officers will augment the regular police organization by providing manpower in specific instances as defined in their procedure. Three categories call out may be utilized by the shift commander. The call outs will be defined as emergency Call Out (ECO), Assigned Call Out (ACO), and Duty Call Out (DCO).
  - A. Emergency Call Out (ECO) will be made by the shift commander in the event of a natural disaster, i.e., tornado, flooding, etc. A dispatcher will notify the Reserve Director.
    - 1. It is the responsibility of the Reserve Director to establish guidelines for the notification of the reserve unit, utilizing reserve personnel.
    - 2. All reserves are required to respond when called.
  - B. Assigned Call out (ACO) will be scheduled activities such as parades, specific ball games, etc., and will be scheduled in advance.
    - 1. All reserves are required to respond when called.
  - C. Duty Call Out (DCO) will be made by shift commander to the squad leader assigned for the day. The squad leader will notify the appropriate number of reserve personnel as requested. A DCO will be for prisoner transfer, major accidents, etc. DCO will be utilized when a shortage of manpower is evident due to situations listed above. A roster and duty schedule will be provided by the Reserve Director to the Shift Commander.

#### **PROCEDURES: HANDGUNS CARRIED BY RESERVES**

- I. Police Reserves who are currently licensed with at least a basic Texas Peace Officer License will be allowed to carry handguns under the following conditions:
  - A. While on duty.
  - B. While off duty and traveling within the corporate limits of the City of Temple, Texas.



1. When carrying a handgun and out of uniform, reserves with a current Texas Peace Officer License must keep the weapon concealed from the public at all times.
2. Reserves carrying a handgun are required to also carry their Temple Police Department badge and identification card.

**II. Police Reserves who are currently licensed with only a Reserve Peace Officer License will carry handguns under the following conditions:**

- A. While on duty.
- B. When allowed by law to carry a handgun as a private citizen.



RESOLUTION NO. 2018-9097-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RESCINDING RESOLUTION NO. 94-656-R APPROVED BY COUNCIL ON FEBRUARY 17, 1994 AND WHICH ESTABLISHED A POLICE RESERVE UNIT FOR THE TEMPLE POLICE DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on February 17, 1994, Council approved Resolution No. 94-656-R which established a Police Reserve Unit for the Temple Police Department;

**Whereas**, currently, there are no members of the Reserve Unit and membership in the past 10 years has dwindled, with there being only an occasional Reserve Officer in the Unit;

**Whereas**, the Department finds it is no longer in the public interest to put forth the resources required to recruit, equip, manage, and maintain training on persons in a Reserve Unit;

**Whereas**, Staff recommends Council rescind Resolution No. 94-656-R, approved on February 17, 1994 which established a Police Reserve Unit for the Temple Police Department;

**Whereas**, there will be nominal savings in required equipment costs due to the elimination of the Police Reserve Unit for the Temple Police Department; 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 rescinds Resolution No. 94-656-R, approved on February 17, 1994 which established a Police Reserve Unit for the Temple Police Department.

**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 5<sup>th</sup> day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(T)  
Consent Agenda  
Page 1 of 1

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

Brynn Myers, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution revising the City of Temple Housing Improvement Program Guidelines and authorizing the City Manager to waive permitting fees related to the program.

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

**ITEM SUMMARY:** In response to needs identified in the Community Development Block Grant (CDBG) Program 2015 Need's Assessment, Council approved the 2015-2019 Consolidated Plan in August, 2015. The Plan outlined a Housing Improvement Program, which focused on owner-occupied housing rehabilitation to further the availability of safe, affordable, and decent housing for low to moderate income residents.

The purpose of the program is to focus on homes that:

- Need repairs or renovation to become safe, sanitary, secure, and/or fit for human habitation, and/or
- Need accessibility accommodations for elderly, sight, or mobility impaired household members.

Council approved the current Housing Improvement Program Guidelines July 7, 2016. The proposed changes to the Housing Improvement Program Guidelines will enhance the ability of the City to affect positive change in the community by streamlining the application process and removing burdensome requirements on the homeowner/applicant. The proposed changes are to:

- Remove the requirement for the homeowner to repay 10% of the cost of repair or accessibility accommodation and execute a deed of trust/promissory note in favor of the City;
- Remove the requirement for the homeowner to have and maintain homeowner's insurance;
- Make placing a lien on the property discretionary rather than mandatory, to be determined based on the value of the improvements made to the property, and make any lien placed on the property forgivable in a percentage amount for each year of the life of the lien

As the proposed changes are to the benefit of the homeowner/applicant, Staff recommends that these revisions be applied retroactively to the currently pending application pool.

**FISCAL IMPACT:** The program will be funded through CDBG grant funding as the funds are available.

### **ATTACHMENTS:**

Housing Improvement Program Guidelines – to be provided

[Resolution](#)



RESOLUTION NO. 2018-9098-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REVISING THE CITY OF TEMPLE HOUSING IMPROVEMENT PROGRAM GUIDELINES AND AUTHORIZING THE CITY MANAGER TO WAIVE PERMIT FEES RELATED TO THE PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in response to needs identified in the Community Development Block Grant (CDBG) Program 2015 Need's Assessment, Council approved the 2015-2019 Consolidated Plan (Plan) in August, 2015;

**Whereas**, the Plan outlined a Housing Improvement Program, which focused on owner-occupied housing rehabilitation to further the availability of safe, affordable, and decent housing for low to moderate income residents;

**Whereas**, the purpose of the program is to focus on homes that:

- need repairs or renovation to become safe, sanitary, secure, and/or fit for human habitation; and/or
- need accessibility accommodations for elderly, sight, or mobility impaired household members;

**Whereas**, Council approved the current Housing Improvement Program Guidelines July 7, 2016 - the proposed changes will enhance the ability of the City to affect positive change in the community by streamlining the application process and removing burdensome requirements on the homeowner/applicant;

**Whereas**, the proposed changes are to:

- Remove the requirement for the homeowner to repay 10% of the cost of repair or accessibility accommodation and execute a deed of trust/promissory note in favor of the City;
- Remove the requirement for the homeowner to have and maintain homeowner's insurance; and
- Make placing a lien on the property discretionary rather than mandatory, to be determined based on the value of the improvements made to the property, and make any lien placed on the property forgivable in a percentage amount for each year of the life of the lien;

**Whereas**, the program will be funded through CDBG grant funding as the funds are available; 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 revises the City of Temple Housing Improvement Program Guidelines, as set forth in Exhibit A, attached to this Resolution and incorporated herein for all purposes and authorizes the City Manager to waive permitting fees related to the program.

**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 **5<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #5(U)  
Consent Agenda  
Page 1 of 1

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 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 \$10,800.

**ATTACHMENTS:**

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



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2018 BUDGET**  
**April 5, 2018**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3224-551-2514		Other Services / Travel & Training	\$ 3,600	
110-0000-445-2102		Sammons Indoor Pool / Indoor Pool Classes/Fees		\$ 3,600
<p>To appropriate anticipated revenues and expenditures related to Red Cross Lifeguard Certification program. It is estimated there will be 100 students participate in the certification program.</p>				
520-1300-515-1119		Salaries / Overtime	\$ 5,000	
520-1300-515-2333		Repair & Maintenance / Auto & Equipment	\$ 1,200	
520-1300-515-2615		Contracted Services / Equipment Rental/Lease	\$ 1,000	
<b>520-5000-535-6532</b>		<b>Capital - Special Project / Contingency Fund</b>		<b>\$ 7,200</b>
<p>To appropriate contingency funds to the Purchasing Department supported by Water/Wastewater Fund for overtime, repairs &amp; maintenance, and equipment rental/lease.</p> <p>Purchasing's warehouse staff has experienced more call backs in the current fiscal year as compared to previous fiscal years thus resulting in an increase in overtime hours.</p> <p>The department has also had several maintenance issued related to their 2001 Komatsu forklift (asset # 11144). The issues have resulted in higher than anticipated repairs &amp; maintenance costs, as well as the need for a rental forklift to continue operational functions while the City's forklift was being repaired.</p>				
<b>TOTAL AMENDMENTS</b>			<b>\$ 10,800</b>	<b>\$ 10,800</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$ -	
Added to Contingency Sweep Account			-	
Carry forward from Prior Year			-	
Taken From Contingency			-	
Net Balance of Contingency Account			\$ -	
Beginning <b>Judgments &amp; Damages</b> Contingency			\$ 25,182	
Added to Contingency Judgments & Damages from Council Contingency			-	
Taken From Judgments & Damages			(25,000)	
Net Balance of Judgments & Damages Contingency Account			\$ 182	
Beginning <b>Compensation</b> Contingency			\$ 343,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(343,000)	
Net Balance of Compensation Contingency Account			\$ -	
<b>Net Balance Council Contingency</b>			<b>\$ 182</b>	
Beginning Balance <b>Budget Sweep</b> Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	
<b>WATER &amp; SEWER FUND</b>				
Beginning <b>Contingency</b> Balance			\$ 65,000	
Added to Contingency Sweep Account			-	
Taken From Contingency			(12,084)	
Net Balance of Contingency Account			\$ 52,916	
Beginning <b>Compensation</b> Contingency			\$ 63,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(63,000)	
Net Balance of Compensation Contingency Account			\$ -	
<b>Net Balance Water &amp; Sewer Fund Contingency</b>			<b>\$ 52,916</b>	



CITY OF TEMPLE  
BUDGET AMENDMENTS FOR FY 2018 BUDGET  
April 5, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ -
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account		\$ -
		Beginning <b>Compensation</b> Contingency	\$	19,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(19,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	-
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	807,065
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(694,864)
		Net Balance of Contingency Account	\$	112,201
		Beginning <b>Compensation</b> Contingency	\$	12,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(12,500)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Drainage Fund Contingency</b>	\$	112,201
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year		39,299
		Added to Contingency Sweep Account		6,926
		Taken From Contingency		(37,343)
		<b>Net Balance Fed/State Grant Fund Contingency</b>	\$	8,882



RESOLUTION NO. 2018-9099-R

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.

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**Whereas**, on the 25<sup>th</sup> 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 5<sup>th</sup> day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #6  
Regular Agenda  
Page 1 of 2

### **DEPARTMENT / DIVISION SUBMISSION & REVIEW:**

Jason Deckman, Planner  
Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing approval of a dual street name of West Avenue A / Santa Fe Way on a section of West Avenue A between South 3<sup>rd</sup> Street and South 11<sup>th</sup> Street in the City of Temple, Bell County, Texas.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for the dual naming of West Avenue A / Santa Fe Way:

1. Per the Street Naming Policy adopted on October 1, 2015: "Parks, facilities, or streets may be named for a location, such as the name of the adjacent street or the related plat or subdivision."
2. The related subdivisions named "Santa Fe Plaza West" and "Santa Fe Plaza West Phase II".

**ITEM SUMMARY:** The City Manager received a request from David Blackburn, President of the Temple Economic Development Corporation (TEDC), to dual name West Avenue A / Santa Fe Way. The Santa Fe Plaza project, expected to be complete this summer, features two new office buildings. The Temple Chamber of Commerce and TEDC will share one building; the other will house the Administrative offices of the Temple Independent School District (TISD).

If this request is approved by City Council, current addresses on West Avenue A between South 3<sup>rd</sup> Street and South 11<sup>th</sup> Street will remain effective and therefore, should not impact mail delivery or 9-1-1 emergency services.

Assigning a dual name to this segment of West Avenue A allows TEDC, TISD, and other tenants to advertise a 'Santa Fe Way' address, which will connect with branding and marketing efforts.

**PUBLIC NOTICE:** If approved, eight properties owned by the City will be affected. No private owners of the existing properties will be impacted. Courtesy letters were sent on March 20, 2018 to the future tenants of Santa Fe Plaza to make them aware of the new street name and building addresses.



**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Exhibit A](#)

[Resolution 2015-7889-R](#)

[Notification Letter \(example\)](#)

[Resolution](#)



Whistling Top Park  
STATION

MOORESFIRST ADDITION

SANTA FE PLAZA WEST PHASE II

Tommy's Skate Park

SANTA FE PLAZA WEST

ORIGINAL TOWN



RESOLUTION NO. 2015-7889-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING AMENDMENTS TO THE CURRENT POLICY ON THE NAMING OF CITY PARKS, FACILITIES AND STREETS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Council adopted the current policy for the naming of City parks, facilities, and streets on July 18, 2002;

**Whereas**, on September 15, 2015, the Parks and Recreation Board unanimously passed recommended amendments to the City naming policy which range from defining the process on the naming of streets and non-park facilities, adding language to allow businesses or individuals who have had an outstanding impact on their profession to be recognized, re-defining who makes the decision on signage type, design, and size, and the addition of language explaining the process of renaming a park or park facility;

**Whereas**, the existing policy as well as the proposed changes are attached hereto as Exhibit 'A:' and

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

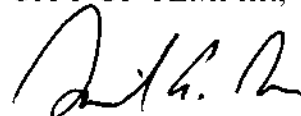
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council authorizes the adopting of amendments to the current policy on the naming of City parks, facilities and streets as outlined in Exhibit 'A' attached hereto.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1<sup>st</sup> day of **October**, 2015.

THE CITY OF TEMPLE, TEXAS



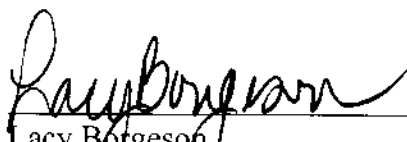
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:



Kayla Landeros  
City Attorney

ATTEST:

  
Lacy Borgeson  
City Secretary



## **Policy for Naming Public Parks and Facilities**

### **I. Authority for Naming Parks & Facilities:**

The Parks and Recreation Advisory Board is to review requests for naming a park and park facilities and make a recommendation to the City Council. **Naming or re-naming of public streets or non-park facilities will not be considered by the Parks and Recreation Advisory Board.** Prior to making a recommendation to City Council, the Advisory Board will conduct a public meeting on the request and allow 30 days following the public meeting for public comment. The public meeting can be the Advisory Board's regular monthly meeting.

Requests or proposals for adopting a specified name for a particular park or recreation area shall be submitted to the Parks and Recreation Advisory Board in written form along with thorough documentation giving the reasons for the selection of the proposed name.

Parks or park facilities may be named:

1. For a location, such as the name of an adjacent street or the related plat or subdivision.
2. For a geologic, geographic, historical, botanical, horticultural or scientific feature inherent to the area.
3. To honor a person or persons who make(s) a substantial contribution to the advancement, the improvement or the enlargement of the Temple park system in the form of donated property or donated money or both for public park purposes only.
4. To show gratitude to a person who, over a long period of time, has devoted outstanding amounts of time, talent and effort to the advancement of the Temple Parks and Recreation program and/or the Temple community.
5. To honor or recognize an individual or business that has made a significant impact to the advancement of their profession or industry.

### **II. Naming a park or facility after a business or living people.:**

Naming a park or park facility after a business or a living person is not recommended, however there may be times when the community believes it to be the proper and necessary thing to do. The person or business should have made a



major contribution to Temple in either deed, volunteer service, or monetary contribution, or have made a significant impact to the advancement of their profession or industry that would bring honor and a high recognition to the City of Temple.

Implicit to the naming process is the intent of permanent recognition. Therefore, the process shall be careful, deliberate and, as much as possible, involve some of the evaluation criteria listed below.

When a request is received to name a park or park facility after a business or living person, the Parks Advisory Board and the City Council may consider whether the business or person has:

- Made a significant monetary contribution toward acquisition or development of a park or park facility
- Made a donation of 50 percent or more of the cost of development or purchase of land for a park or park facility
- Made a major contribution to the enhancement of the quality of life in the community
- Achieved outstanding accomplishments for the good of the community
- Achieved accomplishments of a very high nature and recognizable by many individuals on a local, state, or national level
- Demonstrated leadership qualities and fine moral character
- Made contributions that compliment or support the mission of the Parks and Recreation Department
- Fine moral character
- Made a substantial contribution of volunteer service to the Parks and Recreation Department
- Been involved in a specific program or project of exceptional merit which has extensively and directly benefited the public.

### **III. Deceased People:**

If the park or park facility is to be named after an individual, it is recommended that it be after the person is deceased. A living next of kin of the deceased person must provide written approval of the request to use the deceased person's name. A request to consider naming a park or park facility in memory of a deceased person will not be considered until at least 12 months after the date of death of the person.

In determining whether to grant a request to name a park or park facility after a deceased person, the Parks Advisory Board and the City Council should use the same criteria set forth in Section II above.



#### **IV. Historic sites, descriptive names, places and features (streets, schools, natural (geographic) features)**

It is recommended that parks or park facilities be named after Temple historic sites, descriptive names, places or features (such as streets, schools or natural resources). Names should be chosen after a feature that is associated with a real characteristic of the site and easy to remember. That feature should be relatively timeless so that the park name does not diminish in appropriateness with time.

Some criteria to consider include:

- If a park or park facility is named after a street, the street should be adjacent to the park and use of road names should be controlled to avoid duplication confusion;
- If named after a geographic location, it should either be associated with the park or park facility or immediately adjacent to the park or park facility; and
- If named after a subdivision, it should be the subdivision in which the park or park facility is located.

#### **V. Renaming of a Park or Facility**

Renaming of parks or park facilities is discouraged. The primary reason is to not diminish the original justification for the name or discount the value of the prior contributors. If a park or park facility is proposed to be renamed, it is recommended that only those parks named for geographic location, outstanding feature or subdivision be considered for renaming. Parks named by deed restriction cannot be considered for renaming.

A park or park facility named for an individual or business should never be changed unless it is found that the individual's personal character or a businesses' reputation is or was such that the continued use of their name for a park or park facility would not be in the best interest of the community.

The process to rename a park or park facility can be initiated by City staff, members of the Parks and Recreation Board, or concerned citizens.

#### **VI. Plaques, Markers, Memorials**

Recognition shall include site signage, including a permanent plaque, sign or marker. The decision concerning type, design and size of site signage shall rest with the Director of Parks and Recreation. All plaques, signs or markers shall blend with and compliment the park environment.



## **VII. Park or Facility Features**

Important and substantial park features (i.e., grove of trees, overlook, stream, etc.) within a named area may be given a name other than the name of the principal area, using the same guidelines as set forth above.

## **VIII. Naming of public streets and non-park facilities**

There may be times that City Staff or citizens desire to name public facilities or streets after an individual or business. These requests must be in writing to the City Manager and will be presented to the City Council for approval. Criteria should follow the same guidelines set forth in naming parks and park facilities.



Proposed Changes for the Naming of Parks and Park Facilities

Current Policy	Proposed Change
<b><u>Section 1: Authority for Naming Parks, Facilities, and Streets</u></b>	<b><u>Change Title to:</u></b> Authority for Naming Parks and Facilities
<b><u>Section 1:</u></b> The City Council will review all street and City facility naming or name change requests, and be the final authority for all such decisions.	<b><u>ADD:</u></b> Naming or re-naming of public streets or non-Park facilities will not be considered by the Parks and Recreation Advisory Board.
<b><u>Section 1:</u></b> Parks or park facilities may be named due to four (4) reasons.	<b><u>ADD:</u></b> Reason number five (5): To honor or recognize an individual or business that has made a significant impact to the advancement of their profession or industry.



Proposed Changes for the Naming of Parks and Park Facilities

Current Policy	Proposed Change
<u>Section 2: Naming a park, facility, or street after living people or an organization</u>	<u>Change Title to: Naming a park or facility after a business or living people.</u>
<u>Section 2:</u> The person should have made a major contribution to Temple in either deed or monetary contribution. The organization also should have made a major contribution to Temple in either deed or monetary contribution.	The person or business should have made a major contribution to Temple in either deed, volunteer service, monetary contribution, or have made a significant impact to the advancement of their profession or industry that would bring honor and a high recognition to the City of Temple.
<u>Section 2:</u> There are currently ten (10) evaluation criteria that can be considered in the naming procedure.	<u>ADD:</u> Evaluation criteria eleven (11)----Achieved accomplishments of a very high nature and recognizable by many individuals on a local, state, or national level.







Proposed Changes for the Naming of Parks and Park Facilities

Current Policy	Proposed Change
<b><u>Section 6: Plaques, Markers, Memorials</u></b> The decision concerning type, design, and size of site signage shall rest with the City Manager, or his designee.	The decision concerning type, design, and size of site signage shall rest with the Director of Parks and Recreation.



Proposed Changes for the Naming of Parks and Park Facilities

Current Policy

Proposed Change

<u>Section 7: Park, Facility, or Street Features</u>	<u>Change Title to: Park or Facility Features</u>



Proposed Changes for the Naming of Parks and Park Facilities

Current Policy	Proposed Change
<p><b><u>Section 8:</u></b> This section does not exist in the current policy</p>	<p><b><u>Section 8: Naming of public streets and non-park facilities</u></b> There may be times that City staff or citizens desire to name public facilities or streets after an individual or business. These requests must be in writing to the City Manager and will be presented to the City Council for approval. Criteria should follow the same guidelines set forth in naming parks and park facilities.</p>





March 20, 2018

DR. ROBIN BATTERSHELL  
200 N 23RD STREET  
TEMPLE, TX 76504

RE: W Avenue A / Santa Fe Way Readdressing Proposal

Dear Dr. Battershell:

As a future owner or tenant of offices located on W Avenue A between S 3<sup>rd</sup> Street and S 11<sup>th</sup> Street, the purpose of this letter is to notify you that a request has been made to the City Manager to add this portion of W Avenue A as "Santa Fe Way" for a dual name street (see enclosed map). If this proposal is approved by City Council, your new mailing address would be:

401 Santa Fe Way, Temple, Texas 76501

You have the opportunity to speak on this request at the April 5, 2018 City Council meeting, which will take place on the 2<sup>nd</sup> floor of City Hall (2 North Main Street) at 5:00 p.m. If the proposal is approved, the W Avenue A address will remain effective for 911 purposes and emergency services should not be affected.

This request was made by the Temple Economic Development Corporation, one of the anchor tenants for Santa Fe Plaza, to highlight the historic significance of the Santa Fe Railroad and the strategic location of the new plaza. If you have comments or questions regarding this request, please contact Jason Deckman, City Planner, at 254-298-5270 or [jdeckman@templetx.gov](mailto:jdeckman@templetx.gov).

Sincerely,

Brian L. Chandler  
City of Temple  
Director of Planning  
254-298-5272  
[bchandler@templetx.gov](mailto:bchandler@templetx.gov)  
2 North Main Street  
[www.templetx.gov](http://www.templetx.gov)



RESOLUTION NO. 2018-9700-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING APPROVAL OF A DUAL STREET NAME OF WEST AVENUE A / SANTA FE WAY ON A SECTION OF WEST AVENUE A BETWEEN SOUTH 3<sup>RD</sup> STREET AND SOUTH 11<sup>TH</sup> STREET IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Manager received a request from David Blackburn, President of the Temple Economic Development Corporation (TEDC) to dual name West Avenue A / Santa Fe Way;

**Whereas**, the Santa Fe Plaza project, expected to be complete this summer, features two new office buildings – the Temple Chamber of Commerce and TEDC will share one building and the other will house the administrative offices of the Temple Independent School District (TISD);

**Whereas**, assigning a dual name to this segment of W. Avenue A allows TEDC, TISD, and other tenants to advertise a ‘Santa Fe Way’ address, which will connect with branding and marketing efforts;

**Whereas**, current addresses on West Avenue A between South 3<sup>rd</sup> Street and South 11<sup>th</sup> Street will remain effective and therefore, should not impact mail delivery or 9-1-1 emergency services;

**Whereas**, Staff recommends approval of a dual street name of West Avenue A / Santa Fe Way on a section of West Avenue A between South 3<sup>rd</sup> Street and South 11<sup>th</sup> Street in the City of Temple, Bell County, Texas based on the following information:

1. Per the Street Naming Policy adopted on October 1, 2015: “Parks, facilities, or streets may be named for a location, such as the name of the adjacent street or the related plat or subdivision;” and
2. The related subdivision names are “Santa Fe Plaza West” and “Santa Fe Plaza West Phase II; 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 dually names West Avenue A / Santa Fe Way on a section of West Avenue A between South 3<sup>rd</sup> Street and South 11<sup>th</sup> Street in the City of Temple, 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 that may be necessary for the dual naming of this street.

**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 5<sup>th</sup> day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #7  
Regular Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that a 0.639-acre permanent easement situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas is necessary for the construction of the Charter Oak Water Line and authorizing the use of eminent domain to condemn the property.

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

**ITEM SUMMARY:** The City is in the design phase for the proposed construction of the Charter Oak Water Line. The design requires the acquisition of a 0.639-acre permanent easement situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, for the construction of the water line with its necessary appurtenances under Chapter 251, Local Government Code § 251.001. A survey and legal description of the property needed are included with the Resolution attached to this memorandum.

An appraisal was performed on the property and the City made an offer to purchase the necessary easement, based on the appraisal, on May 31, 2016 via Lone Star Right of Way Services, Inc. (Lone Star). The City and property owner were able to reach an agreement. In anticipation of closing, Lone Star had the title company update the title commitment. However, it was discovered that a Federal Tax Lien was placed on the property in February 2018 in amount that exceeds the agreed upon value of the easement. Therefore, to acquire the easement, the City must proceed to condemnation. A final offer was sent to the property owner on March 22, 2018. The owner has 14 days to respond, as required by the Texas Property Code.

Accordingly, Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the easement legally described as being 0.639-acre situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located along the Gulf, Colorado & Santa Fe Railroad, Temple, Texas, Bell County Appraisal District ID Number 5115.



**FISCAL IMPACT:** Funding for the purchase of the 0.639-acre permanent easement necessary for the construction of the Charter Oak Water Line is appropriated in account 520-5900-535-6110, project #100608.

**ATTACHMENTS:**

[Legal Description](#)  
[Resolution](#)



TRACT 17  
JUAN LUIS LEON and SELENE ALVAREZ LEON

Surveyor's Sketch showing 0.639 ACRE, situated in the  
NANCY CHANCE SURVEY, ABSTRACT 5, Bell County, Texas.

This sketch to accompany a metes and bounds  
description of the hereon shown 0.639 Acre tract.

LINE	BEARING	DISTANCE
L1	N 57°29'22" E	30.42'
L2	S 16°21'11" W	32.76'
(Rec. S 18°17'14" W)		
L3	S 17°03'46" W	28.42'
(Rec. S 18°19'39" W 28.48')		
L4	S 57°30'45" W	16.44'

REMAINDER OF  
CALLED 8.632 ACRES  
JUAN LUIS LEON and SELENE  
ALVAREZ LEON  
Doc. No. 2014-00040316

CALLED 3 ACRES  
EDWARD D. MAREK and  
wife, IRENE L. MAREK  
Vol. 4802, Pg. 94

20' EASEMENT  
CITY OF TEMPLE  
Vol. 845, Pg. 345



- - Calculated Point
- - City of Temple Monument Found

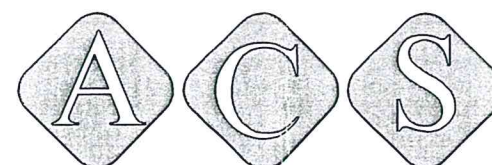
This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 251. The theta angle at City Monument No. 251 is 01° 29' 27". The combined correction factor (CCF) is 0.999859. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 251 are N= 10,363,966.50 E= 3,202,666.18 Reference tie from City Monument No. 251 to the southwest corner of said 0.639 acre tract is N 54°54'44" E 7324.99 feet.

Survey performed for: CITY OF TEMPLE as per that title commitment provided by  
CENTRALAND TITLE COMPANY, GF No. C1574055, EFFECTIVE DATE: APRIL 26, 2015.

Note from the Surveyor:  
The following Instruments listed on the title commitment supplied by Centraland Title Company, GF No. C1574055, effective date April 26, 2015, have been reviewed by this surveyor and based upon what is visible on the ground and what can be platted from their descriptions, do not appear to affect this property:

(Vol./Pg.) \* T19/628

GULF, COLORADO & SANTA FE RAILROAD



ALL COUNTY SURVEYING, INC.  
1303 South 21st Street  
Temple, Texas 76504  
254-718-2272 Killen 254-634-4636  
Fax 254-714-7608  
Tx. Firm Lic. No. 10023600



Survey  
completed: 07-25-2011  
Scale: 1" = 60'  
Job No.: 110396  
Dwg No.: 110396-E17-LEON  
Drawn by: SLW  
Surveyor: CCL #4636  
Copyright 2015 All County Surveying, Inc.

Plot Date: 12-17-2015



**FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.**

December 17, 2015

Surveyor's Field Notes for:

**0.639 ACRE**, situated in the **NANCY CHANCE SURVEY, ABSTRACT 5**, Bell County, Texas, and being out of and a portion of the remainder of a called 8.632 Acre tract conveyed to Juan Luis Leon and Selene Alvarez Leon in Document No. 2014-00040316, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a City of Temple monument found at the southwest corner of said 8.632 Acre tract, being the southeast corner of a called 16.890 Acre tract conveyed to Jerry D. Rolston in Document No. 2009-00032510, Official Public Records of Real Property, Bell County, Texas, and being on the north line of Gulf, Colorado and Santa Fe Railroad, for the southwest corner of the herein described tract;

**THENCE**, in a northerly direction, with the east line of said 16.890 Acre tract, **N 16° 05' 10" E – 60.48'** (Rec. N 19° 30' 39" E), to a calculated point, for the northwest corner of the herein described tract;

**THENCE**, in an easterly direction, severing said 8.632 Acre tract, **N 57° 29' 22" E – 30.42'**, a calculated point, **N 46° 30' 29" E – 263.90'**, a calculated point, and **N 57° 30' 45" E – 402.23'**, to a calculated point on the east line of said 8.632 Acre tract, same being the west line of a called 3 Acre tract conveyed to Edward D. Marek and wife, Irene L. Marek in Volume 4802, Page 94, Official Public Records of Real Property, Bell County, Texas, for the northeast corner of the herein described tract;

**THENCE**, in a southerly direction, with the west line of said 3 Acre tract, **S 16° 21' 11" W – 32.76'** (Rec. S 18° 17' 14" W), a City of Temple monument found, and **S 17° 03' 46" W – 28.42'** (Rec. S 18° 19' 39" W – 28.48'), to a City of Temple monument found at the southeast corner of said 8.632 Acre tract, being on the north line of said railroad, for the southeast corner of the herein described tract;

**THENCE**, in a westerly direction, with the north line of said railroad, same being the south line of said 8.632 Acre tract, **S 57° 30' 45" W – 335.65'** (Rec. S 59° 08' 38" W – 335.79'), to a calculated point, being an interior corner of said 8.632 Acre tract;

**THENCE**, continuing in said westerly direction, severing said 8.632 Acre tract, **S 57° 30' 45" W – 16.44'**, a calculated point, and **S 46° 30' 29" W – 263.89'**, to a calculated point on the south line of said 8.632 Acre tract, being the north line of said railroad;

**THENCE**, continuing in a westerly direction, with the north line of said railroad, **S 57° 29' 22" W – 79.63'** (Rec. S 59° 06' 47" W), to the **POINT OF BEGINNING** and containing 0.639 Acre of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 251. The theta angle at City Monument No. 251 is 01° 29' 27". The combined correction factor (CCF) is 0.999859. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 251 are N.= 10,363,966.50 E.= 3,202,666.18 Reference tie from City Monument No. 251 to the southwest corner of said 0.639 acre tract is N 54° 54' 44" E 7324.99 feet.

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

This metes and bounds description to accompany a Surveyor's Sketch of the herein described 0.639 Acre tract.

Surveyed July 25, 2011  
**ALL COUNTY SURVEYING, INC.**  
**1-800-749-PLAT**

server/projects/pro110000/110300/110396/110396-E17-LEON.doc

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





RESOLUTION NO. 2018-9101-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT AN APPROXIMATELY 0.639-ACRE PERMANENT EASEMENT SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, IS NECESSARY FOR THE CONSTRUCTION OF THE CHARTER OAK WATER LINE; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently in the design phase for the proposed construction of the Charter Oak Water Line and the design requires the acquisition of an approximately 0.639-acre permanent easement situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas - the easement is necessary for the construction of the water line with its necessary appurtenances under Chapter 251, Local Government Code § 251.001;

**Whereas**, an appraisal was performed on the property and the City made an offer to purchase the necessary easement based on the appraisal on May 31, 2016, via Lone Star Right of Way Services, Inc. ("Lone Star"), and the City and property owner were unable to reach an agreement;

**Whereas**, in anticipation of closing, Lone Star had the title company update the title commitment and it was discovered that a Federal Tax Lien was placed on the property in February 2018 in an amount that exceeds the agreed upon value of the easement;

**Whereas**, therefore, to acquire the easement, the City must proceed to condemnation, and a final offer was sent to the property owner on March 22, 2018 - the owner has 14 days to respond, as required by the Texas Property Code;

**Whereas**, Staff is requesting, pursuant to Chapter 2206, Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire the easement legally described as being approximately 0.639 acre situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located along the Gulf, Colorado & Santa Fe Railroad, Temple, Texas, Bell County Appraisal District ID Number 5115;

**Whereas**, funding for the purchase of the above property is appropriated in Account No. 520-5900-535-6110, Project No. 100608; 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 hereby finds and determines that the necessity exists for acquiring, by eminent domain, an approximately 0.639-acre easement, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located along the Gulf, Colorado & Santa Fe Railroad, Temple, Texas, Bell County Appraisal District ID Number 5115.

**Part 3:** The City Council hereby finds and determines that the construction of the Charter Oak Water Line is a public use under Chapter 251, Local Government Code § 251.001(a)(1).

**Part 4:** The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.

**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 and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the 5<sup>th</sup> day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #8  
Regular Agenda  
Page 1 of 1

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

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

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing a speed limit of 45 miles per hour from the 5100 block of South 5<sup>th</sup> Street to the 6400 of South 5<sup>th</sup> Street.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, with second and final reading on April 19, 2018.

**ITEM SUMMARY:** In the past decade the residential community has grown along South 5<sup>th</sup> Street between Waters Dairy and Farm to Market Road 93. With approximately 1,100 homes plus homes still to come, this has greatly increased the traffic along South 5<sup>th</sup> Street and the number of connecting intersections. Staff is recommending a speed limit reduction from 50 miles per hour to 45 miles per hour along South 5<sup>th</sup> Street from the 5100 block to the 6400 block. The Transportation Division conducted a speed study in the area mentioned and found the 85-percentile speed to be 53 miles per hour.

**FISCAL IMPACT:** None


**ATTACHMENTS:**

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



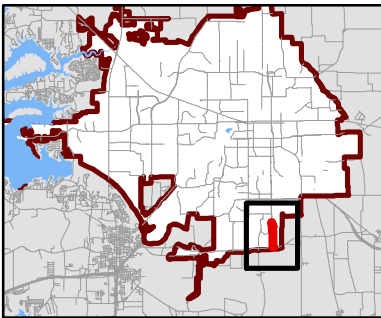
GIS products are for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

### Legend

 Proposed 45 MPH



### Speed Reduction Location



# South 5th Street Speed Reduction Request



3/26/2018



ORDINANCE NO. 2018-4904

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING THE PRIMA FACIE SPEED LIMIT FROM THE 5100 BLOCK OF SOUTH 5<sup>TH</sup> STREET TO THE 6400 BLOCK OF SOUTH 5<sup>TH</sup> STREET, WITHIN TEMPLE CITY LIMITS; PROVIDING A REPEALER; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in the past decade, the residential community has grown along South 5<sup>th</sup> Street between Waters Dairy and Farm to Market Road 93 with approximately 1,100 homes plus homes still to come;

**Whereas**, this growth has greatly increased the traffic along South 5<sup>th</sup> Street and the number of connecting intersections;

**Whereas**, Staff believes that it is necessary to reduce the speed limit in this area from 50 miles per hour to 45 miles per hour in the following area:

- from the 5100 block of South 5<sup>th</sup> Street to the 6400 block of South 5<sup>th</sup> Street;

**Whereas**, the Transportation Division conducted a speed study in this area and found the 85-percentile speed to be 53 miles per hour;

**Whereas**, Staff recommends Council reduce the speed limit from the 5100 block of South 5<sup>th</sup> street to the 6400 block of South 5<sup>th</sup> Street from 50 miles per hour to 45 miles per hour; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve this prima facie speed limit for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

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

**Part 2:** The City Council finds that the reasonable and prudent prima facie maximum speed limit for vehicular traffic from the 5100 block of South 5<sup>th</sup> Street to the 6400 block of South 5<sup>th</sup> Street, is 45 mph.

**Part 3:** It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and



prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 2 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

**Part 4:** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**Part 5:** A person who violates a provision of this Ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.

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

**Part 8:** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the 5<sup>th</sup> day of **April**, 2018.

PASSED AND APPROVED on Second Reading on the 19<sup>th</sup> day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/05/18  
Item #9  
Regular Agenda  
Page 1 of 4

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

Lynn Barrett, Assistant Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Z-FY-18-13: Consider adopting an ordinance authorizing a rezoning from General Retail to Planned Development Multi-Family Three with a site development plan on 4.203 +/- acres for a five-story apartment building situated on Lot 5, Block 1, Temple Mall Addition Replat No. 1, addressed as 1210 Azalea Drive.

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-18-13 rezoning the subject property from GR to PD-MF-3 for a five-story, 140 unit apartment building with the following conditions:

### **PD Conditions:**

1. Substantial compliance with the attached development/site plan including Azalea sidewalk
2. Provide a landscaped area exceeding 20% (approximately 37,000 square feet) with 79 trees and 316 bushes; 50% to be from medium/large list (exceeds requirements of 5% landscaping)
3. A 10 foot landscaped buffer yard along the frontage with Azalea
4. Building elevations would substantially comply with submitted plans
5. Changes to the development site plan related to drainage considerations for site approval at the building permit stage would not be considered a substantial change

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their March 5th, 2018 meeting, the Planning & Zoning Commission voted eight to zero to recommend approval of the rezoning and development site plan to PD MF-3 per staff's recommendation.

**ITEM SUMMARY:** Ace Reneau, on behalf of the owner Temple Mall LLC, requests a rezoning from General Retail on a portion of the undeveloped back portion of the Temple Mall property that was recently re-platted creating the subject lot. Through a PD MF-3, the applicant is proposing an apartment building of five stories with pool and resident plaza, with surrounding parking on three sides. Due to its shape, the property presents challenges relating to buffering the parking area, which are offset by the additional landscaping offered. There will be a mix of one and two bedroom units for a total of 140 included in the project. Amenities include a swimming pool and resident plaza. Full water, sewer and drainage plans would be reviewed by staff at the building permit stage. Due to changes in development patterns away from huge retail shopping malls, staff believes this an appropriate use for the property.



Four egress points would be provided: two onto Azalea Drive and two into the adjacent mall property having additional outlets onto the Loop, 31<sup>st</sup> Street and Lowes Drive. Additional traffic analysis shows the peak hour trip figures for an apartment building and a shopping center, with a shopping center generating considerably more traffic. For example, per the included International Transportation

Engineer trip generation rates for the 140 units, peak hour trips would be calculated at 81, which is the equivalent number of trips to a 16,000 square foot shopping center. The development has two access points to Azalea Drive and two internal access points to the Temple Mall property which lead to Lowes Drive and to the Loop. Access concerns could be addressed in the future with a potential driveway connection to an unimproved adjacent Right of Way that intersects Lowes Drive.

The applicant, Mr. Reneau, and owner, Temple Mall LLC, represented by Hal Thorne and Kirk Wilson, met with planning and legal staff and the City Manager on March 21<sup>st</sup> to discuss a realignment proposal for the western side of Azalea Drive, which is currently privately owned. The attendees gave a verbal commitment to dedicating Right-of-Way to the city to reconfigure Azalea Drive from 31<sup>st</sup> Street extending to the current city ROW. A depiction of the proposal is included with the report attachments.

Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

On January 19, 2018, the DRC met to discuss the proposal.

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

Direction	FLUP	Zoning	Current Land Use
Subject Property	Auto Urban Commercial	GR	Undeveloped
North	Auto Urban Commercial	PD C and PD GR	Undeveloped and Mall
South	Auto Urban Commercial;	GR	Undeveloped
East	Auto Urban Commercial	PD C	Undeveloped
West	Auto Urban Commercial	GR	Retail/Mall

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



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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

Auto Urban Commercial is the dominant future land use for this area. The *Choices '08* City of Temple Comprehensive Plan states that the Auto Urban Commercial character district is suited for commercial development with larger sites predominating. The PD provides an alternative use for an aging undeveloped corner of existing developed commercial property and would reflect the general movement away from large, concentrated mall shopping centers.

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

The applicant proposes to construct a sidewalk along Azalea. It is not near the trails master plan area.

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

Water and sewer are available through several potential connections. Details of public facilities and extensions will be addressed during the permitting process.

#### UDC, Section 3.4 Planned Development

A Planned Development is defined as:

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

**DEVELOPMENT REGULATIONS:** The development site plan will provide the development and dimensional standards for this development.



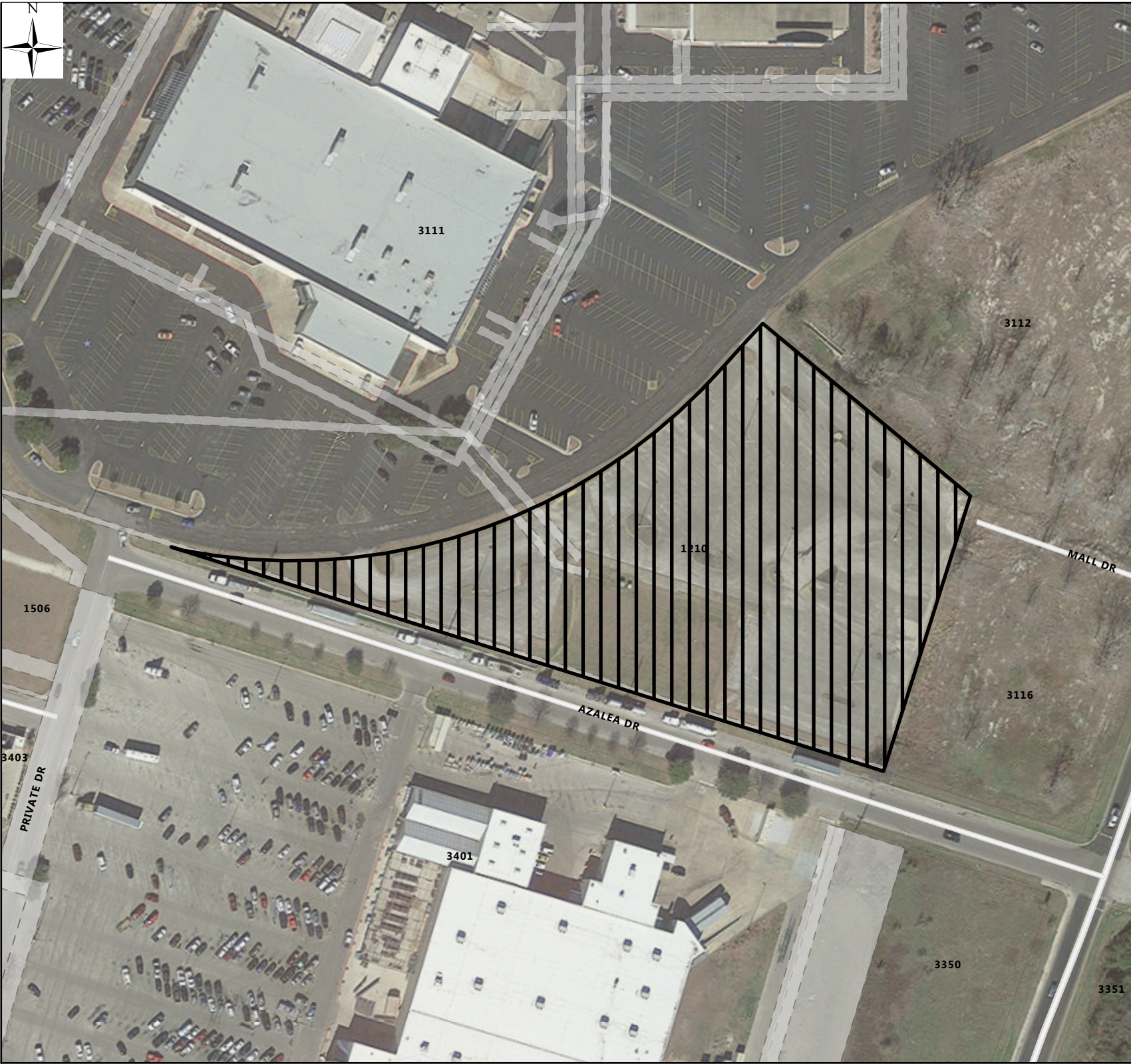
**PUBLIC NOTICE:** Six notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday March 21, 2018, one notice has been returned in favor of the proposed rezoning (property owners) Additionally **Temple ISD has returned a notice in favor of this development;** and zero notices have been returned in opposition to the proposed rezoning. The newspaper printed the notice of the public hearing on February 8, 2017, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Aerial Map  
Location Map  
Site Plans  
Azalea Drive reconfiguration  
Plat  
Zoning Map  
Future Land Use Map  
Traffic Work sheet  
Returned Notices  
Ordinance





GR TO PD MF-3



**AERIAL MAP**

Zoning Case :  
Z-FY-18-13

Address :  
1210 Azalea Dr

 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.

Irbarrett  
Date: 2/6/2018





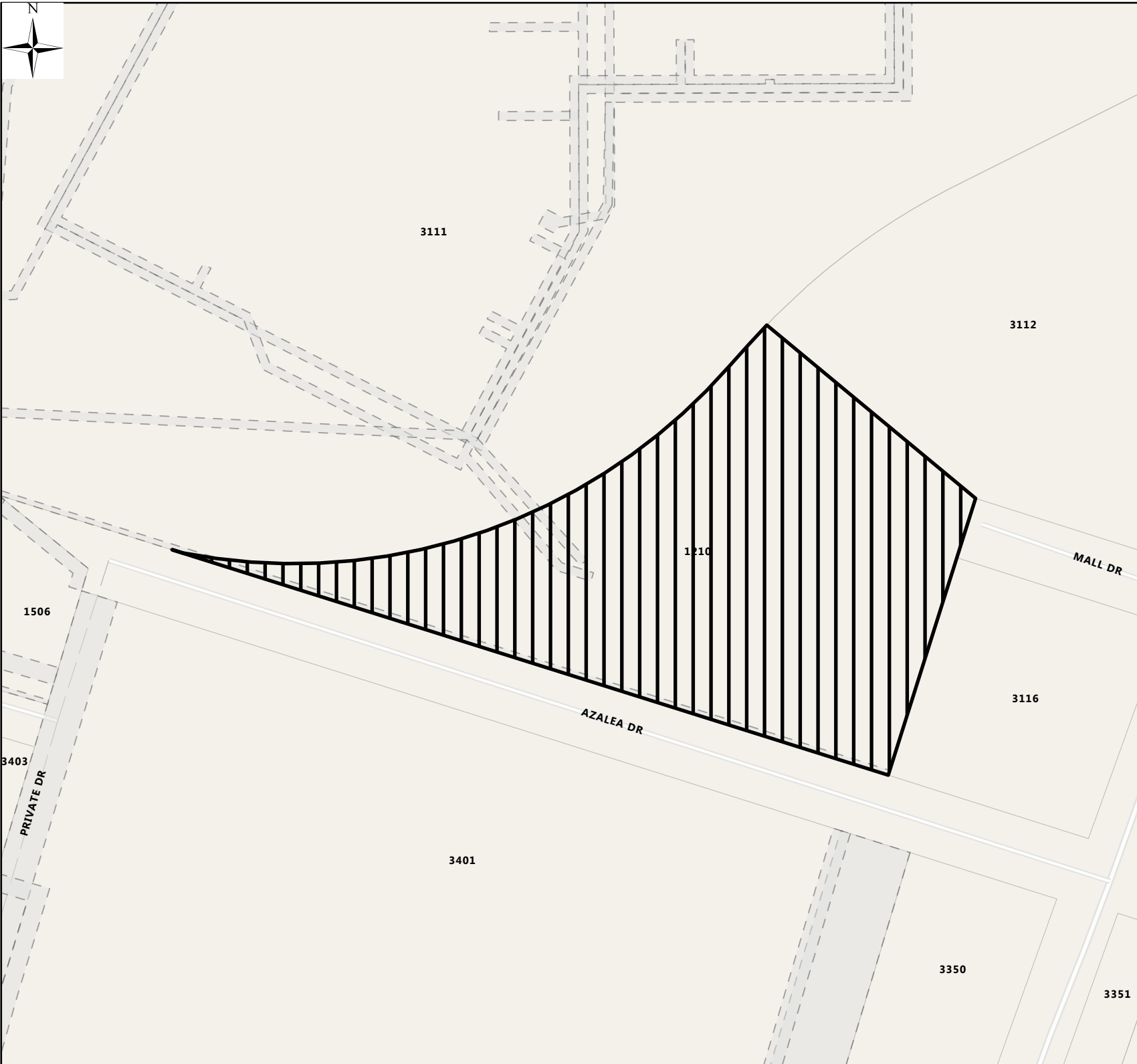


GR TO PD MF-3

## AERIAL MAP

Zoning Case :  
Z-FY-18-13

Address :  
1210 Azalea Dr



 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.

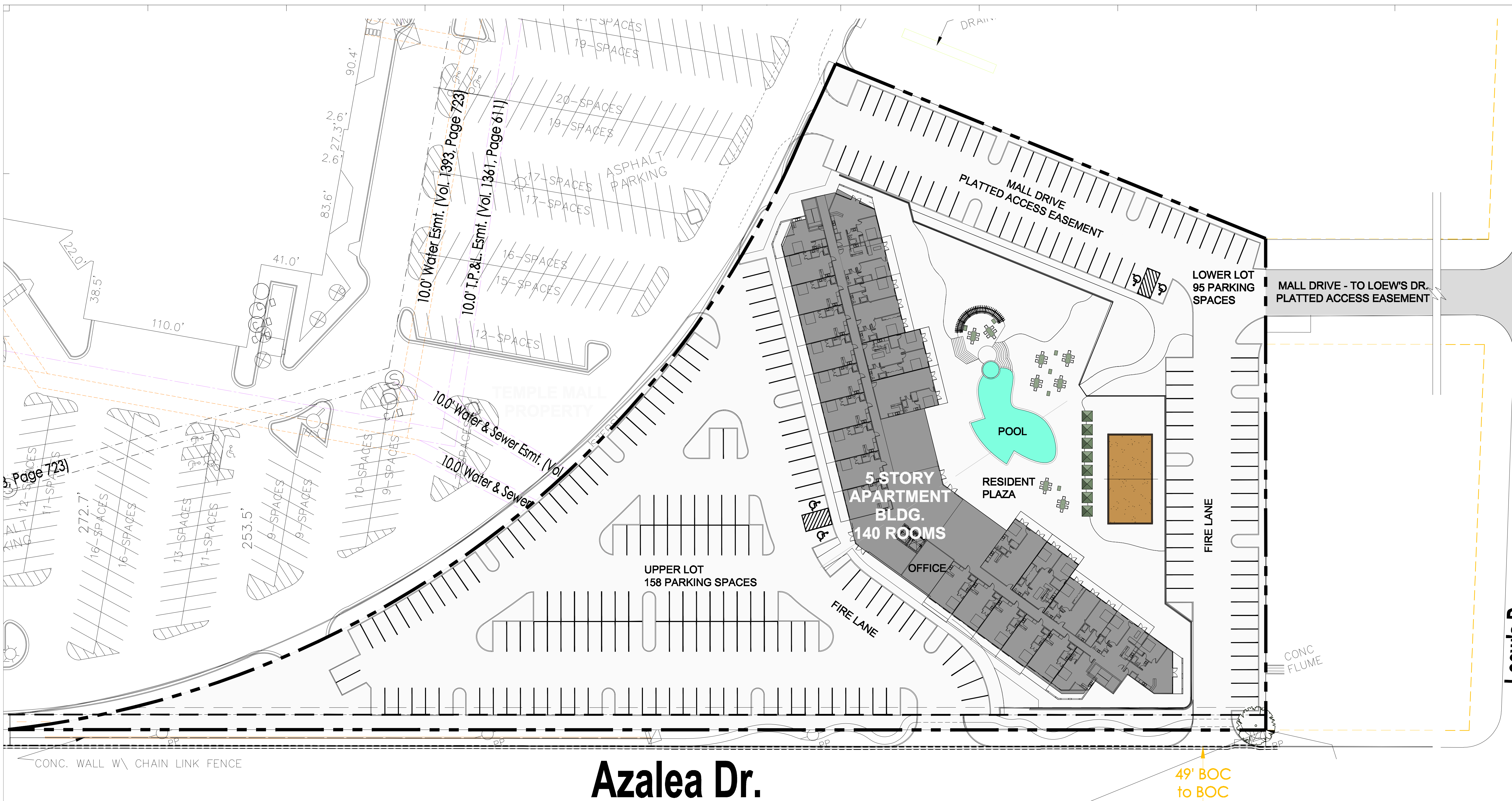
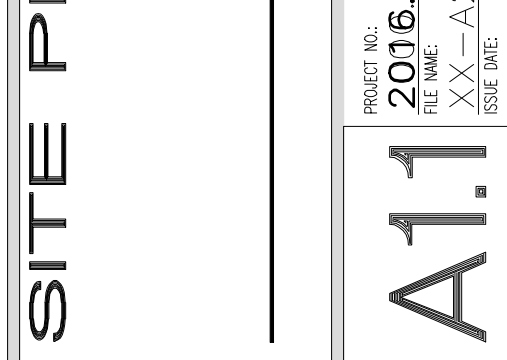
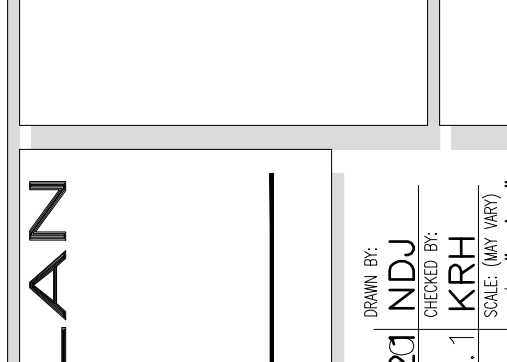
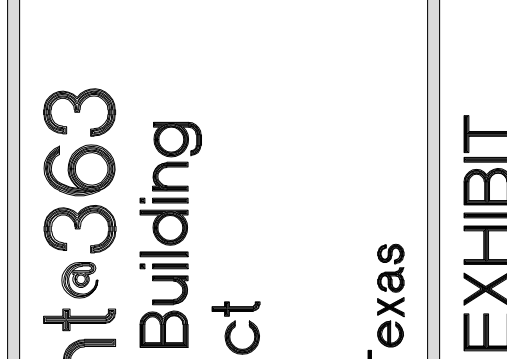
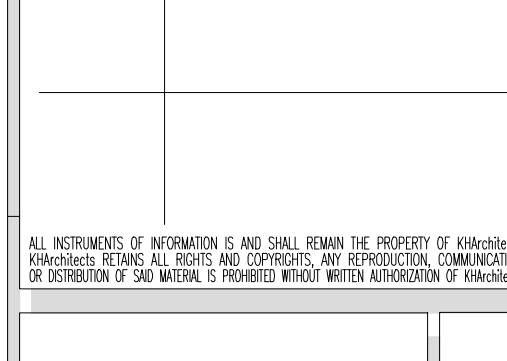
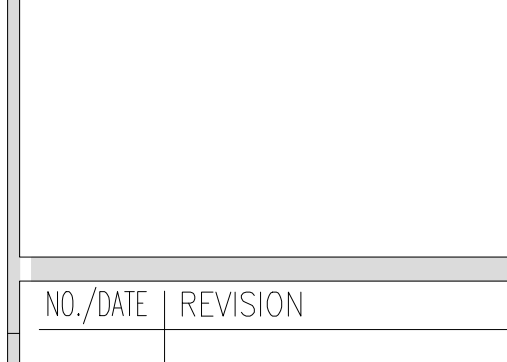
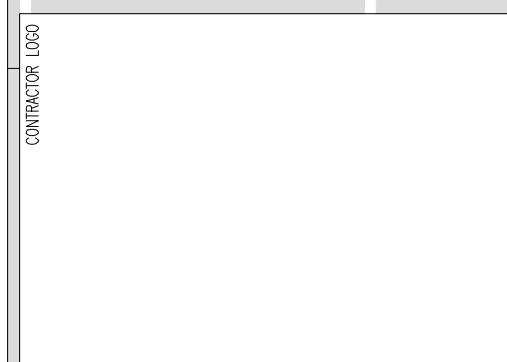
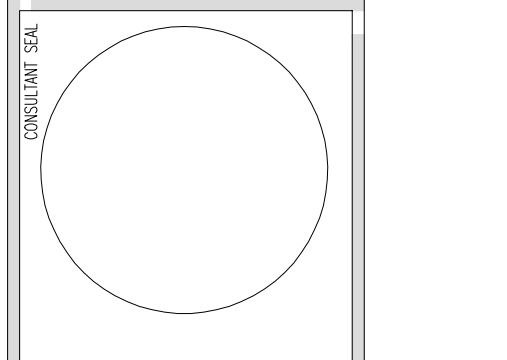
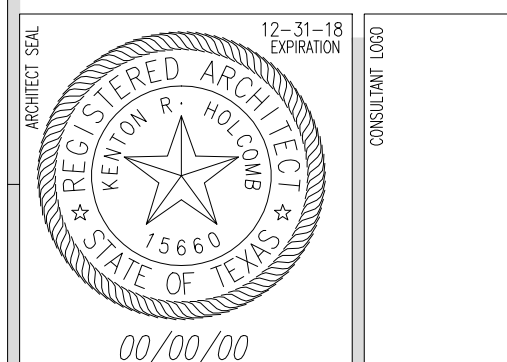
Irbarrett  
Date: 2/6/2018







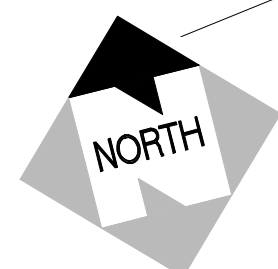
301 Flat Rock Rd.  
Azle, TX 76020  
817-905-6991



**PARKING REQUIREMENTS:**  
1 BEDROOM = 112 x 1.75 = 196  
2 BEDROOM = 28 x 2.0 = 56  
252 SPACES REQ'D. = 252 PROV.

**FOOTPRINT AREAS:**  
APARTMENTS = 25,690 SF  
5 FLOORS = 132,475 SF  
140 UNITS

01 FLOOR PLAN - L1  
A2.1 1/16"=1'-0"



SITE PLAN

The Point@363  
Apartment Building  
Project

Temple, Texas

REZONING EXHIBIT

PROJECT NO. 2016.21  
DATE 12/21/16  
BY KHA  
CHECKED BY KHA  
SCALE 1/32"=1'-0"  
1-4-18

A1.1  
ORDER

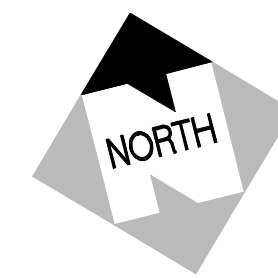




79 TREES, MIN. PER CITY STANDARDS

316 PLUS BUSHES PER CITY STANDARDS

01 LANDSCAPE PLAN  
A2.1 1/32"=1'-0"



10' LANDSCAPE BUFFER YARD

CONC. SIDEWALK PER CITY STANDARDS

### LANDSCAPE REQUIREMENTS:

LOT S.F. = 183,175 S.F. \* (20%) = 36,635 S.F.

36,635 S.F. / 500 S.F. = 74 TREES

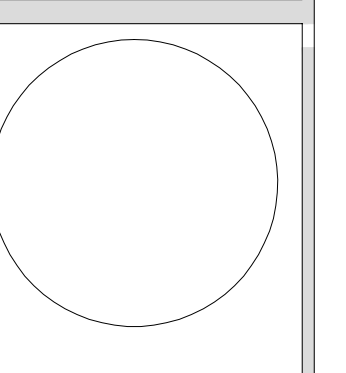
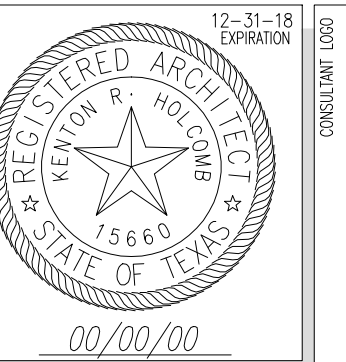
4 BUSHES / 1 TREE = 296 BUSHES

### LANDSCAPE PROVIDED:

37,000 S.F. WITH 79 TREES AND 316 BUSHES  
PER REQUIREMENT; 50% TREES TO BE FROM  
MED./LG. LIST; 50% EVERGREEN AS SHOWN



301 Flat Rock Rd.  
Azle, TX 76020  
817-905-6991



NO./DATE REVISION


ALL INFORMATION OF INFORMATION IS AND SHALL REMAIN THE PROPERTY OF KHA ARCHITECTS. KHA ARCHITECTS RETAINS ALL RIGHTS AND COPYRIGHTS. ANY REPRODUCTION, COMMUNICATION, OR DISTRIBUTION OF THIS MATERIAL IS PROHIBITED WITHOUT WRITTEN AUTHORIZATION OF KHA ARCHITECTS.

The Point@363  
Apartment Building  
Project

Temple, Texas

REZONING EXHIBIT

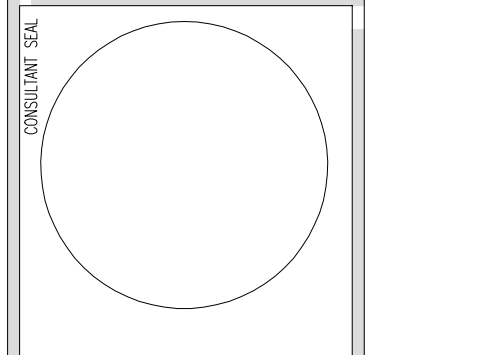
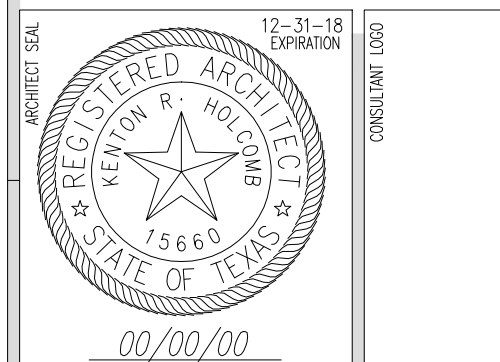
PRELIMINARY  
LANDSCAPE PLAN

PROJECT NO. 2016.21  
DATE 12/21/2016  
BY KH  
CHECKED BY KH  
SCALE 1/32"=1'-0"  
1-4-18  
LS1  
ORDER





301 Flat Rock Rd.  
Azle, TX 76020  
817-905-6991



CONTRACTOR SEAL

NO./DATE REVISION

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**The Point@363**  
Apartment Building  
Project  
Tempe, Texas  
REZONING EXHIBIT

EXTERIOR  
ELEVATIONS  
A3.1  
ORDER

DATE: 2016.21 NDJ  
FILE NAME: XX-A2.1  
DATE: 1-4-18  
SCALE: (NOT SHOWN)



REAR VIEW FROM MALL

FINISH FLOOR  
148'-0 3/4"  
FINISH FLOOR  
136'-4 1/2"  
FINISH FLOOR  
124'-8 1/4"  
FINISH FLOOR  
113'-0"  
FINISH FLOOR  
100'-0"

01 WEST ELEVATION  
A3.1 N.T.S.



FRONT VIEW FROM PUBLIC PLAZA

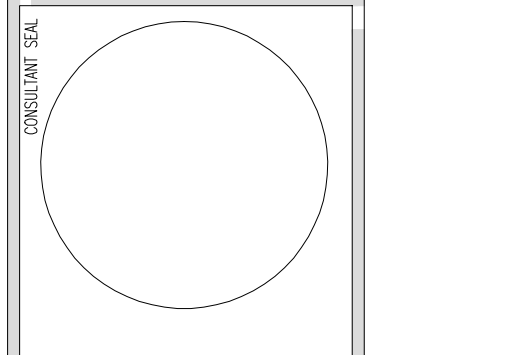
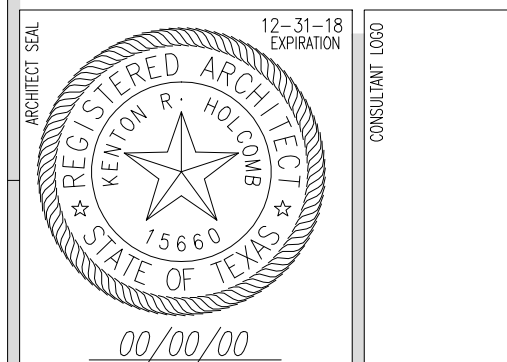
FINISH FLOOR  
148'-0 3/4"  
FINISH FLOOR  
136'-4 1/2"  
FINISH FLOOR  
124'-8 1/4"  
FINISH FLOOR  
113'-0"  
FINISH FLOOR  
100'-0"

01 EAST ELEVATION  
A3.1 N.T.S.





301 Flat Rock Rd.  
Azle, TX 76020  
817-905-6991



CONTRACTOR SEAL

NO./DATE	REVISION

NO./DATE	REVISION

ALL INFORMATION OF INFORMATION IS AND SHALL REMAIN THE PROPERTY OF KHA ARCHITECTS. KHA ARCHITECTS RETAINS ALL RIGHTS AND COPYRIGHTS. ANY REPRODUCTION, COMMUNICATION, OR DISTRIBUTION OF THIS MATERIAL IS PROHIBITED WITHOUT WRITTEN AUTHORIZATION OF KHA ARCHITECTS.

The Point@363  
Apartment Building  
Project  
Temple, Texas  
REZONING EXHIBIT

EXTERIOR  
ELEVATIONS

PROJECT NO.  
2016.21  
DATE  
2016.21  
DRAWN BY  
NDJ  
CHECKED BY  
KRH  
SCALE (NOT W/IN)  
1-4-18

A3.2  
ORDER



VIEW FROM MALL

02 NORTH ELEVATION  
A3.2 N.T.S.



VIEW FROM AZALEA DR.

01 SOUTH ELEVATION  
A3.2 N.T.S.









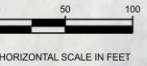












Azalea Drive

CITY R.O.W. (As per Bell CAD 2018)

Diary Queen

Temple Mall

PROPOSED  
50' WIDE  
ROAD

El Chicos

WAL-MART DR

McDonalds

FOREST TR

(PRIVATE RD.)

AZALEA DRIVE

Wal-Mart

(PRIVATE RD.)

MALL DRIVE

LOWE'S DR



2017  
146A

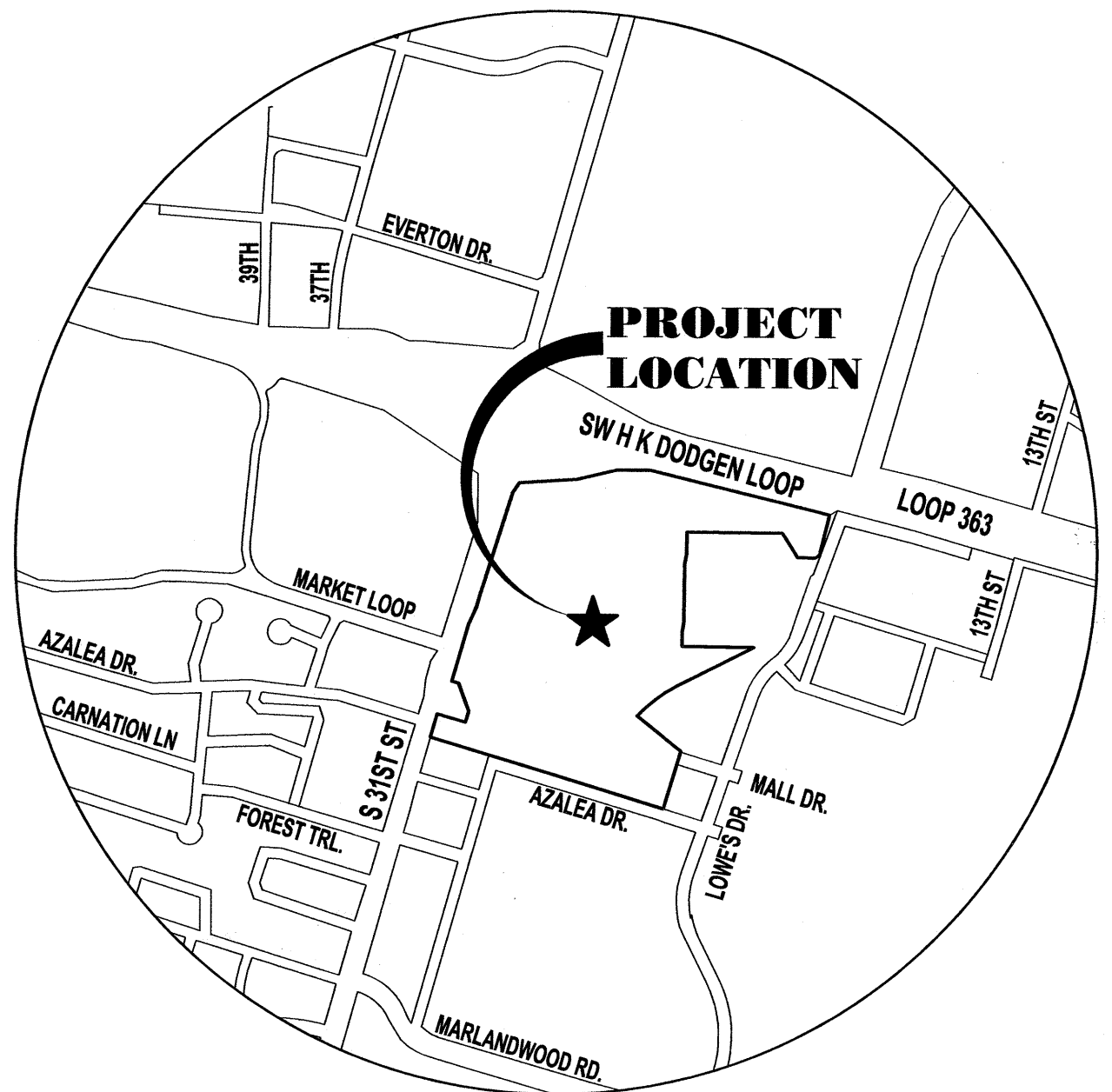
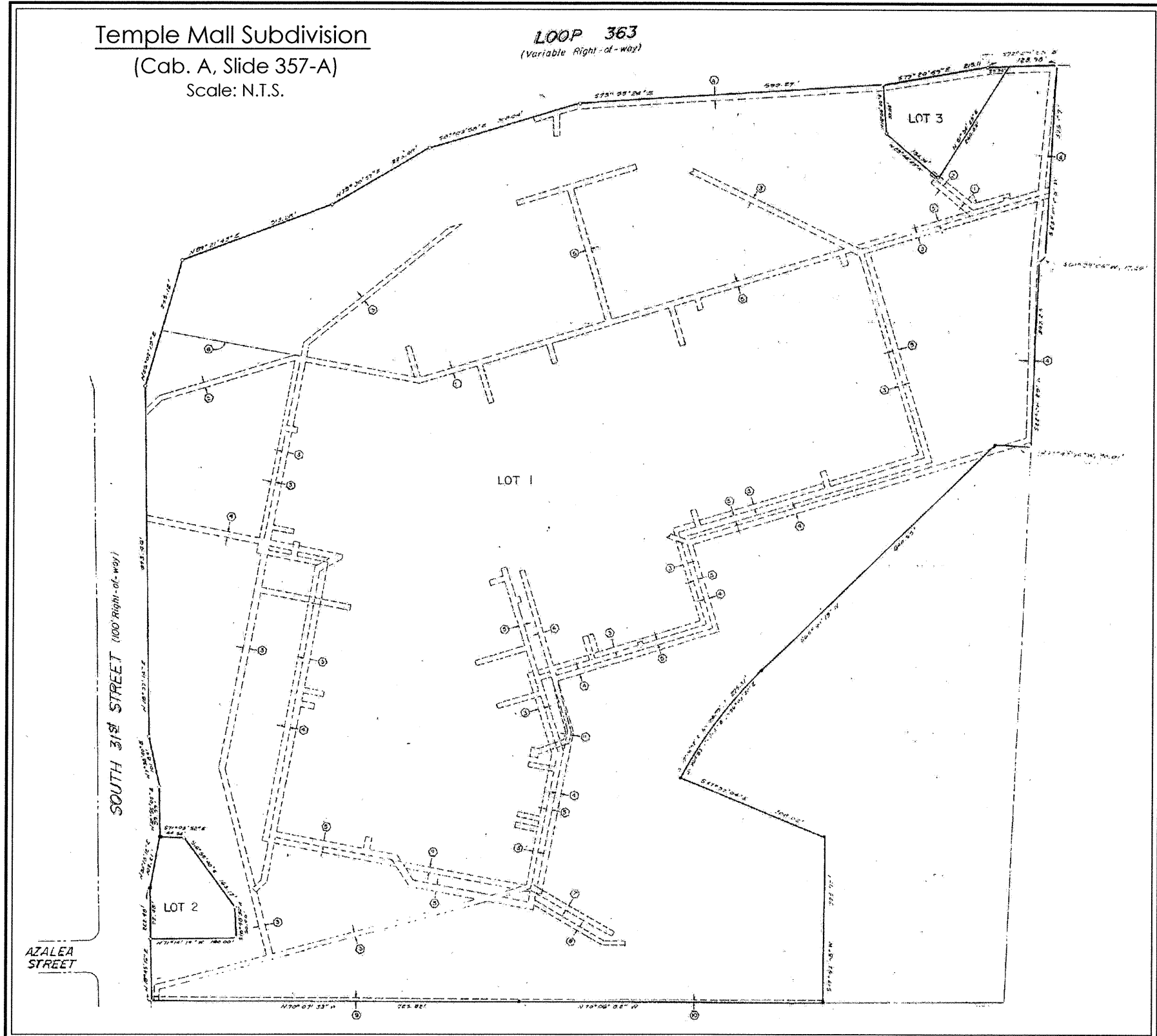
# TEMPLE MALL ADDITION

## REPLAT No. ONE

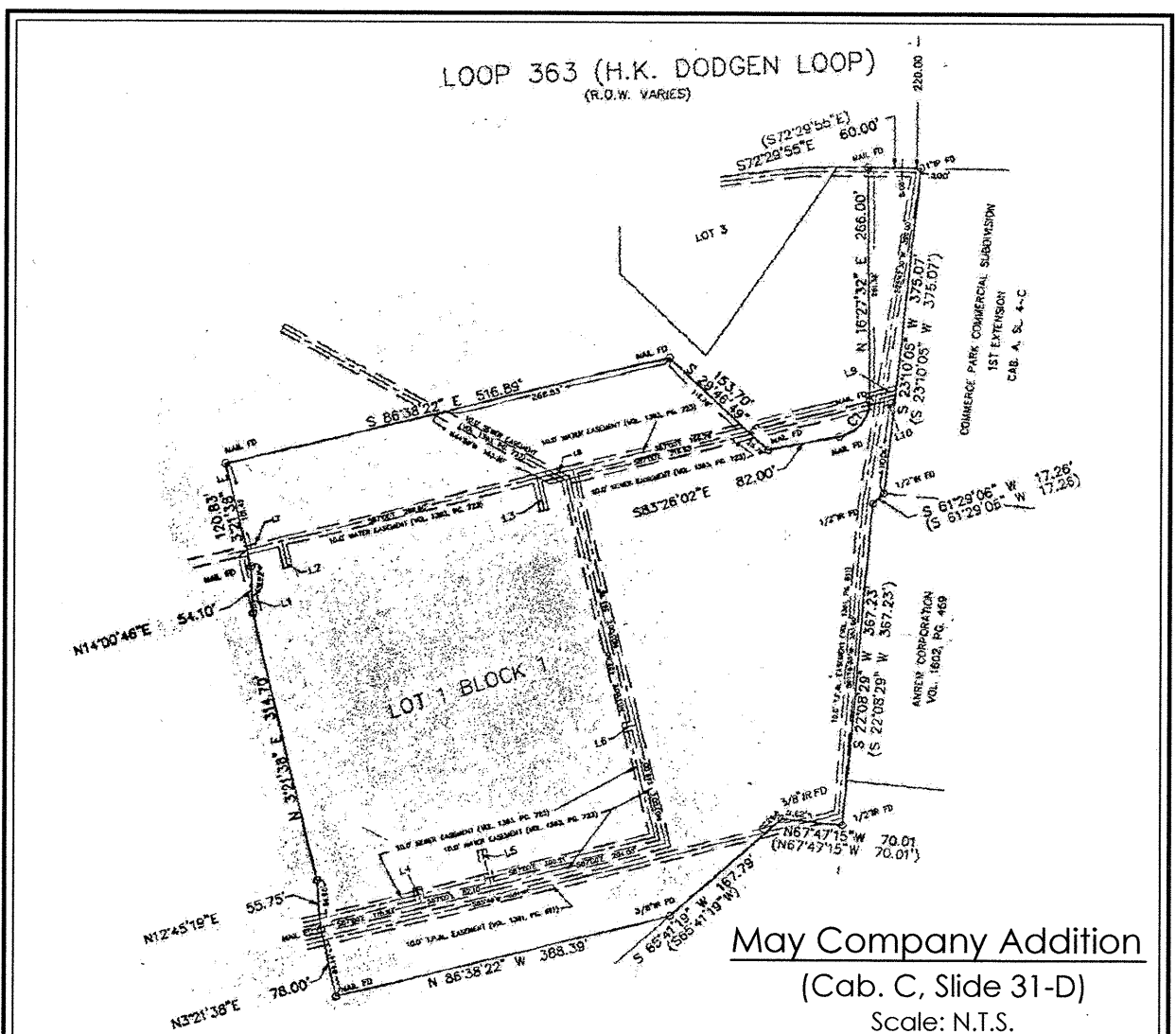
### TEMPLE, BELL COUNTY, TEXAS

#### SHEET INDEX

P1 COVER SHEET  
P2 FINAL PLAT



VICINITY MAP  
SCALE: N.T.S.



MUTUAL AGREEMENT BETWEEN THE TEMPLE MALL LLC AND DAVID MCBURNETT DATED 27 SEPTEMBER 2017, RECORDED AS DOCUMENT NO. 2017-43617, EXTENDS RESPONSIBILITIES AND RIGHTS FOR A CONSTRUCTION, OPERATION, AND RECIPROCAL EASEMENT AGREEMENT RECORDED IN VOL. 3205, PG. 1, PUBLIC RECORDS OF BELL COUNTY.

- All bearings are based upon the Texas Coordinate System, NAD 83 (CORS 96), Central Zone as determined by Leica Texas Smartnet GPS observations.  
All distances are surface distance.  
Combined scale factor=1.0001168.
- All interior lot corners marked with 1/2" ir & cap stamped "M & A" set after construction completed.
- All property corners are 1/2" ir & cap stamped "M & A", found, unless otherwise specified.
- This subdivision is located in zone X, areas determined to be outside the 0.2% annual chance floodplain, as indicated on the U.S. FEMA Agency Boundary Map, (Flood Insurance Rate Map), Map No. 48027C0355E, effective date September 26, 2008 for Bell County, Texas.
- All bearings are grid bearings referenced to the Texas State Plane Coordinate System, Central Zone, NAD 83.
- All coordinate values are referenced to City Monument No. 153.
- The theta angle at City Monument number 153 is +1°31'34".
- Combined Correction Factor (CCF) is 0.999854.
- Published City Coordinates for City Monument number 153 are X = 3,224,153.42 and Y = 10,364,214.82.
- The tie from City Monument number B0153 to the southeast corner of this 46.398 acres tract is S85°20'26"W, 1,436.47 feet.
- Grid Distance = surface distance times CCF.
- Geodetic North = grid north + theta angle.
- The reason for this replat is for the creation of outlots.
- ir = iron rod  
fnd = found  
P.U.E. = public utility easement  
W.E. = water easement  
D.E. = drainage easement  
B.L. = building setback line  
TBM = temporary bench mark  
P.O.B = point of beginning  
PAV. = pavement  
MON. = monument  
BOC = back of curb
- Sidewalk required on one side of Lowe's Drive.
- Internal site access is provided by the Construction, Operation and Reciprocal Easement Agreement recorded in Volume 3205, Page 1 of the Bell County Deed Records and any amendments there to. No additional external access points are provided.



102 N. COLLEGE STREET  
KILLEEN, TEXAS 76541  
PHONE: (254) 634-5541  
FAX: (254) 634-2141

TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241  
T. B. P. L. S. FIRM REGISTRATION NO. 100204-00

OWNER:  
Temple Mall LLC  
8320 Meadowbrook Dr.  
Fort Worth, TX 76120  
  
Instrument No. 2016-17485  
O.P.R.B.C.T.

No.	DATE	REMARKS	BY
2	9/11/2017	CITY OF TEMPLE COMMENTS #2	AR/FRB
1	8/28/2017	CITY OF TEMPLE COMMENTS	AR/FRB
		REVISIONS	

The Bell County Tax Appraisal District, the taxing authority for all entities in Bell County, Texas does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this 5th day of October, A.D. 2017.  
BELL COUNTY TAX APPRAISAL DISTRICT  
BY: *Neagan Drum*

FILED FOR RECORD this 19th day of October, 2017. In Year 2017.  
Plat # 146A  
# 44050  
Official Public Records of Real Property, Bell County, Texas.

STATE OF TEXAS §  
COUNTY OF BELL §

The Temple Mall, LLC, a Texas limited liability company, owner of the land shown on this plat and designated herein as TEMPLE MALL ADDITION, REPLAT NO. ONE, a subdivision in the City of Temple, Bell County, Texas, and whose name is subscribed hereto, does hereby dedicate for the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places shown hereon within the plat boundaries of this subdivision.

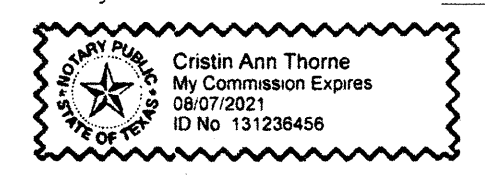
WITNESS the execution hereof, on this 13th day of October, 2017.

For: The Temple Mall, LLC, a Texas limited liability company

*George L. Buck Harris*  
George L. Buck Harris, Manager

Before me, the undersigned authority, on this day personally appeared George L. Buck Harris, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 13th day of October, 2017.



*Cristin Anne Thorne*  
NOTARY PUBLIC STATE OF TEXAS  
My Commission Expires: \_\_\_\_\_

This plat has been submitted to and considered by the Planning and Zoning Commission of the City of Temple, Texas, and hereby approved by such commission.

Dated this 18th day of October, 2017.

*David*  
CHAIR TO THE PLANNING AND ZONING COMMISSION

This final plat has been submitted to and considered by the City Council of the City of Temple, Texas, and is hereby approved by such council.

Dated this 5th day of October, 2017.

*Ran Borgeson*  
CITY SECRETARY  
*Bill R*  
MAYOR

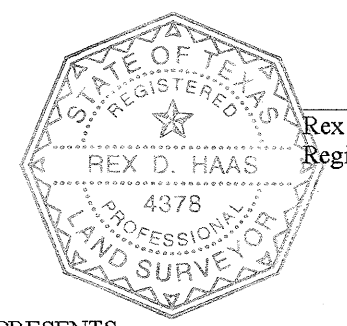
I, the undersigned, director of planning of the City of Temple, hereby certify that this subdivision plat conforms to all requirements of the City of Temple, it qualifies for final plat approval as provided in the ordinance, and it is hereby approved.

Dated this 17th day of October, 2017.

*Brian D. Anderson*  
DIRECTOR OF PLANNING

KNOW ALL MEN BY THESE PRESENTS,

That I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that I did prepare this plat from an actual and accurate survey of the land, that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Temple, Bell County, Texas, and this subdivision is within the City of Temple, Bell County, Texas.

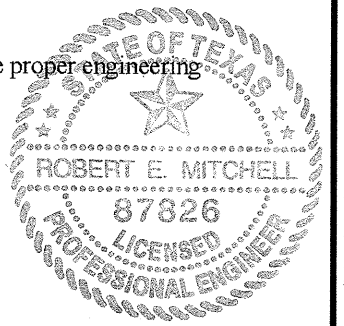


*Rex D. Haas*  
Rex D. Haas  
Registered Professional Land Surveyor, No. 4378

KNOW ALL MEN BY THESE PRESENTS,

That I, Robert E. Mitchell, Licensed Professional Engineer in the State of Texas, do hereby certify that the proper engineering consideration in accordance with local, state, and federal regulations has been given this plat.

*Robert E. Mitchell*  
Robert E. Mitchell  
Licensed Professional Engineer, TX No. 87826



Inst # 2017-44050

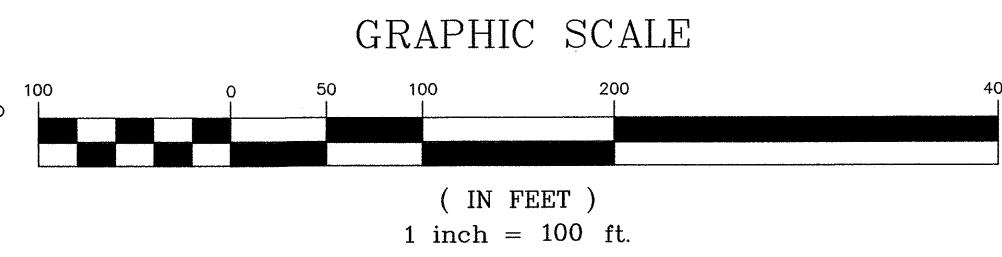


2017  
146B

Final Plat of  
TEMPLE MALL ADDITION  
REPLAT No. ONE

WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS  
BEING PART OF THE B. HUGHES SURVEY, ABSTRACT No. 376,  
BELL COUNTY, TEXAS, AND BEING A PLAT OF 46.398 ACRES OF LAND  
LOTS - 6  
BLOCKS - 1  
AREA - 46.398 Ac.  
OWNER: Temple Mall, LLC  
NAME: Temple Mall, LLC  
ADDRESS: 8320 Meadowbrook Dr.  
Fort Worth, TX 76120

Baylor Scott & White  
Medical Center Subdivision  
(Plat Year 2016, Number 26-D)



TEMPLE MALL ADDITION, REPLAT No. ONE  
BEING A REPLAT OF PART OF LOT 1 AND ALL OF LOT 3, BLOCK 1, TEMPLE MALL SUBDIVISION  
TEMPLE, BELL COUNTY, TEXAS

FINAL PLAT

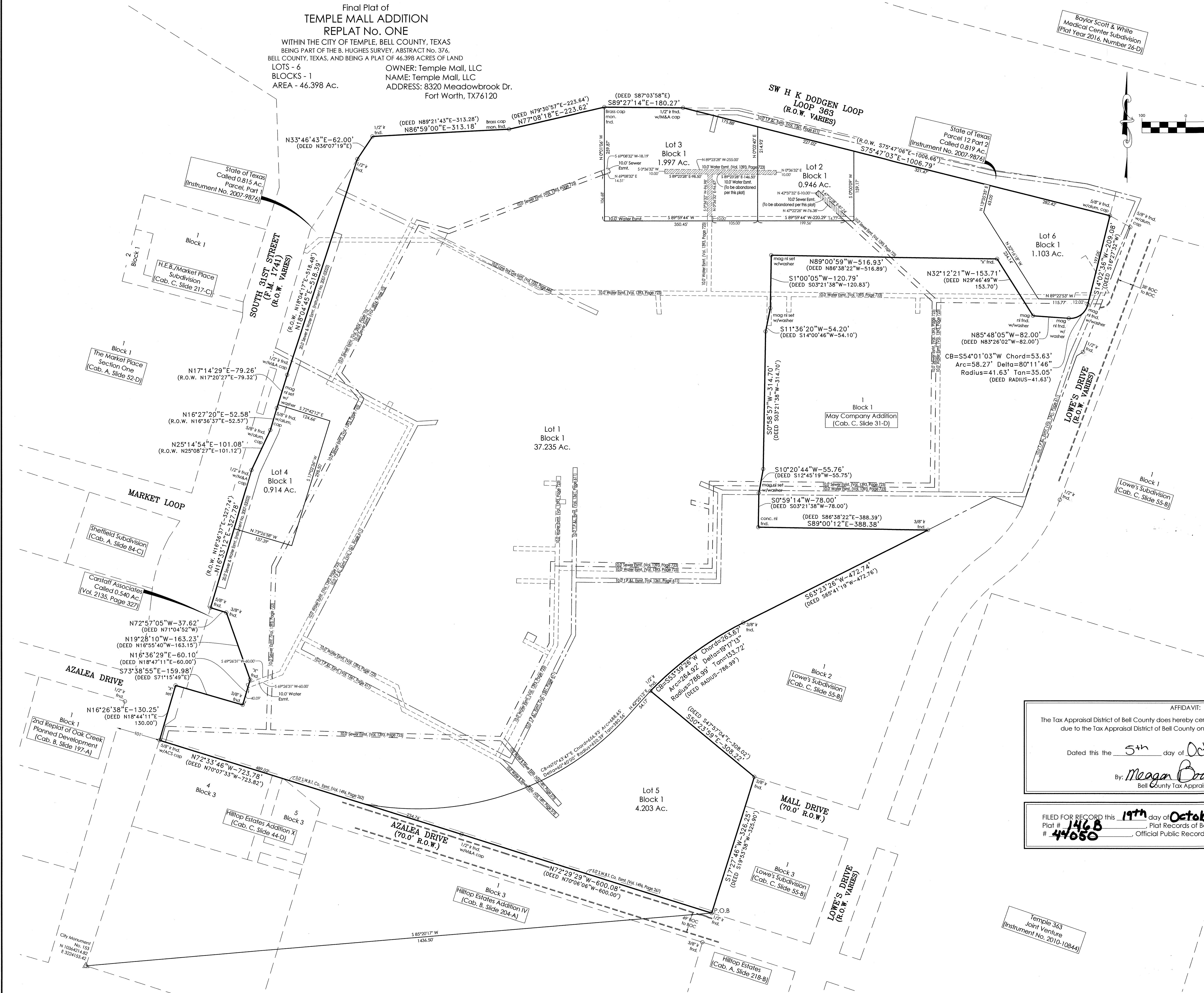


MITCHELL & ASSOCIATES, INC.  
ENGINEERING & SURVEYING  
102 N. COLLEGE  
KILLEEN, TEXAS 76541  
PHONE: (254) 634-5541  
FAX: (254) 634-2141  
T. B. P. L. S. FIRM REGISTRATION NO. 00204-00



DWG No.	DATE	SCALE	AS SHOWN	DATE	SCALE	AS SHOWN	DATE	SCALE	AS SHOWN
17-066-D-S	FRB	JULY 2017	AS SHOWN	FRB	JULY 2017	AS SHOWN	FRB	JULY 2017	AS SHOWN
17-066-D-S	FRB	JULY 2017	AS SHOWN	FRB	JULY 2017	AS SHOWN	FRB	JULY 2017	AS SHOWN

Inst # 2017-44050



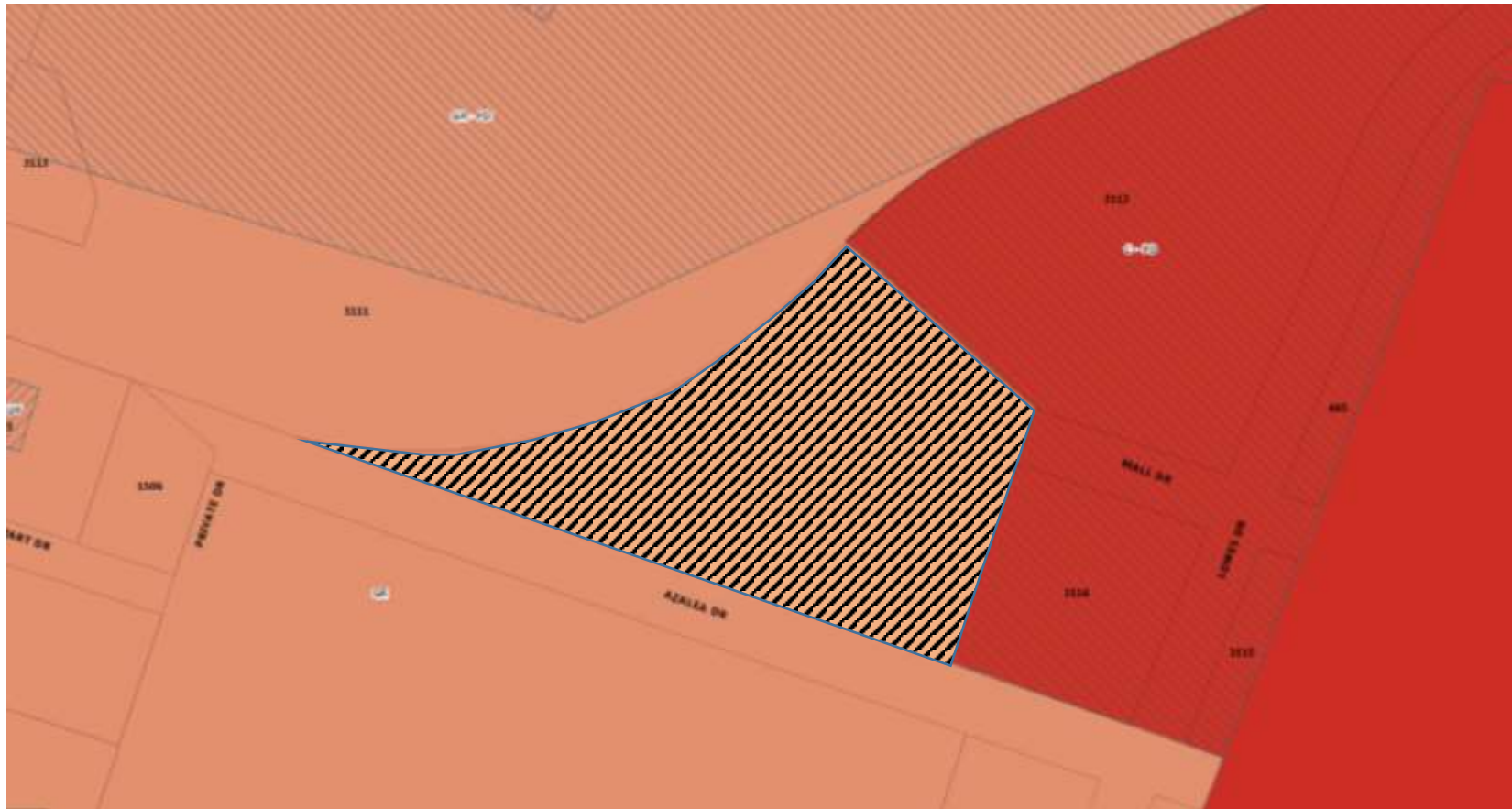
AFFIDAVIT:  
The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.  
Dated this 5<sup>th</sup> day of October, 2017 A. D.  
By: Meagan Bowen  
Bell County Tax Appraisal District

FILED FOR RECORD this 17<sup>th</sup> day of October, 2017. In Year 2017.  
Plat # 146B Official Public Records of Real Property, Bell County, Texas.  
# 44050

Temple 363  
Joint Venture  
(Instrument No. 2010-10844)



## Zoning Map







# GR TO PD MF-3 FUTURE LAND USE MAP

Zoning Case :  
Z-FY-18-13

Address :  
1210 Azalea Dr

## Transportation

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP

## Parcel Features

- Parcels
- Future LUP
  - Agricultural/Rural
  - Auto-Urban Commercial
  - Auto-Urban Mixed Use
  - Auto-Urban Multi-Family
  - Auto-Urban Residential
  - Business Park
  - Estate Residential
  - Industrial
  - Neighborhood Conservation
  - Parks & Open Space
  - Public Institutional
  - Suburban Commercial
  - Suburban Residential
  - Temple Medical Education District
  - Urban Center
- 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.

Irbarrett

Date: 2/6/2018





## PEAK HOUR TRIP RATES FOR COMMON LAND USES

Land Use	Critical Peak Hour	Peak Hour Trip Rate	%Entering %Exiting	ITE Code
Apartments, High Rise	PM	0.35 Per Unit	61/39	222
Apartments, Low Rise	PM	0.58 Per Unit	65/35	221
Automobile Care Center	PM	3.38 Per 1,000 Sq. Ft.	50/50	942
Automobile Parts Sales and Service Center	PM	4.46 Per 1,000 Sq. Ft.	42/58	943
Automobile Sales (New)	PM	2.59 Per 1,000 Sq. Ft.	39/61	841
Bank with ATMs and Drive-Through	PM	27.41 Per Lane	49/51	912
Business Park	AM	1.43 Per 1,000 Sq. Ft.	84/16	770
Car Wash, Self Service	SAT	20.60 Per Wash Stall	50/50	947
Church	SUN	11.76 Per 1,000 Sq. Ft.	50/50	560
Convenience Store	AM	67.03 Per 1,000 Sq. Ft.	50/50	851
Convenience Store with Gas Pumps	PM	59.69 Per 1,000 Sq. Ft.	50/50	853
Day Care Center	PM	12.46 Per 1,000 Sq. Ft.	47/53	565
Discount Store	PM	5.00 Per 1,000 Sq. Ft.	50/50	815
Drinking Place	PM	11.34 Per 1,000 Sq. Ft.	66/34	925
Golf Course	PM	0.30 Per Acre	34/66	430
Hospital	PM	1.14 Per 1,000 Sq. Ft.	42/58	610
Hotel	PM	0.59 Per Room	53/47	310
Industrial Park	PM	0.86 Per 1,000 Sq. Ft.	21/79	130
Industrial, Heavy	AM	0.51 Per 1,000 Sq. Ft.	N/A	120
Industrial, Light	PM	0.97 Per 1,000 Sq. Ft.	12/88	110
Manufacturing	PM	0.73 Per 1,000 Sq. Ft.	36/64	140
Mobile Home Park	PM	0.59 Per Unit	62/38	240
Motel	AM	0.64 Per Room	36/64	320
Movie Theater with Matinee	PM	102.87 Per Screen	58/42	444
Office Building, General	AM	1.55 Per 1,000 Sq. Ft.	88/12	710
Office Building, Medical-Dental	PM	3.46 Per 1,000 Sq. Ft.	27/73	720
Office Building, Single Tenant	AM	1.80 Per 1,000 Sq. Ft.	89/11	715
Office Park	AM	1.71 Per 1,000 Sq. Ft.	89/11	750
Pharmacy, without Drive-through	PM	8.42 Per 1,000 Sq. Ft.	50/50	880
Pharmacy, with Drive-through	PM	10.35 Per 1,000 Sq. Ft.	50/50	881
Quick Lubrication Vehicle Shop	PM	5.19 Per Bay	55/45	941
Recreational Community Center	AM	1.62 Per 1,000 Sq. Ft.	61/39	495
Residential, Multi-Use, Retail Mixed Development (PUD)	PM	0.62 Per Unit	65/35	270
Residential, Single Family	PM	1.01 Per Unit	63/37	210
Restaurant, Fast-Food (with Drive-Through)	AM	49.35 Per 1,000 Sq. Ft.	51/49	934
Restaurant, High Turnover	PM	18.49 Per 1,000 Sq. Ft.	54/46	932
School, Elementary	AM	0.45 Per Student	55/45	520
School, High	AM	0.42 Per Student	68/32	530
School, Middle/Junior High	AM	0.54 Per Student	55/45	522
Service Station, with Convenience Market (with Car Wash)	PM	13.94 Per Fueling Position	51/49	946
Service Station, with Convenience Market (without Car Wash)	PM	13.38 Per Fueling Position	50/50	945
Shopping Center	SAT	4.89 Per 1,000 Sq. Ft.	52/48	820
Specialty Retail Center	PM	2.71 Per 1,000 Sq. Ft.	44/56	814
Supermarket	PM	11.85 Per 1,000 Sq. Ft.	53/47	850
Video Rental	PM	13.60 Per 1,000 Sq. Ft.	46/54	896
Warehousing, General	PM	0.32 Per 1,000 Sq. Ft.	25/75	150
Warehousing, Mini	PM	0.26 Per 1,000 Sq. Ft.	51/49	151

These are some of the values from the 8th Edition ITE Manual – Refer to ITE for additional trip rates





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

WENDLAND, ERROLL  
505 CHEROKEE DR  
TEMPLE, TX 76504

**Zoning Application Number:** Z-FY-18-13

**Case Manager:** Lynn Barrett

**Location:** 1210 Azalea Drive, Temple, Texas

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

I ☒ agree

( ) disagree with this request

**Comments:**

**RECEIVED**

FEB 14 2018

City of Temple

Planning & Development

*Barbara Wendland*  
**Signature** *p.o.a. for Erroll Wendland*

*BARBARA WENDLAND*  
**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, [lrbarrett@templetx.gov](mailto:lrbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **February 20, 2018**.

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

Number of Notices Mailed: 6

Date Mailed: February 8, 2018

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





**NOTICE OF PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

Temple Independent School District  
200 N. 23<sup>rd</sup> Street  
Temple, Texas 76504

**Zoning Application Number:** Z-FY-18-13

**Project Manager:** Lynn Barrett

**Location:** 1210 Azalea Drive, Temple, Texas

House Bill 674, effective September 1, 2013, requires school districts be notified of a proposed change in a zoning classification affecting residential or multifamily zoning in their district. This proposed zone change request is located within the Temple Independent School District. This notice does not require a response but your opinion is welcomed. Should you have any question, please contact Lynn Barrett, Project Manager, at 298-5668 or by e-mail at [lrbarrrett@templetx.gov](mailto:lrbarrrett@templetx.gov)

**Comments:**

TISD SUPPORTS RESIDENTIAL DEVELOPMENT  
THAT PROVIDES POTENTIAL FOR STUDENT  
ENROLLMENT GROWTH - THIS PROPOSED  
PROJECT WOULD BE WELCOMED -

THANK YOU -  
KENT BOYD

Please mail or hand-deliver this comment form to the address shown below, no later than **February 20, 2018.**

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



ORDINANCE NO. 2018-4905  
(Z-FY-18-13)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT MULTI-FAMILY THREE, WITH A SITE DEVELOPMENT PLAN ON APPROXIMATELY 4.203 ACRES FOR A FIVE-STORY APARTMENT BUILDING SITUATED ON LOT 5, BLOCK 1, TEMPLE MALL ADDITION, REPLAT NO. 1, AND ADDRESSED AS 1210 AZALEA DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Ace Reneau, on behalf of the owner Temple Mall LLC, requests a rezoning from General Retail zoning district to Planned Development Multi-Family Three on a portion of the undeveloped back portion of the Temple Mall property that was recently re-platted creating the subject lot;

**Whereas**, with Planned Development Multi-Family Three, the applicant is proposing an apartment building of five stories with a pool and resident plaza, with surrounding parking on three sides - due to its shape, the property presents challenges relating to buffering the parking area, which are offset by the additional landscaping offered;

**Whereas**, there will be a mix of one and two bedroom units for a total of 140 units included in the project - amenities include a swimming pool and resident plaza;

**Whereas**, the development has two access points to Azalea Drive and two internal access points to the Temple Mall property which lead to Lowes Drive and to the Loop - access concerns could be addressed in the future with a potential driveway connection to an unimproved adjacent Right of Way that intersects Lowes Drive;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning and Site Development Plan from General Retail Zoning District to Planned Development Multi-Family Three Zoning District, on approximately 4.203 acres situated on lot 5, block 1, Temple Mall Addition, Replat No. 1, addressed as 1210 Azalea Drive, Temple, Texas; 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 General Retail Zoning District to Planned Development Multi-Family Three Zoning District, on approximately 4.203 acres of a five-story apartment building situated on lot 5, block 1, Temple Mall Addition, Replat No. 1, addressed as 1210 Azalea Drive, Temple, Texas, as more thoroughly described by the site development plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes along with the following conditions:

1. Substantial compliance with the attached development/site plan including Azalea Drive sidewalk;
2. Provide a landscaped area exceeding 20% (approximately 37,000 square feet) with 79 trees and 316 bushes; 50% to be from medium/large list (exceeds requirements of 5% landscaping);
3. A 10-foot landscaped buffer yard along the frontage with Azalea Drive;
4. Building elevations would substantially comply with submitted plans; and
5. Changes to the development site plan related to drainage considerations for site approval at the building permit stage would not be considered a substantial change.

**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 **5<sup>th</sup>** day of **April**, 2018.

PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **April**, 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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04/05/18  
Item #10  
Regular Agenda  
Page 1 of 4

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Z-FY-18-15: Consider adopting an ordinance authorizing rezoning from Agricultural to General Retail proposed for 3 +/- acres and Multiple-Family Dwelling 1 proposed for 1 +/- acre, located on the eastside of State Highway 317, approximately 1,100 feet south of its intersection with Hogan Road, addressed as 5701 State Highway 317.

**STAFF RECOMMENDATION:** Staff recommends approval for a rezoning from AG to NS district, of the three western-most acres and keeping the eastern one acre AG for the following reasons:

1. The location and acreage of the proposed NS zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
2. Existing residential uses will be buffered and screened from all non-residential uses at the common borders between the NS & Agriculturally-zoned property or the NS & residentially used or zoned property;
3. The proposal is in compliance with the Thoroughfare Plan; and
4. Public facilities are currently available to serve the subject property as a three employee office.

**PLANNING & ZONING COMMISSION DISCUSSION:** During the March 5, 2018 Planning & Zoning Commission meeting, concerns were discussed about the following:

1. Traffic and access to the project site from SH 317;
2. Expansion and timing of upgrades to existing utilities beyond a three employee office use; and
3. Undesired impacts associated with potential multi-family & non-residential uses fronting along SH 317.

As a result of the above discussion items, the applicant agreed to table the request until the March 19, 2018 Planning & Zoning Commission meeting and meet with staff to discuss options.



On March 13, 2018, staff met with the applicant to discuss options and alternatives. The applicant and staff are in agreement to proceed with Neighborhood Service (NS) instead of General Retail (GR) and withdraw the one acre of MF-1 from the request, effectively reducing the request from four acres to three acres all of which would be for NS. Additionally, the buffer has been increased by a distance of approximately 176 feet between the NS-zoned-portion of the property and the adjacent residential property, for a total distance of 327 feet. The attached surveyor sketch and field notes reflect the boundary of the three acres and be attached as Exhibit A of the ordinance, if the rezoning is approved by City Council. As presented at the March 5, 2018 Planning & Zoning Commission meeting and discussed later in this report, a 4/5<sup>th</sup> vote by City Council is still required even though the request has been revised.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their March 19, 2018 meeting, the Planning & Zoning Commission voted six to zero to recommend approval per staff's recommendation for NS on the three western-most acres of the subject property.

**ITEM SUMMARY:** The applicants, Michael Allen & Cy Long, initially requested rezoning of 4.00 +/- acres from Agricultural (AG) zoning district to a combination of three acres for General Retail (GR) and one acre of Multiple-Family 1 (MF-1) zoning districts. The MF-1 would have allowed up to 15 dwelling units per acre. As a result of discussion at the March 5, 2018 Planning & Zoning Commission and subsequent agreement between the applicant and Planning staff, the Planning and Zoning Commission recommended approval from AG to NS for the three western-most acres of the subject property.

The applicant proposes to use current structures for non-residential uses within the current confines of the existing septic system. Expansion will require review of a subdivision plat and evaluation of whether utilities need to be upgraded and/or extended.

While TxDOT has been notified of the rezoning, no formal response has been received by staff. A TxDOT permit however, to widen the existing 16-foot driveway to 24 feet wide, was issued to the applicant on November 1, 2017.

**BUFFERING & SCREENING:** Per UDC Section 7.7.4, buffering and screening standards apply along the common boundary between nonresidential and an agricultural use or residential zoning district or use. Standards are more detailed on 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 split by two Future Land Use Map (FLUM) designations, the Suburban Commercial and the Suburban Residential designations. The Suburban Commercial designation is appropriate for office and retail service uses and supports Office 1 (O-1), Office 2 (O-2) and Neighborhood Service (NS) zoning designations. Therefore, the requested rezoning is in **compliance** with the Future Land Map.



Thoroughfare Plan (CP Map 5.2)

The subject property takes access from State Highway 317 (SH 317), an arterial street. While TxDOT improvements are on-going, the state was notified of the proposed rezoning and no comments have been received. TxDOT improvements include a 10-foot sidewalk on the east side of SH 317. According to TxDOT, the SH 317 improvements include widening from two lanes to four lanes with, two lanes in each direction, with a raised center median. Specifically related to this rezoning, median breaks will be provided at Hogan Road, Oak Hills Road and Poison Oak Road. A plan view section of the section closest to the subject property is attached.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available through the extension of an existing eight inch sewer line in Oak Hills Drive. On October 26, 2017, Bell County Health Department issued a letter authorizing the use of the existing septic for an office use with a maximum of three employees. Water is available through an existing two inch water line in SH 317. While, according to the Public Works Department, the two inch water line will be adequate for the proposed office use, the necessity to upsize the water line will need to be re-evaluated with any future expansion to the property. Evaluation will be through the platting process.

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed local connector trail is shown on the Trails Master Plan. SH 317, as an arterial requires a 6-foot sidewalk. Compliance with the Trails Master Plan and sidewalks will be addressed during the plat process. However, the City of Temple has agreed to fund the upsizing of a new sidewalk designed by TxDOT, from six feet to 10-feet, to comply with the Trails Master Plan.

**DEVELOPMENT REGULATIONS:** The attached tables compare and contrast, the current development standards between AG and NS as provided for in UDC Section 4.5. A table with traffic counts associated with select NS & GR uses has also been attached.

**PUBLIC NOTICE:** Four notices to property owners, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Monday March 26, 2018 at 9:00 AM, one notice in agreement, two notices in disagreement and one notice from outside of the notification boundary, for a total of four notices have been received. Staff has calculated the land area within the notification boundary at 47.89% to be in opposition. Since the initial rezoning request for GR & MF-1 has been advertised, per UDC Section 3.4.4, a 4/5<sup>th</sup> vote by City Council has been triggered in order to approve the request.

The newspaper printed notice of the public hearing on February 22, 2018, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable



**ATTACHMENTS:**

Survey Map & Field Notes (Exhibit A)

Bell County Septic Letter (dated October 26, 2017)

Photos

Maps

Tables

TxDOT Plan View Maps (Hogan Road to Oak Hills Drive)

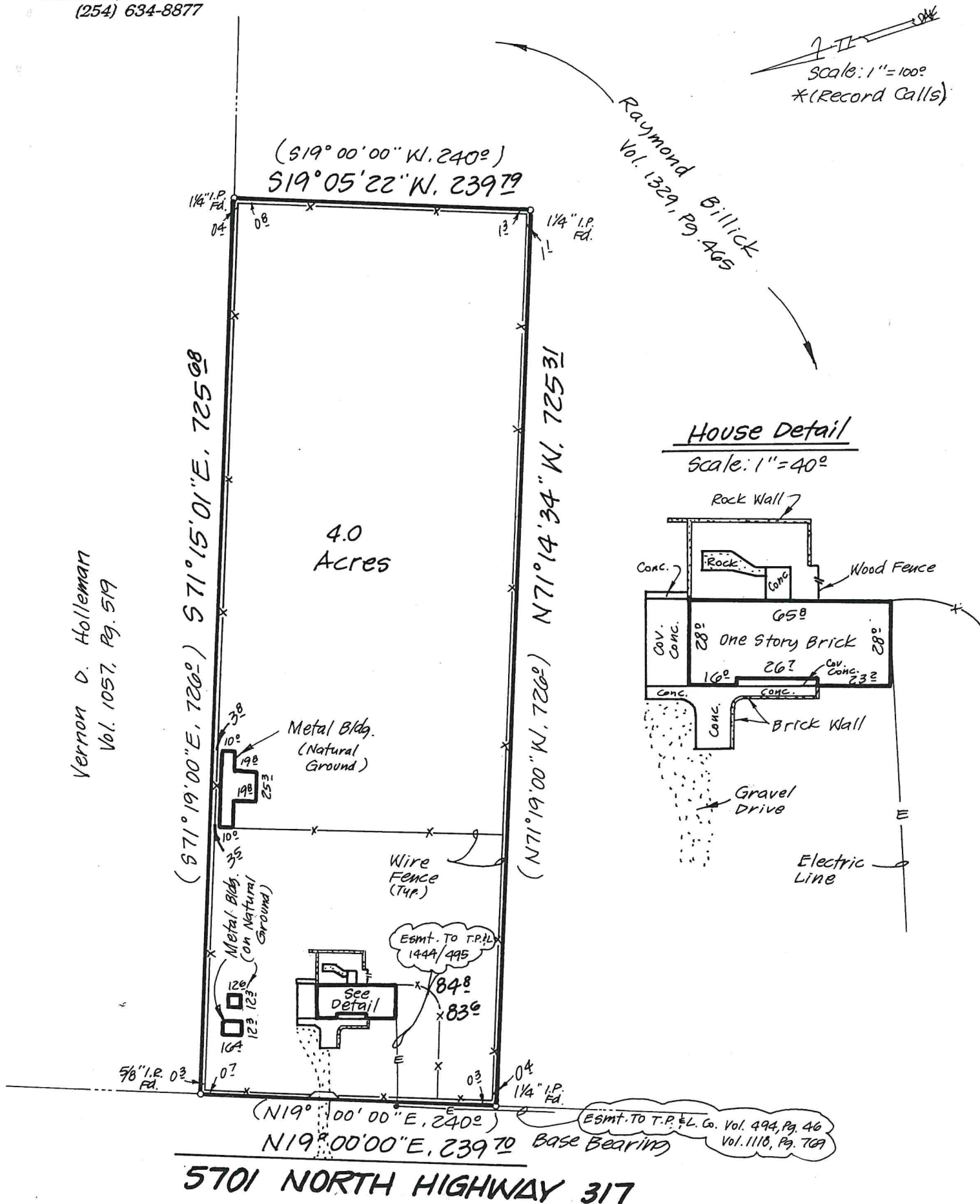
Returned Property Notices

P&Z Excerpts (March 5 & 19, 2018)

Ordinance



# EXHIBIT A



4.0 acres, part of the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas. Bearings are based on recorded deed in Volume 1139, Page 321, Deed Records of Bell County, Texas.  
SEE ATTACHED LEGAL DESCRIPTION.

STATE OF TEXAS \* KNOW ALL MEN BY THESE PRESENTS, that I, BRUCE M. HARMON  
Registered Professional Land Surveyor, do hereby certify that I did  
COUNTY OF BELL \* cause to be surveyed on the ground the tract shown hereon. This  
document is not valid without original signature.

IN WITNESS THEREOF, my hand and seal this the 14th day  
of October, 2003.



*Bruce M. Harmon*  
Bruce M. Harmon  
Registered Professional Land Surveyor, No. 4482  
© Copyright



**HARMON AND ASSOCIATES  
105 W. VETERANS MEMORIAL BLVD  
KILLEEN, TEXAS 76541  
(254)634-8877**

**LEGAL DESCRIPTION** for a tract of land in Bell County, Texas, part of the Baldwin Robertson Survey, Abstract No. 17, and being the same tract described as 4.0 acres in a Deed to Z. L. Lewis recorded in Volume 1139, Page 321, Deed Records of Bell County, Texas.

**BEGINNING** at a 5/8" iron rod found in the east right of way line of North Highway 317 being the southwest corner of the Vernon D. Holleman tract recorded in Volume 1057, Page 519 and the northwest corner of the Lewis tract, for the northwest corner of this.

**THENCE** S. 71 deg. 15' 01" E., 725.68 feet (S. 71 deg. 19' 00" E., 726.0 feet) to a 1-1/4" iron pipe found in the south line of the Holleman tract being a corner of the Raymond Billick tract recorded in Volume 1329, Page 465 and the northeast corner of the Lewis tract, for the northeast corner of this.

**THENCE** S. 19 deg. 05' 22" W., 239.79 feet (S. 19 deg. 00' 00" W., 240.0 feet) to a 1-1/4" iron pipe found being an ell corner of the Billick tract and the southeast corner of the Lewis tract, for the southeast corner of this.

**THENCE** N. 71 deg. 14' 34" W., 725.31 feet (N. 71 deg. 19' 00" W., 726.0 feet) to a 1-1/4" iron pipe found in the east right of way line of North Highway 317 being the northwest corner of the Billick tract and the southwest corner of the Lewis tract, for the southwest corner of this.

**THENCE** N. 19 deg. 00' 00" E., 239.70 feet (N. 19 deg. 00' 00" E., 240.0 feet - Base Bearing) with the east right of way line of North Highway 317 to the place of beginning containing 4.0 acres of land, according to my Survey and my Calculations.

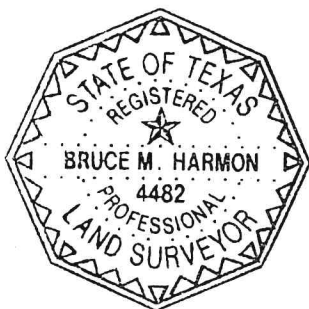
The bearings of this Legal Description are based on the west line of the tract described as 4.0 acres in a Deed to Z. L. Lewis recorded in Volume 1139, Page 321, Deed Records of Bell County, Texas.


----See attached Plat-----

\*\*\*\*\*

**STATE OF TEXAS \*    KNOW ALL MEN BY THESE PRESENTS, that I, BRUCE M. HARMON**  
**COUNTY OF BELL \*    Registered Professional Land Surveyor, do hereby certify that I did cause**  
**to be surveyed on the ground the above described tract. This document is**  
**not valid without original signature and is valid for a period of 90 days after**  
**the date shown below.**

**IN WITNESS THEREOF, my hand and seal, this the 14th day of October, 2003.**



  
**Bruce M. Harmon**  
**Registered Professional**  
**Land Surveyor No. 4482**  
© Copyright

**EXHIBIT A**





## BELL COUNTY PUBLIC HEALTH DISTRICT

October 26, 2017

Cy Long  
5701 Highway 317  
Belton TX 76513

**RE: On Site Sewage Facility (OSSF) / B Robertson Survey, Abs. 18, 4 Acres**

Dear Mr. Long:

The Bell County Public Health District has received your request to convert this two bedroom home with an existing OSSF in place into a small business (Title Company) with no food being sold and with no more than three (3) employees working at this location at one time.

This address is permitted for a 750 gallon tank and 522 square feet of drainfield which allows 180 gallons per day. Attached is a copy of your septic permit.

The Health District will document that this two bedroom home will convert into a small business. If you have any septic issues in the future, please contact a septic professional.

Sincerely,

KENT STEPHENS, R.S.

Environmental Health Supervisor

TEMPLE OFFICE (254) 778-4766  
TEMPLE FAX (254) 778-2912  
509 SOUTH 9TH ST.  
TEMPLE, TEXAS 76504

KILLEEN OFFICE (254) 526-8371  
KILLEEN FAX (254) 526-5343  
ENVIRONMENTAL HEALTH (254) 526-3197  
FAX (254) 526-3317  
309 NORTH 2ND ST. • KILLEEN, TX 76540

FOOD PROTECTION (254) 771-2106  
ENVIRONMENTAL HEALTH (254) 778-7557  
FAX (254) 778-8251  
410 COTTINGHAM ST.  
TEMPLE, TX 76504



# Site & Surrounding Property Photos



**Site: Existing (Unoccupied) Building  
(AG)**



**West: Looking Across SH 317 – Scattered SF Residences on Acreage  
(AG)**





**South: Existing SF Residence on Acreage  
(AG)**



**North – East side of SH 317 – Primarily Undeveloped (AG)**





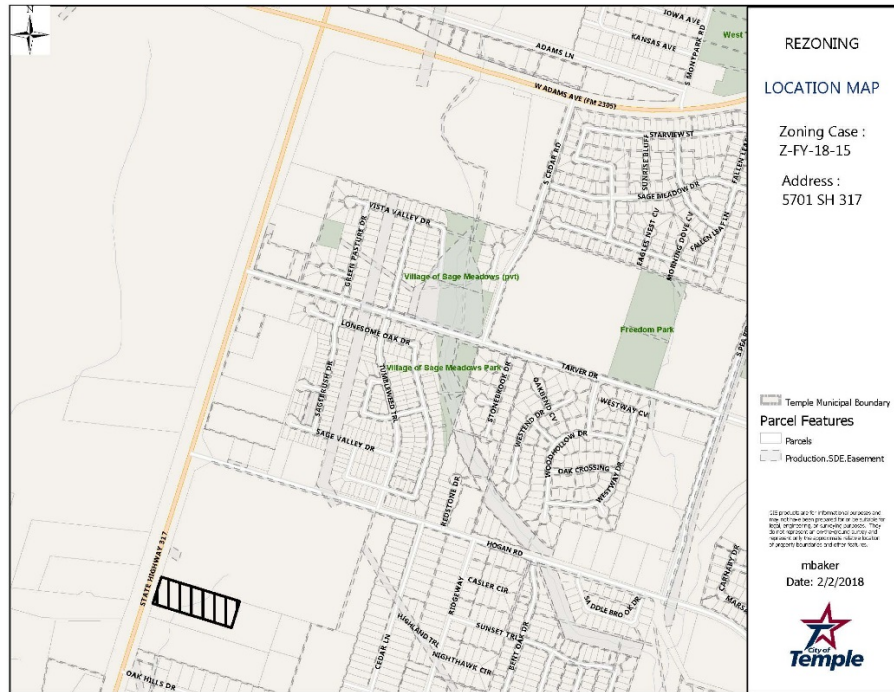
**East – Looking across Subject Property toward residence (Yellow Arrow) on adjacent tract (AG)**



**Aerial: Subject property in relation to adjacent residential dwelling - Note approximate distance is 150 feet (AG)**



# Maps

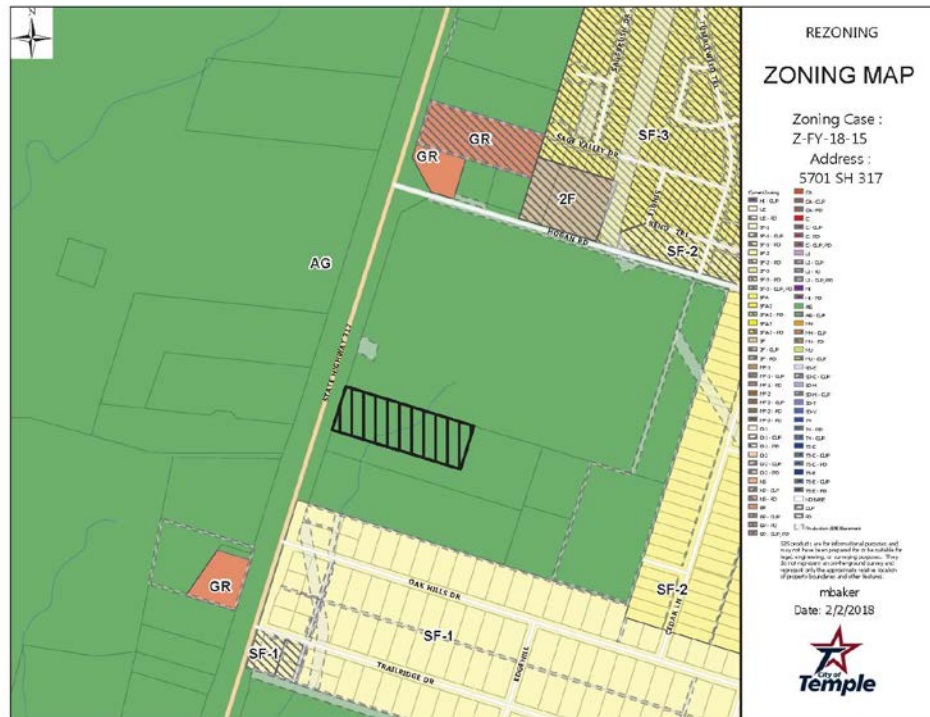


Location Map

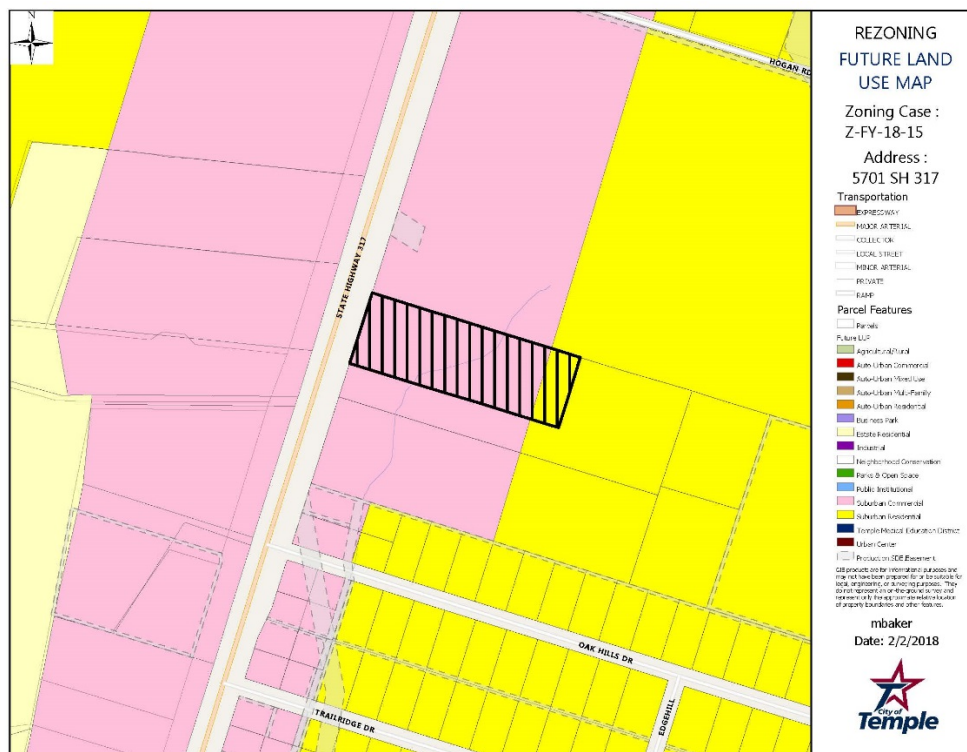


Aerial Map



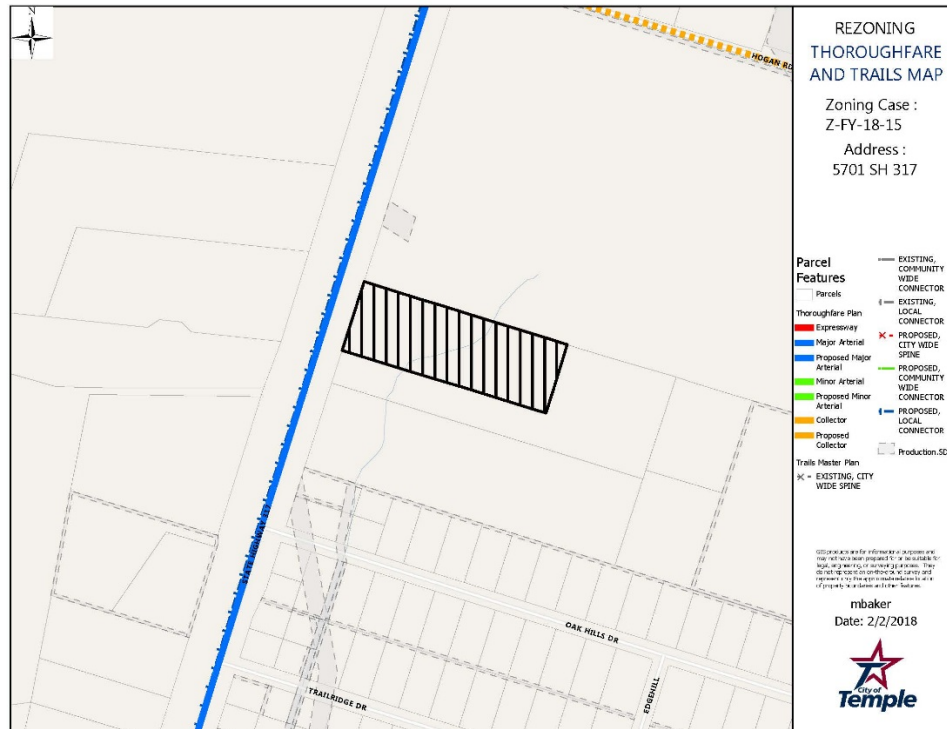


**Zoning Map**

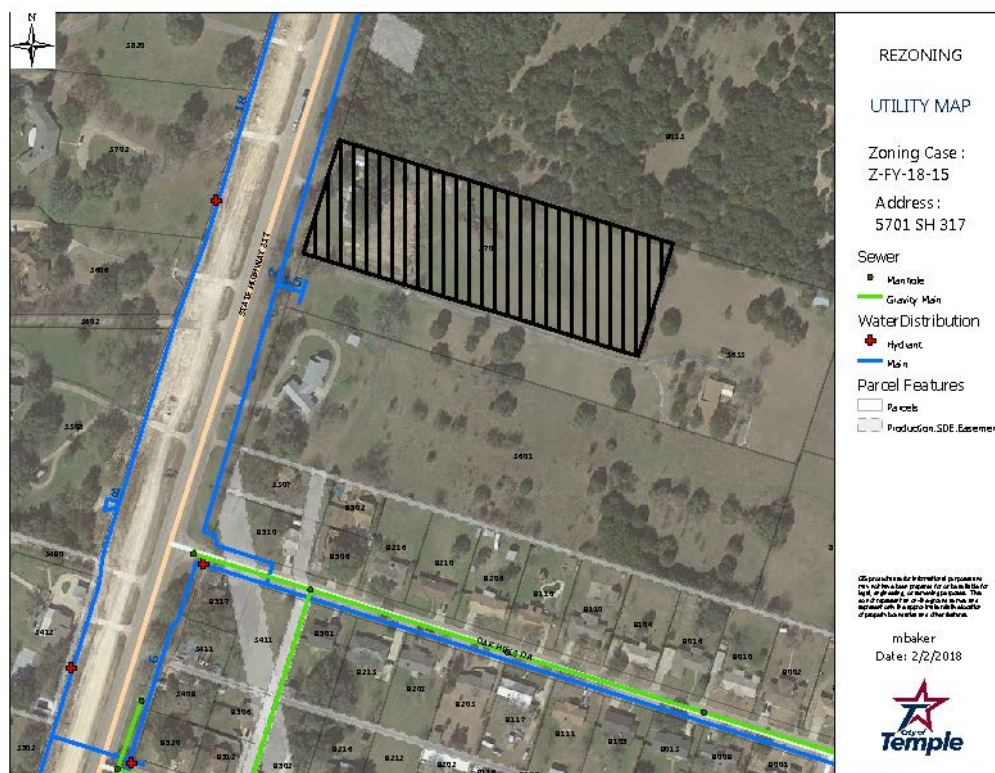


**Future Land Use Map**



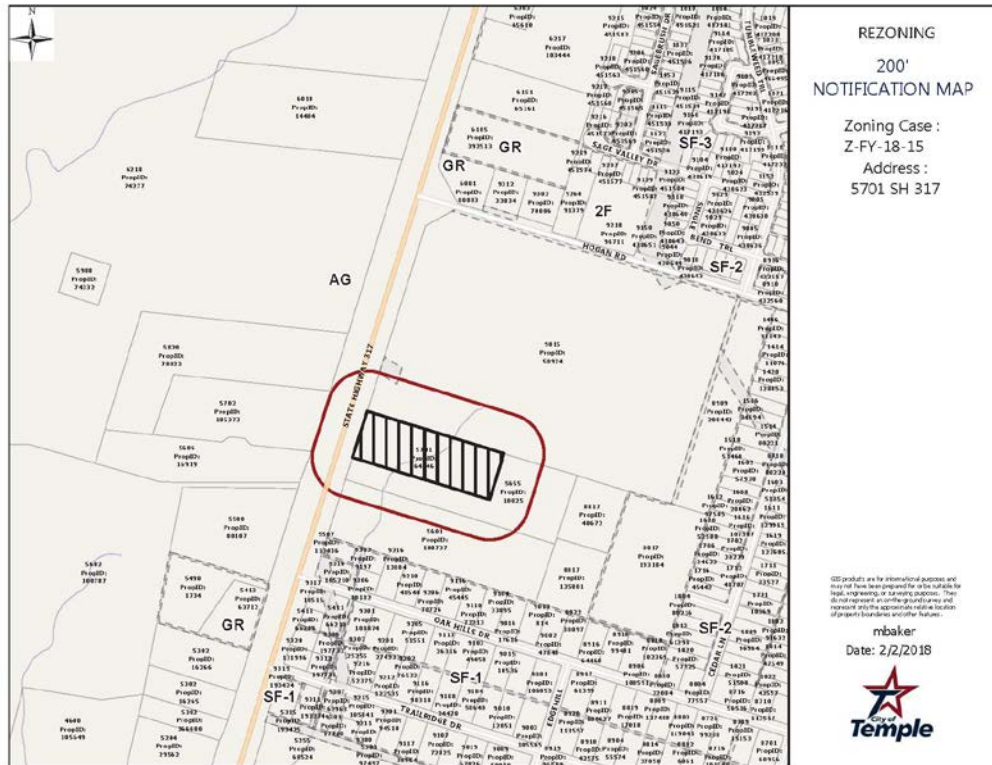


**Thoroughfare & Trails Map**

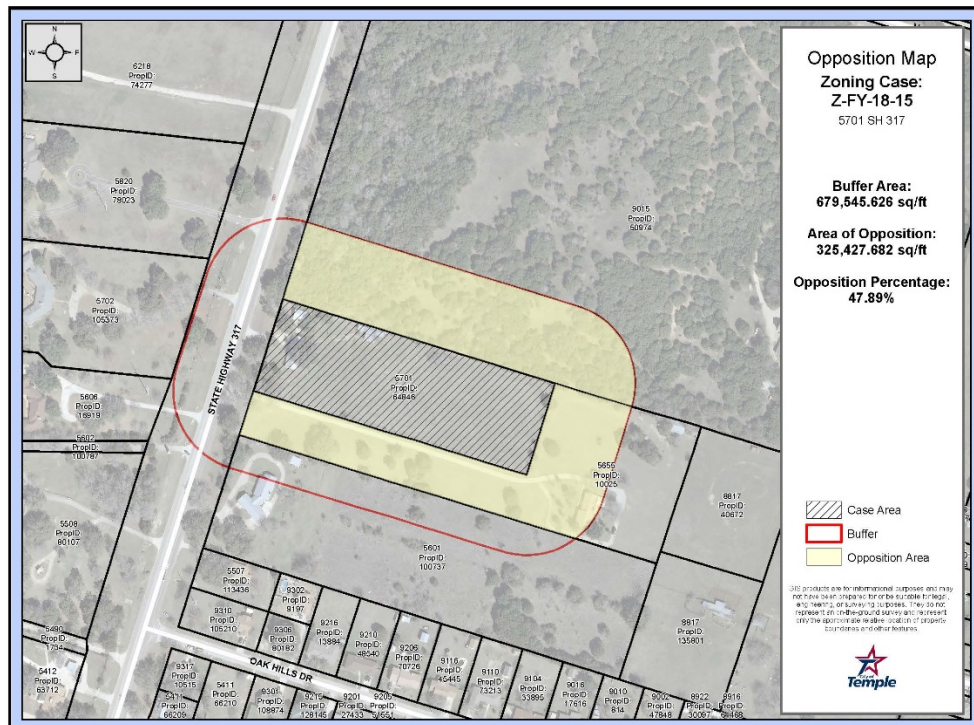


**Utility Map**





Notification Map



Opposition Map



# Tables

Permitted & Conditional Uses Table  
Comparison between AG, GR & NS

Use Type	Agricultural (AG)	Neighborhood Service (NS)	General Retail (GR)
Agricultural Uses	Farm, Ranch or Orchard	Same as AG	Same as AG
Residential Uses	Single Family Residence (Detached & Attached) Industrialized Housing Family or Group Home Home for the Aged (CUP)	Single Family Detached & Attached Only Industrialized Housing Townhouse (1) No Apartment No Triplex No Duplex (2) Family /Group Home (CUP)	Single Family Residence (Detached & Attached) Duplex Townhouse Industrialized Housing Family or Group Home Home for the Aged
Retail & Service Uses	None	Most Retail & Service Uses Beer & Wine Sales, off-premise consumption (CUP)	Most Retail & Service Uses Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
Commercial Uses	None	None	Plumbing Shop Upholstery Shop Kennel without Veterinary Hospital (CUP) Indoor Flea Market
Office Uses	None	Office Uses	Office Warehouse (CUP)
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP)	Same as NS Laboratory, medical, dental, scientific or research (CUP)	Same as NS Recycling collection location
Recreational Uses	None	Park or Playground	Same as NS Beer & Wine (On Premise Consumption) < 75%
Vehicle Service Uses	None	Fuel Sales (CUP)	Auto Leasing, Rental Auto Sales - New & Used (outside Lot) Car Wash Vehicle Servicing (Minor)
Restaurant Uses	None	Restaurant - No Drive-In	With & Without Drive-In
Overnight Accommodations	RV Park (CUP)	None	Hotel or Motel

(1) & (2) shown on next page



- (1) A Townhouse is a structure on an individual lot, that is one of a series of three or more dwelling units designed for single-family occupancy structurally connected or immediately adjacent to and abutting each other between individual dwelling units
- (2) A Duplex is a detached building designed and constructed within two separate living units under a single roof for occupancy of two families.

### Surrounding Property Uses

	<u>Surrounding Property &amp; Uses</u>		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial / Suburban Residential	AG	Single Family Residence on Acreage
North	Suburban Commercial / Suburban Residential	AG & GR	Scattered SF Uses on Acreage
South	Suburban Commercial / Suburban Residential	AG & SF-1	Scattered SF Uses on Acreage
East	Suburban Commercial / Suburban Residential	AG & SF-2	Scattered SF Uses on Acreage
West	Suburban Commercial	AG	Scattered SF Uses on Acreage

### 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		



**Dimensional Standards**  
(Revised with NS Standards)

	<b><u>Current (AG)</u></b> <b><u>Residential</u></b>	<b><u>(GR)</u></b> <b><u>Non-Res</u></b>	<b><u>Recommended (NS)</u></b> <b><u>Non-Residential</u></b>
Minimum Lot Size	1 Acre	N/A	N/A
Minimum Lot Width	100 Feet	N/A	N/A
Minimum Lot Depth	150 Feet	N/A	N/A
Front Setback	50 Feet	15 Feet	15 Feet
Side Setback	15 Feet	10 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet	15 Feet
Rear Setback	10 Feet	❖ 10 Feet	❖ 10 Feet
Max Building Height	3 Stories	3 Stories	2 ½ Stories

- ❖ 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3)

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:

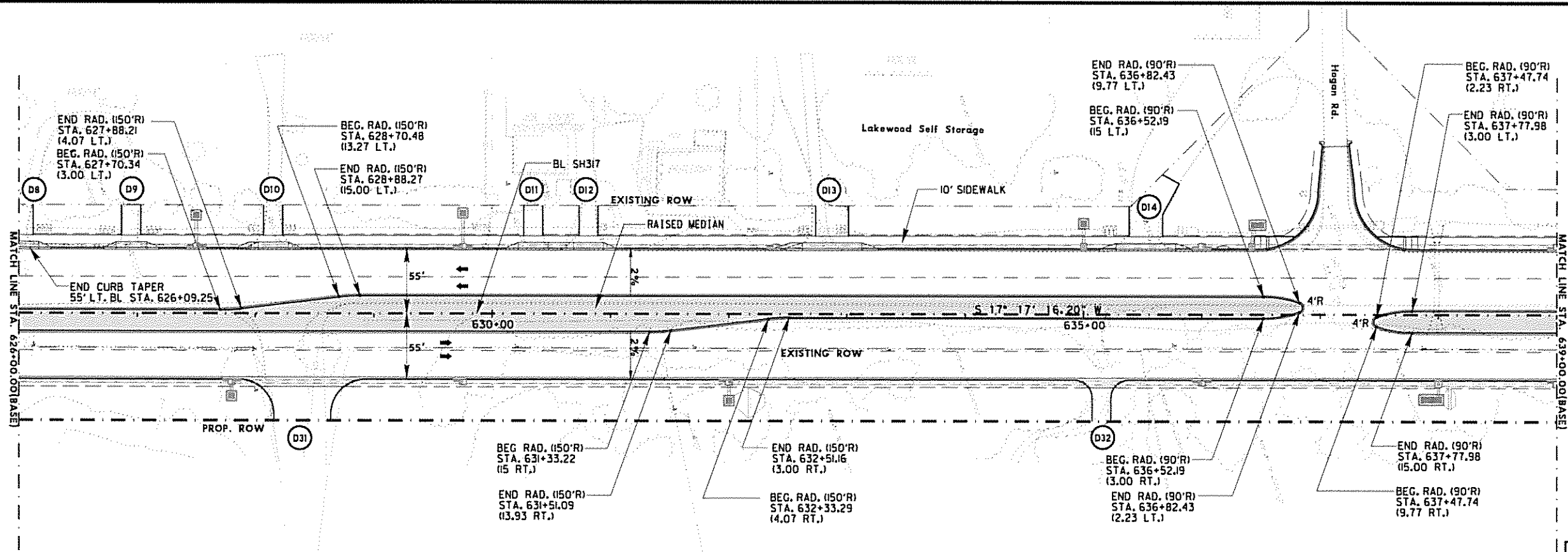
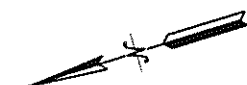
- \* Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
- \* Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- \* Screened outdoor storage (UDC Section 7.7.8.B1).



**Traffic Count Information**  
**Select - NS & GR Permitted & Conditional Uses**

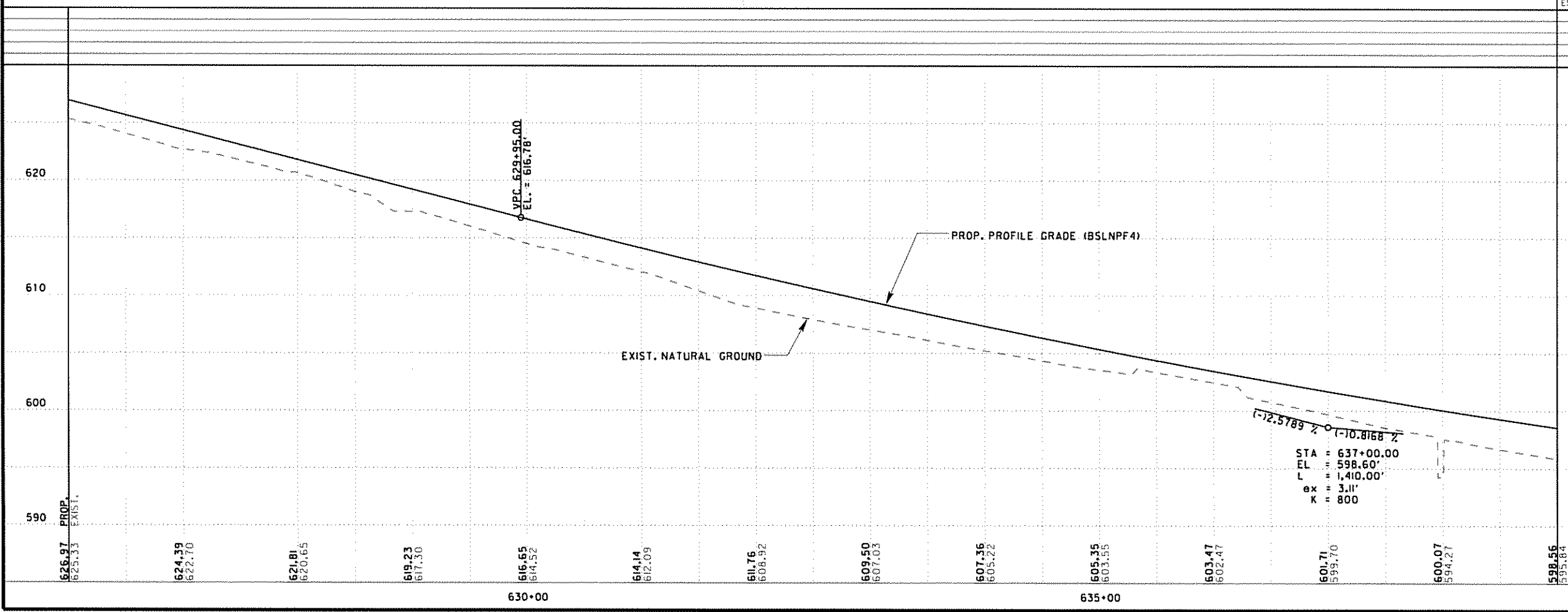
<b>Peak Hour Trip Rates Table (9th Ed. ITE Manual)</b>	
<b>Use</b>	<b>Peak Hour Trip Rate</b>
<b>Single Family (Detached) Residence</b>	<b>1.00 (per Dwelling Unit)</b>
<b>Townhouse</b>	<b>0.52 (per Dwelling Unit)</b>
<b>Assisted Living Facility</b>	<b>0.22 (per Bed)</b>
<b>Congregate Care</b>	<b>0.17 (per Dwelling Unit)</b>
<b>General Office Building</b>	<b>1.49 (per 1,000 S.F.)</b>
<b>Hair Salon</b>	<b>1.93 (per 1,000 S.F.)</b>
<b>Gasoline Service Station / with Convenience Store &amp; Fuel Pumps</b>	<b>13.51 (per Fueling Station)</b>
<b>Gasoline Service Station / Convenience Store / Fuel Pumps / Car Wash (GR Use)</b>	<b>13.94 (per Fueling Station)</b>
<b>Fast Food Restaurant (No Drive-Thru)</b>	<b>26.15 (per 1,000 S.F.)</b>
<b>Restaurant w/ Drive Thru (GR Use)</b>	<b>33.84 (per 1,000 S.F.)</b>
<b>Restaurant (Sit Down)</b>	<b>11.15 (per 1,000 S.F.)</b>
<b>Bank</b>	<b>12.13 (per 1,000 S.F.)</b>
<b>Variety Store</b>	<b>6.82 (per 1,000 S.F.)</b>
<b>Free Standing Discount Store</b>	<b>4.98 (per 1,000 S.F.)</b>
<b>Arts &amp; Crafts Store</b>	<b>6.21 (per 1,000 S.F.)</b>
<b>Hotel (GR Use)</b>	<b>0.60 (per Room)</b>
<b>Motel (GR Use)</b>	<b>0.47 (per Room)</b>
<b>Bar (GR Use with CUP)</b>	<b>11.34 (per 1,000 S.F.)</b>





BM H-122  
PK NAIL 12.3' LT. SH317BL  
STA. 637+14.05, EL. = 601.05  
4.54' INSIDE EDGE OF EXIST. RT. SHOULDER

SHEET TOTALS		UNIT	DESCRIPTION
EST.	FINAL		



© 2015 Texas Department of Transportation



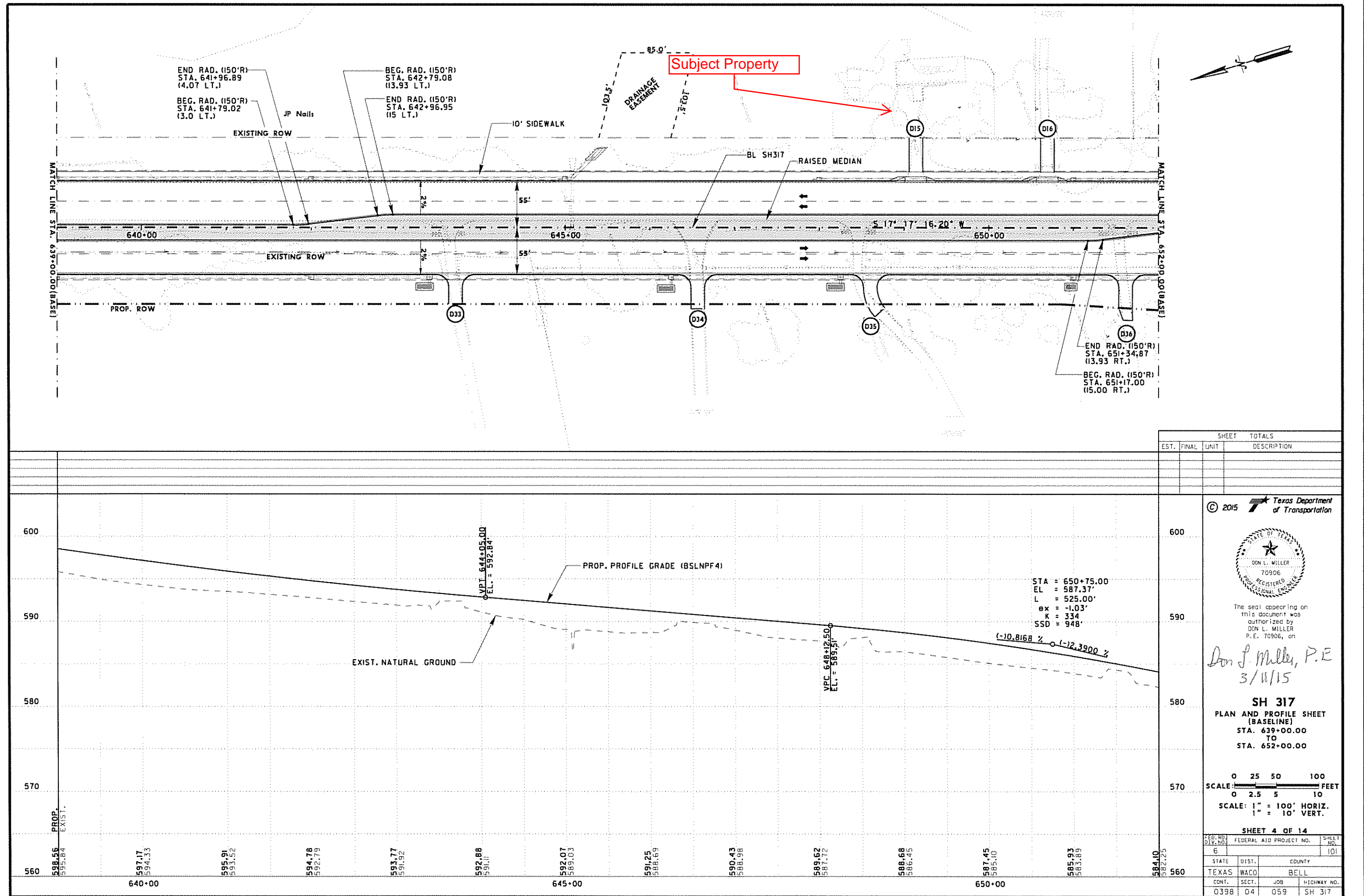
The seal appearing on this document was authorized by DON L. MILLER, P.E. 70906, on 3/11/15

**SH 317**  
PLAN AND PROFILE SHEET  
(BASELINE)  
STA. 626+00.00  
TO  
STA. 639+00.00

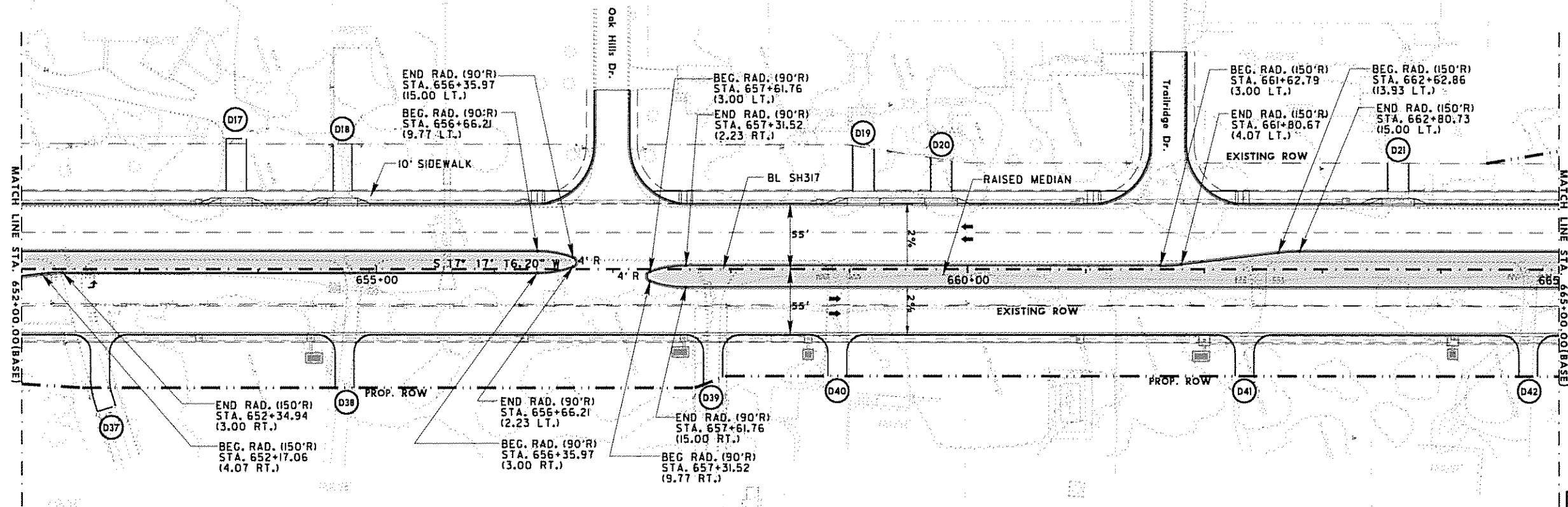
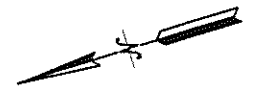
0 25 50 100  
SCALE: 1" = 100' HORIZ.  
1" = 10' VERT.

SHEET 3 OF 14			
FED. RD. DIV. NO.	FEDERAL AID PROJECT NO.	SHEET NO.	
6		100	
STATE	DIST.	COUNTY	
TEXAS	WACO	BELL	
CONT.	SECT.	JOB	HIGHWAY NO.
0398	04	059	SH 317



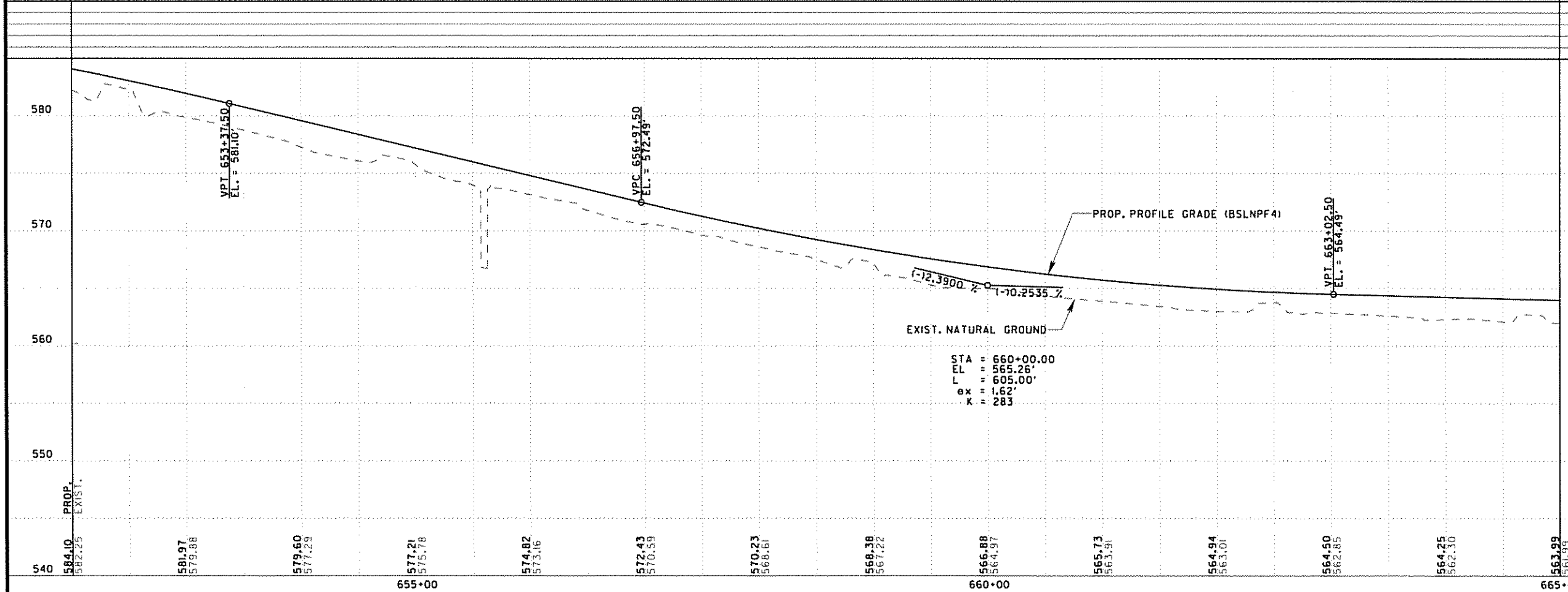






BM H-188  
PK NAIL 12.97' LT. SH317BL  
STA. 655+60.06, EL. = 575.13  
5.27' INSIDE EDGE OF EXIST. RT. SHLDR

SHEET TOTALS		EST. FINAL		UNIT	DESCRIPTION



© 2015 Texas Department of Transportation



The seal appearing on this document was authorized by  
DON L. MILLER  
P.E. 70906, on

*Don L. Miller, P.E.*  
3/11/15

**SH 317**  
**PLAN AND PROFILE SHEET**  
**(BASELINE)**  
STA. 652+00.00  
TO  
STA. 665+00.00

0 25 50 100  
SCALE: 1" = 100' HORIZ.  
1" = 10' VERT.

SHEET 5 OF 14

FED. RD. DIV. NO.	FEDERAL AID PROJECT NO.	SHEET NO.
6		102
STATE	DIST.	COUNTY
TEXAS	WACO	BELL
CONT.	SECT.	JOB
D39B	D4	D59
HIGHWAY NO.		
SH 317		





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

BILLECK, MARY BETH  
5655 STATE HWY 317  
BELTON, TX 76513

*Phone Number:*  
*(254) 760-5001*

**Zoning Application Number:** Z-FY-18-15

**Case Manager:**

**Mark Baker**

**Location:** 5701 State Highway 317, Temple, Texas

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

I ( ) agree

☒ disagree with this request

**Comments:**

*Attached*

**RECEIVED**

**MAR - 1 2018**

City of Temple  
Planning & Development

*Mary Billeck*  
**Signature**

*Mary Billeck*  
**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](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

**Number of Notices Mailed:** 4

**Date Mailed:** February 22, 2018

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



I oppose rezoning the land for commercial and/or multi-family homes because the land is not conducive to this type of development given its size, topography, density, and material inconsistency between the proposed development and the current existing surrounding properties. First, the property is a relatively thin strip of land totaling approximately 4 acres. It already has a home, a small barn and a garage/work building. There is limited room to add additional commercial buildings, multi-family homes, and the infrastructure necessary to properly support these buildings without substantially overcrowding and over-populating the property. Additionally, the traffic on Highway 317 at that location, given the already densely populated subdivisions and other homes, as well as the high volume of traffic on Highway 317, would further exacerbate the traffic problem. This is particularly true as there is no direct access across the proposed median on Highway 317 to allow entry onto this property, as a commercial property, from the southward flowing traffic. Additionally, a portion of the property is at a lower elevation and has significant flooding and water flow problems that have already impacted my property and likely would increase with additional proposed development. The fill dirt that has been added to this property in the last year or so has caused me problems during heavy rains. The fill dirt is full of rocks, wood, and debris. When we have heavy rains, this washes onto my land. I have to pick it up in order to mow. Also, it fills up the tin horns that I have under my road for the water to go through. I have had to clean them out several times from all the material that has washed over from the fill dirt. Finally,



retail businesses, and in particular multi-family homes, would be entirely inconsistent with the properties surrounding the subject tract. In particular, my home, which is approximately 100 feet from the proposed multi-family project, would be substantially and materially impacted by the development of multi-family homes essentially in my front yard. Similarly, there are no other multi-family homes anywhere surrounding the subject property. Approval of a plan that materially impacts my property, as well as the properties of others surrounding the subject tract, would harm me and the homes on the surrounding properties and effectively amount to a taking of our property.

THANK YOU FOR YOUR TIME





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

HOLLEMAN, VERNON D  
9015 HOGAN RD  
TEMPLE, TX 76502-5117

**Zoning Application Number:** Z-FY-18-15

**Case Manager:** Mark Baker

**Location:** 5701 State Highway 317, Temple, Texas

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

I ☐ agree

☒ **disagree with this request**

**Comments:**

We strongly disagree with this request. There is little room for multiple family housing and the drainage is a problem. There is no other access to the highway or property.

**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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

**RECEIVED**

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

**MAR - 2 2018**

City of Temple  
Planning & Development

Number of Notices Mailed: 4

Date Mailed: February 22, 2018

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



# SUPPLEMENT TO RETURNED RESPONSE LETTER

**From:** [Vernon Holleman](#)  
**To:** [Mark Baker](#)  
**Subject:** Zoning Application Number: Z-FY-18-15  
**Date:** Sunday, March 04, 2018 6:04:30 PM

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My wife and I have already responded with a disagreement to the proposed zoning changes for the property adjacent to the area in review which is surrounded on the north by the Buffalo Oak Farm and on the East and South by Mrs Billeck and on the West by highway 317.

Our major disagreement is in regards to the proposal for Multiple Family 1 (MF-1) category usages.

I feel confident that if the City Planning Commission examines the geography and other potential disasters it will become obvious to them that this is not a satisfactory location for Multiple Family units and will be a liability for the City and for the Highway 317.

I am confident that you have it memorized but I will quote the CI.Temple.Tx. US zoning code Article 4.3.11 MF-1 Multiple Family Dwelling 1 which reads. The Multiple Family Dwelling 1 zoning district permits typical garden apartment development of one to two stories, allowing approximately 15 units per acre and is intended to be located near and reasonably accessible to , collectors and arterial s, due to traffic generating capacity of medium density multiple family dwellings.

The commission is challenged with careful study of such proposal to avoid errors of the past.

The geography of the proposed tract of land does will not permit reasonable fulfillment of the requirements of Article 4.3.11.. Careful hands on hands inspection of the acreage and surrounding areas should be personally made by members of the committee or other experts. The house near the Highway on the property sits at a much higher level than the area below it. I purchased my property the Buffalo Oak Farm about fifty years ago and I have seen the evolution of the highway development and have communicated with surveyors, geology experts and multiple highway officials . I have always had concerns about the water drainage from the West, from the West to the East of Highway 317. They have repeatedly ad firmly assured me that that is the natural water flow and cannot be completely changed.

Highway 317 is now in final stages of completion. I was required to give an easement for water drainage near the south corner of my property on 317. I was there last week end and see there is a four foot drain pointing to that easement area. If your look on the rezoning map you sent you can see a faint dotted line indicating the easement area. It looks like they have drains on each side of the highway so it remains to be seen how much drainage there will be to that easement area and how much flow will be diverted from what has been referred to by the experts as a natural drainage which goes through the back of the proposed property and on into the Oak Hills area. In the past water has been as high as the back porch of the house on the property as told e by Mr. Lewis who owned the property years ago. Mrs Billick owns the road on the South Side of the property, her access from Highway 317. When the water flow was high you could not drive across the "river" which was created. There are culverts under her road at the low point to facilitate the flow of water and not wash out the road. Attempts to fill in the low spots behind the house on this property have caused silt and dirt to stop up the flow.



Access to this proposed area would have to be from the North going lane of 317. There would probably have to be a traffic light to accommodate the large number of cars. The Highway department would probably have to make a new Turn Around near the entrance. The traffic on 317 is already pretty bad "heavy".

Under this zoning there could be as many as 60 family units according to my "fuzzy math". It is my observation that it seems that everyone in such unit owns an automobile. Accommodations would have to be made for parking. The city would have to furnish trash containers and paper management containers. Pickup and delivery would be a problem for the City especially because entry and access for the garbage pickup trucks would be slow because of heavy traffic flow and limited access.

Arterial s would be a problem. The city as you know annexed many areas of farmland with their annexation into Temple and many areas still have septic tanks so this would be a very expensive enterprise and difficult because of the already made mention of the shape of the land.

I could go on. These are facts you probably already know. It is the responsibility of the City Planning Commission to make as good a decision as possible for the best interest of the City and its citizens and not be swayed by developers sometimes whose main objective is financial gain sometimes to expense of Citizens of the City and Community.

In Summary We object to the proposal for Multiple Family 1 (MF-1) classification construction. I hope that land use can be adjusted to a more reasonable classification.

Sincerely

Vernon D. Holleman  
9015 Hogan Road  
Temple , Texas 76502





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

James S + Donna J Gamrod  
5702 State Hwy 317  
Belton, TX 76513

**Zoning Application Number:** Z-FY-18-15

**Case Manager:**

**Mark Baker**

**Location:** 5701 State Highway 317, Temple, Texas

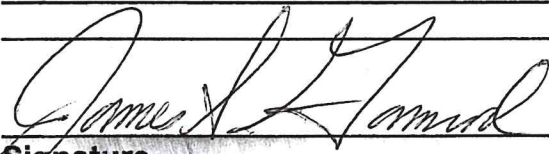
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I ( ) agree

☒ disagree with this request

**Comments:**

This should be single family housing like  
everything around



**Signature**

James S Gamrod

**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](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

**RECEIVED**

MAR - 2 2018

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

City of Temple  
Planning & Development

**Number of Notices Mailed:** 4

**Date Mailed:** February 22, 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

RECEIVED

MAR - 5 2018

City of Temple  
Planning & Development

BOOTH, WILLIAM K ETUX ANNE C  
2117 N 1ST ST  
TEMPLE, TX 76501-1758

**Zoning Application Number:** Z-FY-18-15

**Case Manager:**

**Mark Baker**

Location: 5701 State Highway 317, Temple, Texas

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

I ☒ agree

( ) disagree with this request

**Comments:**

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*William K Booth*

**Signature**

*William K. Booth*

**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](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

Number of Notices Mailed: 4

Date Mailed: February 22, 2018

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



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MARCH 5, 2018**

**ACTION ITEMS**

**Item 4: Z-FY-18-15** – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to General Retail (GR) and Multiple-Family Dwelling 1 (MF-1) on 4.0 +/- acres, located on the eastside of State Highway 317, approximately 1,100 feet south of its intersection with Hogan Road, addressed as 5701 State Highway 317.

Vice-Chair Langley and Commissioner Marshall abstained from this item.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on April 5, 2018 and second reading on April 19, 2018.

This is a rezoning request of AG to GR on three acres adjacent to SH 317 and MF-1 on one acre at the rear of the tract.

Some existing buildings are proposed to be converted to office uses and any additional uses, such as single family or multi-family uses, are proposed at a future time.

The future expansion requires a subdivision plat and that plat will also address:

- Access to any multi-family or residential units on the east side of property
- Density
- Drainage (Plat and Construction documents will address existing and post drainage conditions)
- TxDOT has issued a permit to expand the existing driveway from 16-feet to 24-feet
- Bell County Health Department has authorized use of existing septic for office use up to three employees

GR and MF-1 is proposed presently for office uses and multiple family uses (the MF uses would be in the future). GR is compatible and appropriate along State Highway 317. Multiple family or other residential uses would be appropriate toward the east and adjacent to existing residential uses.

The Future Land Use and Character Map designates the subject property as Suburban Commercial which is appropriate for retail and office uses, generally concentrated at intersections versus strip development along major roads. It also supports GR at certain locations on a case-by-case basis.

State Highway 317 is one of those conditions that does supports GR and multi-family uses.



Suburban Residential is identified for mid-sized single family lots (primarily SF-1 and SF-2). Designated acreage within the classification is not problematic to overall request for anticipated multi-family uses (less than one acre).

Water and sewer are in the vicinity of the property but would likely need to be extended for future development. The existing septic system is sufficient for office use up to three employees.

The Thoroughfare Plan designates State Highway 317 as a Major Arterial.

TxDOT improvements are on-going and include:

- 10-foot sidewalk on east side of State Highway 317

Trails:

- A proposed Local Connector Trail is addressed by the Trails Master Plan and would be addressed by the upsized sidewalk

- Sidewalk upsizing would be paid by City

- Sidewalk is designed by TxDOT

On-site photos shown.

Surrounding properties include undeveloped property to the north, and existing single family residences on acreage to the south, east, and west.

Comparison table between AG, GR and MF-1 uses (not all-inclusive) and Development standards shown.

Buffering and Screening standards would apply:

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

Along the common boundary -Continuous buffer & screening is required:

- Between non-residential or multiple-family uses and an agricultural or residential zoning district or use



Four notices were mailed in accordance with all state and local regulations with one response returned in agreement and two responses returned in disagreement.

Since 47.89 percent of the land area is in opposition, a 4/5ths vote is required by City Council in order to approve this request.

This request is in compliance 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 subject property.

Staff recommends approval of the request for a rezoning from AG district to GR and MF-1 districts.

Chair Fettig opened the public hearing.

Ms. Shirley Holleman, 9015 Hogan Road, Temple, Texas, stated she owns 45 acres off of State Highway 317 with Longhorns on it. Her property also includes a wooded habitat area where some rare species of birds live. Ms. Holleman enjoys the wildlife and would like to keep it that way.

The subject property is not going to hold anything; there is no drainage or sewage lines and Ms. Holleman feels it is a bad idea. There is only a small area to go in and out.

Ms. Holleman strongly hopes the Commission will not approve this request.

Mr. Doug Holleman, 9015 Hogan Road, Temple, Texas, stated he oversees the property. Mr. Holleman stated the drainage problem there is severe and should be a deal killer.

Chair Fettig explained that all of this is seriously looked at by the Engineering/Public Works Department prior to approving any development.

Ms. Mary Billeck, 5655 State Highway 317, Temple, Texas, stated she lives to the south and east of the subject property. Ms. Billeck is concerned about increased traffic and does not want stores that sell alcohol nearby. The multi-family proposal will be located 100 feet from her house and the drainage is not good. When she moved out there she was told there was a fault line. When it rains, Ms. Billeck cannot leave her house because of all the water and has reoccurring issues with her tin horns filling up and not draining.

Mr. Jim Gamrod, 5702 State Highway 317, Temple, Texas, stated he lives directly across the street from the subject property. 317 does not have a center turn lane so cars will end up making U-turns. Mr. Gamrod cannot leave his driveway at 7:30 in the morning due to the traffic and afternoon traffic (5:00 to 5:30) is creating chaos trying to make a left turn. There is no additional access for the proposed project.

Mr. Gamrod feels this is a giant step backwards as far as traffic goes and should all be single family dwellings and the balance should be a park.

Ms. Sandra Mosby, 7805 Broken Spoke, Temple, Texas, stated 317 is one of the main roads to her subdivision meaning the traffic leaving her subdivision will need to turn around one way or the other to get onto 317. The traffic will only get worse.



Mr. Michael Allen, 3109 Las Cruces Blvd., Temple, Texas, stated he is a half-interest owner in the subject property and wanted to introduce himself. Mr. Allen wanted to assure the citizens that any future development would have the appropriate site work done as previously mentioned.

Currently, Mr. Allen only has plans to paint and put in new flooring and doors in order to remodel the existing building and get a tenant in there with an office. Any future development, even adding on to the existing building, will trigger a lot more work. Some blacktopping may need to be done for parking. The traffic flow should not be affected much by this remodel project.

Mr. Allen confirmed there are no real multi-family plans at this point for the one acre at the back of the property.

Chair Fettig asked about the preliminary cut outs on 317.

Ms. Mary Billeck returned to the podium and stated she spoke to the workers on 317 today and was told there would be curbs all the way and traffic would have to go to Hogan to turn around.

Mr. Allen commented they have the TxDOT plans and there is a median right where their entrance is and no turn around.

Ms. Holleman returned to the podium and challenged the Commission to travel 317 during 5:00 and 7:00 p.m. because you cannot get on the road or turn around anywhere.

Chair Fettig agreed since he travels the road quite often but stated TxDOT seems to be making some progress on the road. The City cannot build roads before you build houses/buildings.

Ms. Holleman added Hogan Road is about to be widened and will add to the problem. Apartments are proposed to go nearby and will add more traffic.

Mr. Gamrod returned and stated 2305 and 53 are built differently; you have turning lanes available. 317 has no turning lanes.

A school is proposed to be built on Poison Oak and has no road.

Mr. Gamrod is not aware of any multi-family projects south of 2305 and believes it is all single residential.

Mr. Chandler stated SH 317 is a TxDOT roadway and TxDOT has the ultimate decision on whether a Traffic Impact Analysis (TIA) would be required.

Mr. Dan Elrod, 5606 State Highway 317, Temple, Texas, just south of Mr. Gamrod and asked who determines where the restriction stops and who gets notified since only four people received a notice.

Mr. Chandler responded that it is a state statute and which the city has adopted and is a 200-foot notification. When it involves larger lots, which is the case here, it was only the four



individuals. Chair Fettig added that staff advertises in the newspaper and posts signs on the subject property.

Mr. Elrod stated he has contacted Representative Shine who referred him to other sources about the speed limit on 317. Mr. Elrod proposed the speed limit be reduced to 45 between the two bridges. Mr. Elrod agrees with Mr. Gamrod that when he leaves his house he has to go in the opposite direction to get out.

Mr. Elrod commented that marketability is also a problem since getting on 317 requires going in the opposite direction of where you want to go and with all of the projects proposed along 317, it will only get worse.

There being no further speakers, the public hearing was closed.

Mr. Allen confirmed that at this point they will have a small office building on the subject property and there are no current plans for the rest of the property.

A table was shown to see the uses allowed under GR and briefly discussed.

Rezoning options briefly discussed.

Mr. Chandler reminded the Commission they have the option to recommend a less intense zoning district, such as Office One (O-1).

Commissioner Crisp asked if the applicant would be interested in considering another zoning?

Mr. Allen returned to the podium and responded yes, the applicants would be acceptable to a different recommendation; however, the applicants have not researched other options.

Chair Fettig suggested Neighborhood Services (NS) which allows two and a half stories.

Mr. Allen stated he was willing to take recommendations from the P&Z Commission rather than delay the process for two more weeks.

The Commission wanted the applicants to have adequate time to discuss their options and recommended tabling the item. Mr. Allen was in agreement with that recommendation.

Commissioner Crisp made a motion to table Item 4, **Z-FY-18-15**, until March 19, 2018 P&Z meeting to allow the applicants to discuss options and Commissioner Castillo made a second.

*Motion passed: (6:0:2)*

Vice-Chair Langley and Commissioner Marshall abstained, Commissioner Ward absent.

Vice-Chair Langley and Commissioner Marshall returned to their seats.



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MARCH 19, 2018**

**ACTION ITEMS**

**Item 4: Z-FY-18-15** – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to General Retail (GR) proposed for 3 +/- acres and Multiple-Family Dwelling 1 (MF-1) proposed for 1 +/- acre, located on the eastside of State Highway 317, approximately 1,100 feet south of its intersection with Hogan Road, addressed as 5701 State Highway 317.

Vice-Chair Langley and Commissioner Marshall both abstained from this item. Vice-Chair Langley also has another commitment and left for the day. Commissioner Marshall also left the meeting and did not return for closing comments.

Mr. Mark Baker, Senior Planner, stated this item was tabled at the March 5, 2018 meeting. This item is still on track to go forward to City Council for first reading on April 5, 2018 and second reading April 19, 2018.

Aerial map shown.

At the March 5, 2018 for P&Z, several topics were discussed:

- Traffic and Access

- Expansion and upgrades to existing utility facilities

- Undesired impacts associated with potential multi-family residential and non-residential uses

- Consideration to meet with staff to discuss alternatives and options

On March 13, 2018, Staff and applicant met on March 13, 2018 and the outcome was:

- Applicant agreed Neighborhood Service (NS) would replace GR

- Applicant withdrew the MF-1 portion of the request

- Revision would reduce acreage from four acres to the three (Western-most) acres

- Staff and Applicant are in agreement to all revision(s)

The existing building is proposed for three employee office building

- Potential for additional uses in the future

Any future expansion requires a subdivision plat. The plat will also address:

- Creation of single or multiple lots

- Upgrading or extension of existing utilities



During the March 5, 2018 P&Z meeting there was discussion regarding TxDOT State Highway 317 improvements. Mr. Baker showed some of the cross-sections that show the limited median breaks that would be provided as well as the expansion of the highway from two lanes to four lanes. The four lanes would provide for two northbound and two southbound lanes. The limited median breaks in the immediate area would include median breaks at Hogan, Oak Hills and Trail Ridge.

Comparison table of Standards and Uses for AG, NS and GR are shown.

Traffic Count Information for peak hour trip rates table is shown and briefly discussed.

For example, a gasoline service station convenience store would be permitted in NS by right. Fuel pump use would require a Conditional Use Permit (CUP) in NS.

Four notices were mailed in accordance with all state and local regulations with one response returned in agreement and two responses returned in disagreement.

The return notices provide for 47.89 percent of opposition which triggers UDC Sec. 3.4.4, 4/5ths vote required by City Council in order to approve.

Staff recommends approval of the revised request for a rezoning from AG District to NS District on three acres.

Chair Fettig opened the public hearing.

Ms. Mary Billeck, 5655 State Highway 317, Temple, Texas, stated she has property to the east and south of the subject property. Ms. Billeck does not want retail next to her property if possible.

Mr. Baker explains the notification process and opposition calculations.

Mr. Chandler added that the Code includes the right-of-way, so the 317 rights-of-way was included in the total amount.

Mr. Cy Long, 2003 Worth Lane, Salado, Texas, stated he was the property owner and feels they have tried to accommodate the feedback received from the last meeting.

Mr. Long was permitted for a 24-foot driveway by TxDOT over and above the 16-foot.

The current goal is to clean the house and surrounding area up and use it as a low-traffic office.

Mr. Long lived at the house for some time and does not feel the traffic will be impacted.

There being no further speakers, the public hearing was closed.

Commissioner Castillo made a motion to approve Item 4, **Z-FY-18-15**, per Staff recommendation, and Commissioner Walker made a second.

*Motion passed: (6:0:2)*

Vice-Chair Langleigh and Commissioner Marshall abstained



ORDINANCE NO. 2018-4906  
(Z-FY-18-15)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 3 ACRES, LOCATED ON THE EAST SIDE OF STATE HIGHWAY 317, APPROXIMATELY 1,100 FEET SOUTH OF ITS INTERSECTION WITH HOGAN ROAD, ADDRESSED AS 5701 STATE HIGHWAY 317; 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 from Agricultural zoning district to Neighborhood Services zoning district on approximately 3 acres, located on the east side of State Highway 317, approximately 1,100 feet south of its intersection with Hogan Road, addressed as 5701 State Highway 317, 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 5<sup>th</sup> day of April, 2018.



PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **April**, 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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04/05/18  
Item #11  
Regular Agenda  
Page 1 of 4

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

Lynn Barrett, Assistant Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Z-FY-18-16: Consider adopting an ordinance authorizing a rezoning and site development plan on 81.00 +/- acres from Agricultural zoning district to Planned Development Single Family Two zoning district, addressed as 1810 South Pea Ridge Road in the Baldwin Robertson Survey, Abstract No. 17, Temple, Texas.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval with conditions for a rezoning from the current AG zoning district to the PD-SF zoning district for the following reasons:

1. That the proposed Development Plan/Site Plan reflects compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
2. The request is in compliance with the Future Land Use Map (FLUM) Suburban Residential designation and current adjacent subdivisions;
3. The proposed zoning is compatible with surrounding zoning;
4. The request complies with the Thoroughfare Plan and Trails Master Plan; and
5. Public facilities are nearby to serve the subject property.

### **PD Conditions:**

1. Substantial compliance with the attached Development Plan/Site Plan
2. 20' Front setbacks, 10' rear, 10' side setbacks street side, 5' side setbacks interior lots
3. Paved trail heads provided to adjacent city trails planned
4. No single residential lots with drive access onto realigned South Pea Ridge Road; shared drive if needed only with No Backing requirement
5. East of Pea Ridge realignment (approximately three acres), option of one or two family dwellings with two family only on minimum 60 foot wide lots
6. Maximum of 350 total lots
7. Sodded front yards
8. One tree in each front yard minimum 2" diameter at breast height
9. Minimum of three 5 gallon shrubs, five 1-gallon shrubs in front yard
10. Front facade of each structure will have a minimum of two architectural features of roof breaks, columns, gables, varied roof pitch, etc.



11. Each home facade is required to be a minimum of 80% masonry except for gables, dormers, eaves, overhangs, porches, etc.
12. Front facade to be a minimum of 50% masonry excluding hardie plank siding with same permitted exceptions as written above
13. Residential sidewalks as shown to be installed as homes are constructed. Sidewalk along South Pea Ridge portion will be built along with oversizing the roadway to collector standards.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their March 5, 2018 meeting, the Planning & Zoning Commission voted eight to zero to recommend approval of the rezoning to PD SF-2 with development/site plan per staff's recommendation.

**ITEM SUMMARY:** The applicant, WBW, is owner of the 81 acres and is proposing development of the subject property with future plans for an accompanying land swap of a comparably sized parcel of city adjacent property with acreage it owns to provide parkland for the additional connecting portion of drainage areas at the east side of their tract. This will require an additional PD amendment to add the swapped portion prior to development. Additionally, the developer will participate in realigning South Pea Ridge Road through their property. The PD request currently is just for the property the applicant currently owns. Consideration of the land swap is proposed for the April 19<sup>th</sup> Council agenda.

Per UDC Section, 3.4.3.A, a PD is subject to review and approval by City Council and requires a binding site plan. In this case, the proposal would include a future amendment to add additional property to the development.

As required by UDC Section 3.4.2 B, the Development Plan/Site Plan for the proposed PD was reviewed by the Development Review Committee (DRC) on February 20, 2018. Site characteristics, proposed land swap and history of the property were discussed.

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

Direction	FLUP	Zoning	Current Land Use
<b>Subject Property</b>	<b>Suburban Residential</b>	<b>AG</b>	<b>Old homestead, ranchland</b>
North	Suburban Residential and Parkland/Open Space	AG & PD SF-1	Residential
South	Suburban Residential	AG	Undeveloped
East	Suburban Residential	AG, PD - 2F, SF-2	Residential, Undeveloped
West	Suburban Residential	SF-2	Residential



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

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

*CP = Comprehensive Plan    STP = Sidewalk and Trails Plan*

**Future Land Use Map (CP Map 3.1)**

In the FLUM, the subject property is designated as the Suburban Residential character district. This district is intended for residential subdivisions of medium density as represented by this PD.

The proposal is in compliance with the FLUM and adjacent current zoning.

**Thoroughfare Plan (CP Map 5.2)**

The subject property takes access from South Pea Ridge Road, which is designated as a collector in the Thoroughfare Plan and will be realigned in compliance with engineering best practices for a curvilinear route through the subject property. The upsizing of pavement width from a local subdivision street to the collector cross section is proposed to be completed by the developer and cost-shared with the city.

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

Water and Sewer are available to service the subject property.

**Planned Development**

UDC Section 3.4.1 defines a PD as:

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



**PUBLIC NOTICE:** Fifty-one notices were mailed to property owners within the 200 feet buffer area of the subject property. The notices included information on the public hearing as required by State Law and City Ordinance. As of noon on Tuesday, March 20th, 2018, 10 notices in disagreement; and four in agreement (two from property owner) were returned. Disagreement response totals less than 9% of the buffer area. Additionally, eight neighbors living outside the 200 feet buffer area sent in disagreement responses.

The newspaper printed notice of the public hearing on February 22, 2018 in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Development/Site Plan](#)

[Aerial Map](#)

[Utility Map](#)

[Zoning Map](#)

[Site Photos](#)

[Future Land Use and Character Map](#)

[Thoroughfare & Trails Map](#)

[Notification Map](#)

[Returned Property Notices](#)

[Area neighbor responses](#)

[Ordinance](#)



ORDINANCE NO. 2018-4907  
(Z-FY-18-16)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING AND SITE DEVELOPMENT PLAN ON APPROXIMATELY 81 ACRES FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY TWO ZONING DISTRICT, ADDRESSED AS 1810 SOUTH PEA RIDGE ROAD, IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicant, WBW, is the owner of 81 acres located at 1810 South Pea Ridge Road and is proposing development of the subject property with future plans for an accompanying land swap of a comparably sized parcel of City property to provide park land for the additional connecting portion of drainage areas at the east side of their tract;

**Whereas**, additionally, applicant will participate in realigning South Pea Ridge Road through the subject property;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning and Site Development Plan from Agricultural Zoning District to Planned Development Single Family Two Zoning District, on approximately 81 acres addressed as 1810 South Pea Ridge Road in the Baldwin Robertson Survey, Abstract No. 17, Temple, Texas; 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 Agricultural Zoning District to Planned Development Single Family Two Zoning District on approximately 81 acres situated in the Baldwin Robertson Survey, Abstract No. 17, Temple, Texas and addressed as 1810 South Pea Ridge Road, as more thoroughly described by the site development plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes along with the following conditions:

1. Substantial compliance with the attached Development Plan/Site Plan;
2. 20' Front setbacks, 10' rear, 10' side setbacks street side, 5' side setbacks interior lots;
3. Paved trail heads provided to adjacent city trails planned;
4. No single residential lots with drive access allowed onto realigned S Pea Ridge Road; shared drive if needed only with No Backing requirement;



5. East of Pea Ridge realignment (approximately 3 acres), option of one or two family dwellings with two family only on minimum 60-foot-wide lots;
6. Maximum of 350 total lots;
7. Sodded front yards;
8. One tree in each front yard minimum 2" diameter at breast height;
9. Minimum of three 5 gallon shrubs, five 1-gallon shrubs in front yard;
10. Front façade of each structure will have a minimum of two architectural features of roof breaks, columns, gables, varied roof pitch, etc.;
11. Each home façade is required to be a minimum of 80% masonry except for gables, dormers, eaves, overhangs, porches, etc.;
12. Front façade to be a minimum of 50% masonry excluding hardie plank siding with same permitted exceptions as written above; and
13. Residential sidewalks as shown to be installed as homes are constructed. Sidewalk along S. Pea Ridge portion will be built along with oversizing the roadway to collector standards.

**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 **5<sup>th</sup>** day of **April**, 2018.

PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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

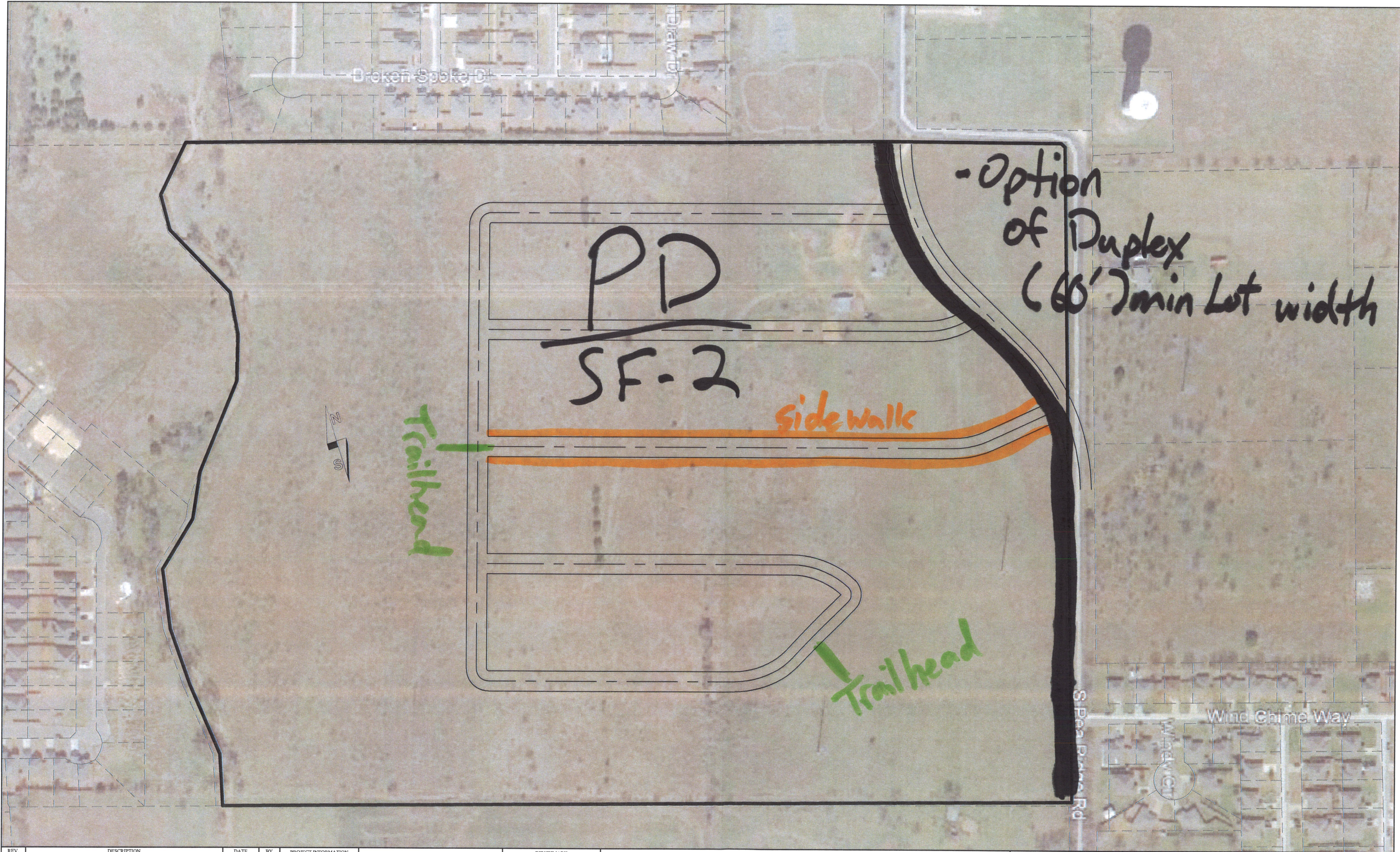
ATTEST:

APPROVED AS TO FORM:

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

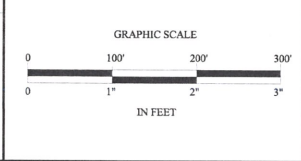
\_\_\_\_\_  
Kayla Landeros  
City Attorney





REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	XX-XXX-XX	XXX
PROJECT NUMBER: XXXX			
CLIENT NAME: W & B DEVELOPMENT			
CLIENT LOCATION: TEMPLE, TX			
CHECKED BY: XXX			
APPROVED BY: XXX			
AUTHORIZED BY: WBW			

PROJECT INFORMATION			
TOTAL SIZE: ?			
TOTAL BLOCKS: ?			
TOTAL LOTS: ?			
TOTAL TRACTS: ?			



BENCHMARK
Benchmark location
ELEV: xxxx

####

THE RESERVE AT PEA RIDGE I

CITY OF TEMPLE, BELL COUNTY, TEXAS

GOV'T RELEASE
RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION, AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY, AND ADEQUACY OF HIS/HER SUBMITTAL, WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS.
RECOMMENDED FOR CONSTRUCTION:
INSERT NAME OF GOV'T OFFICIAL DATE
INSERT TITLE OF GOV'T OFFICIAL
INSERT GOV'T ENTITY NAME

ENGINEER'S APPROVAL
-NOT FOR CONSTRUCTION-
-FOR REVIEW ONLY-

**Yalco, LLC**

3000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5553  
FX (254) 953-5057

Texas Registered  
Engineering Firm # 10254

Texas Registered  
Surveying Firm 10194095

SHEET

10

OF

8



The Reserve at Pea Ridge Planned Development Standards:

- Underlying zoning SF-2
- 20' Front setbacks
- 10' side setbacks adjacent to streets
- 5' side setbacks
- Paved trail heads to be provided
- Property to the east of Pea Ridge realignment to have the option of one-family or two-family dwellings (two-family dwellings are a minimum lot width of 60')
- Maximum of 350 lots

Residential Landscaping Standards:

- Front yard shall be sodded
- One tree required in the front yard to be a minimum 2" caliper at breast height
- Shrubs: minimum of three 5 gallon shrubs and five 1 gallon shrubs placed in the front yard

Residential Architectural Standards:

- The front façade must have at least two architectural features. Items may include but not limited to: roof breaks, columns, gables, varied roof pitch, etc.
- The façade of each home is required to be at least 80% masonry (brick, rock, stucco, hardie-plank or other cementitious products), permitted exceptions: gables, dormers, eaves, overhangs, porches, etc.
- The front façade of each home must be at least 50% masonry, excluding hardie-plank, with the same permitted exceptions as written above.
- Residential sidewalks shall be installed when homes are built as shown. Sidewalk along Pea Ridge will be built along with oversizing of Pea Ridge road.



The Reserve  
at **Pea Ridge**





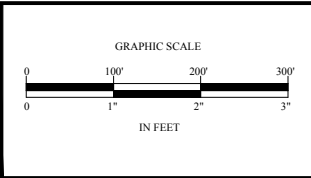
**LEGEND**

FLOOD PLAIN

PROJECT BOUNDARY

REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	02/15/2018	JLS
PROJECT NUMBER: RP01		CLIENT NAME: WBW DEVELOPMENT GROUP,LLC - SERIES 027	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: XXX			

PROJECT INFORMATION	
TOTAL SIZE:	74.02 ACRES
TOTAL BLOCKS:	8
TOTAL LOTS:	299



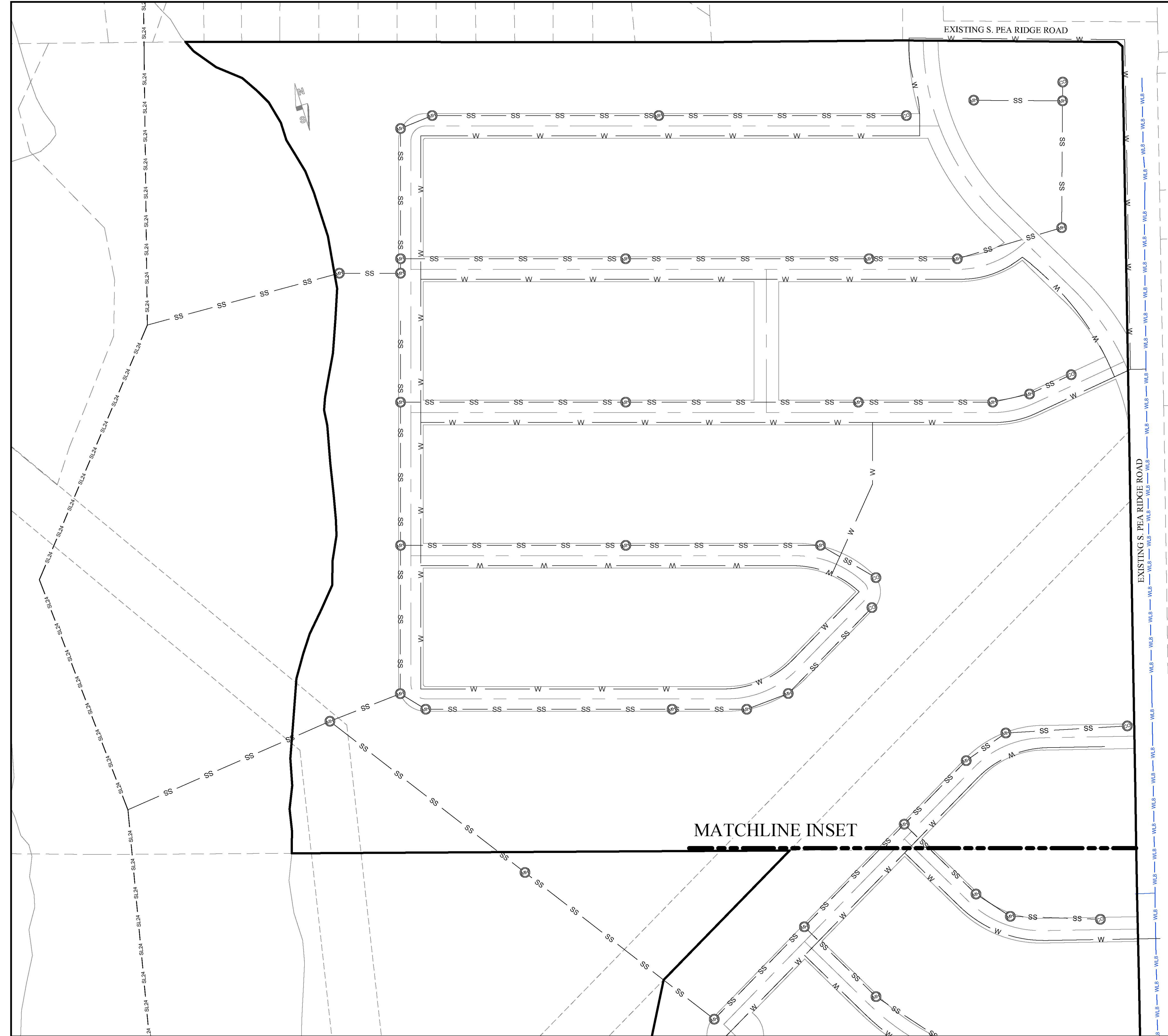
LAYOUT

THE RESERVE AT PEA RIDGE

CITY OF TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL	Yalgo, LLC	SHEET
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE 127376 ON 02/15/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.	3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057	1
	Texas Registered Engineering Firm # 10264	OF
	Texas Registered Surveying Firm 10194095	1





LEGEND

PROPOSED SANITARY SEWER MANHOLE

PROPOSED SANITARY SEWER CLEAN OUT

PROPOSED SANITARY SEWER PIPE

PROPOSED WATER SUPPLY PIPE

EXISTING 24" SANITARY SEWER PIPE

EXISTING 8" WATER SUPPLY PIPE

PROPOSED BOUNDARY

EXISTING UTILITY EASEMENT

PROPOSED ROAD CENTERLINE

PROPOSED ROW

INSET

MATCHLINE THIS SHEET

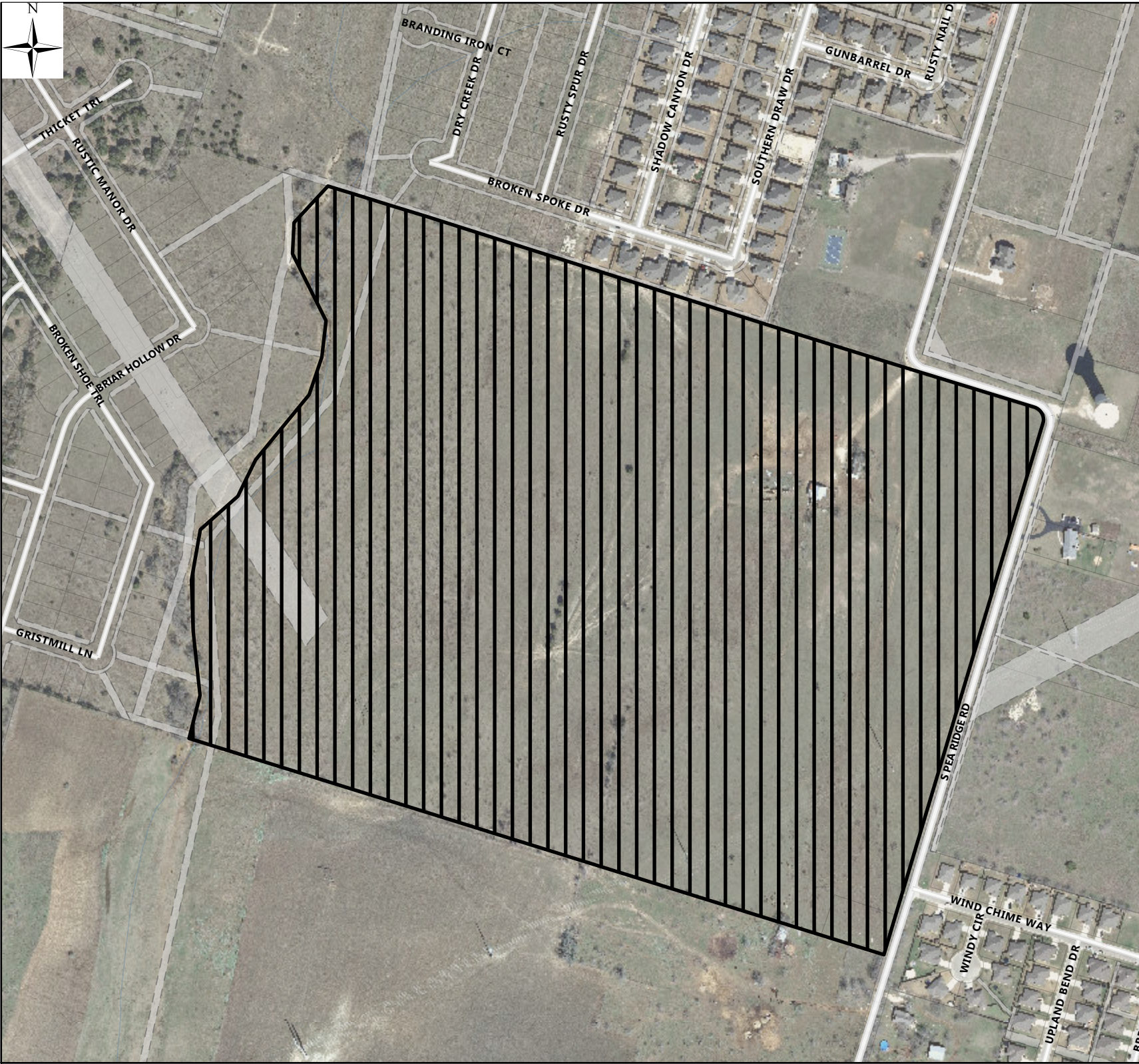
REV.		DESCRIPTION		DATE	BY	PROJECT INFORMATION		GRAPHIC SCALE		SEWER AND WATER LAYOUT THE RESERVE AT PEA RIDGE CITY OF TEMPLE, BELL COUNTY, TEXAS		ENGINEER'S APPROVAL		Yalgo, LLC 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm # 10264 Texas Registered Surveying Firm # 10194095		SHEET 3 OF 3	
1		ORIGINAL RELEASE		02/15/2018	JLS	TOTAL SIZE: 74.02 ACRES						THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE 127376 ON 02/15/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.					
PROJECT NUMBER: RP01		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 027															
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX															
AUTHORIZED BY: WBW																	

PRINTED ON February 15, 2018









AG TO PD SF-2




## AERIAL MAP

Zoning Case :  
Z-FY-18-16



Address :  
1810 S PEA RIDGE

### Transportation

Streets

-  COLLECTOR
-  LOCAL STREET
-  Temple Municipal Boundary

### Parcel Features

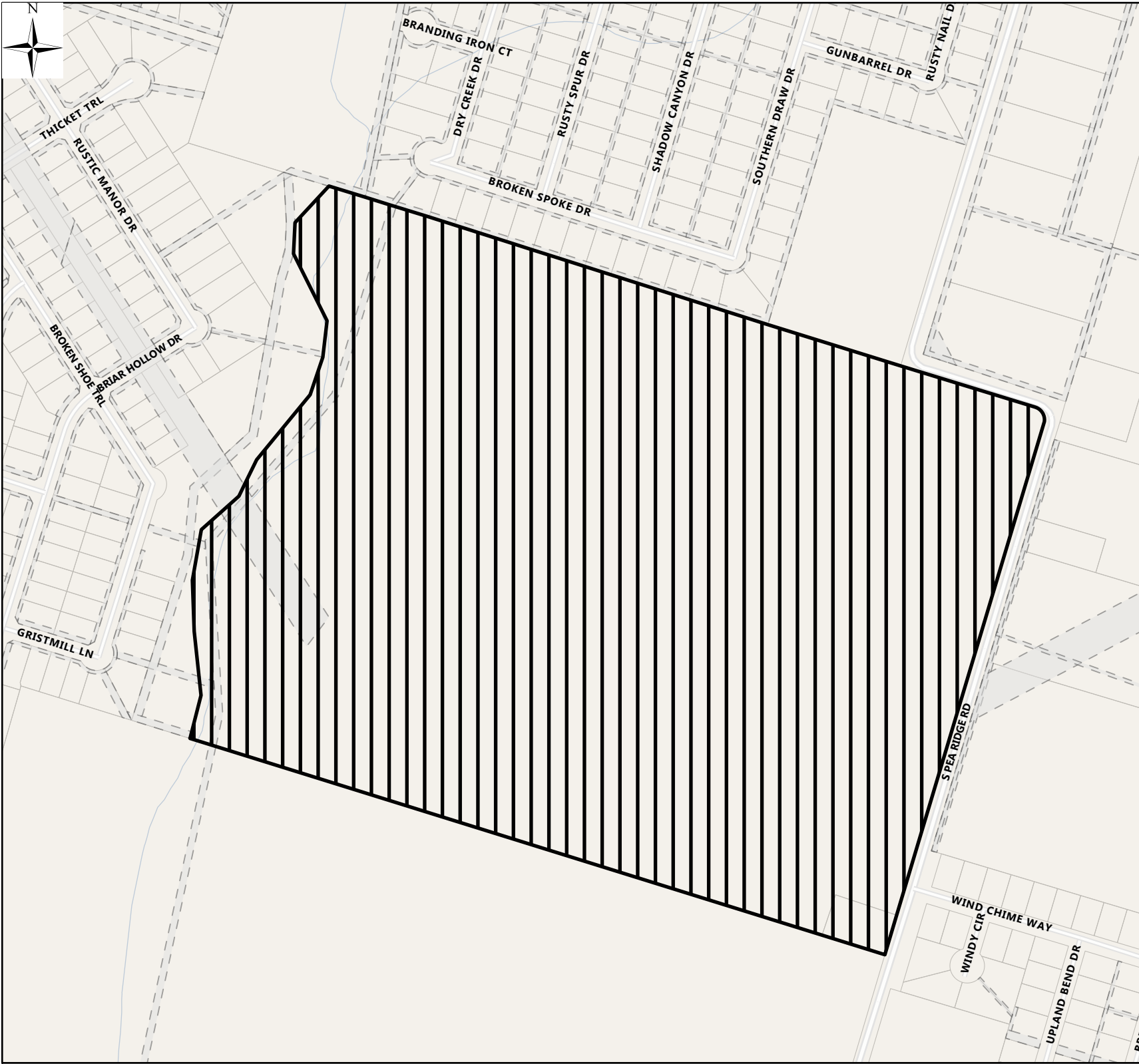
-  Parcels
-  Production.SDE.Easement

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.

Irbarrett  
Date: 2/21/2018







AG TO PD SF-2

## AERIAL MAP

Zoning Case :  
Z-FY-18-16

Address :  
1810 S PEA RIDGE

### Transportation

Streets

- COLLECTOR
- LOCAL STREET
- Temple Municipal Boundary

### Parcel Features

- Parcels
- Production.SDE.Easement

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Irbarrett  
Date: 2/21/2018







AG TO PD SF-2

## UTILITY MAP

Zoning Case :  
Z-FY-18-16

Address :  
1810 S PEA RIDGE

### Sewer

- Manhole
- Gravity Main

### Water Distribution

- ✚ Hydrant
- Main

### Parcel Features

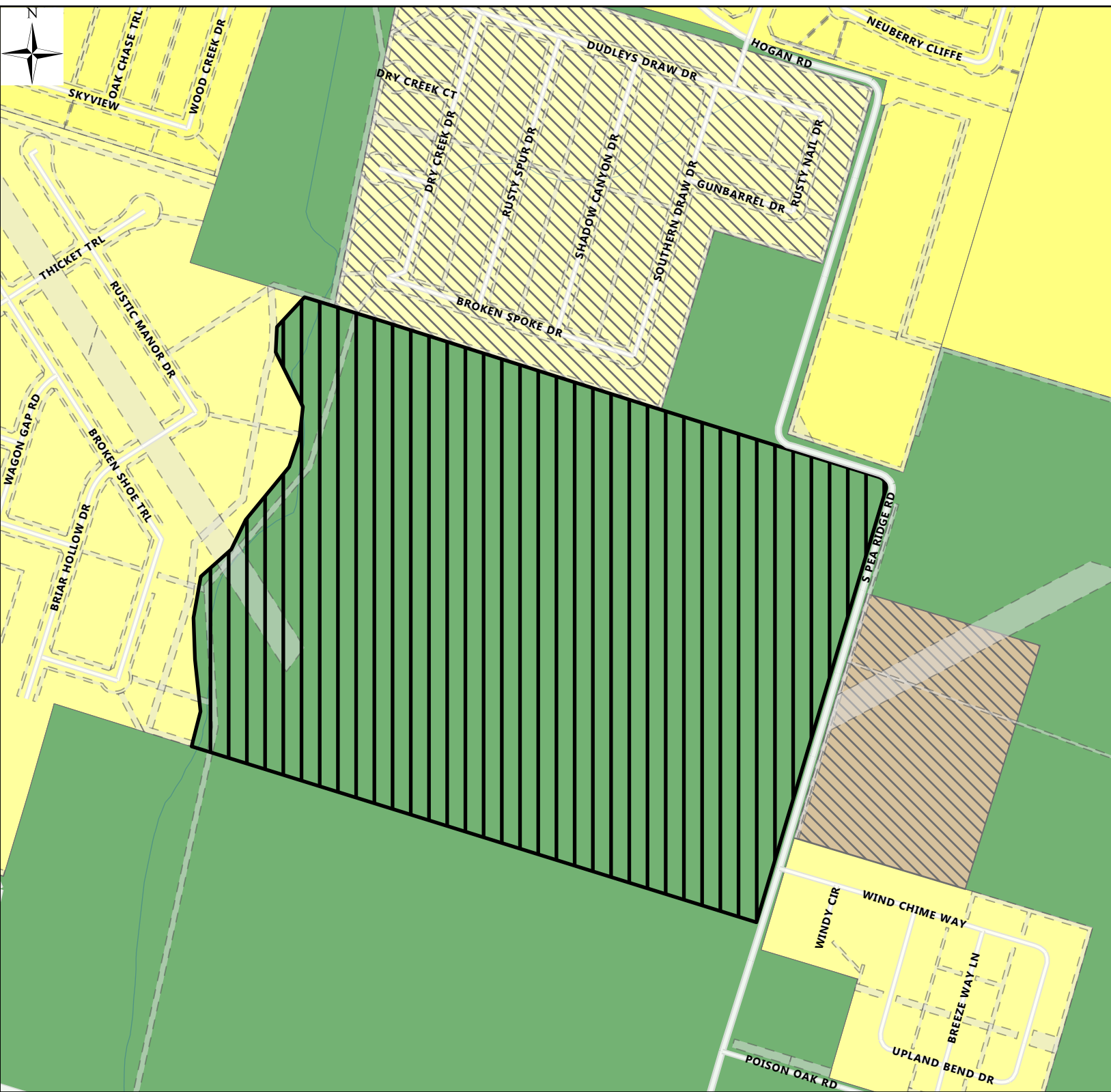
- Parcels
- Production.SDE.Easement

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Irbarrett  
Date: 2/21/2018







AG TO PD SF-2

## 200' NOTIFICATION MAP

Zoning Case :

Z-FY-18-16

Address :

1810 S Pea Ridge Rd

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

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Irbarrett

Date: 2/21/2018





## SITE PHOTOS











**Above shows Property at right and S Pea Ridge curve which is proposed for straightening**



**Southern portion showing the Oncor power lines transecting the property**



## AREA PHOTOS



Looking North along S Pea Ridge



Looking West at Carriage House Trails which abuts the subject property



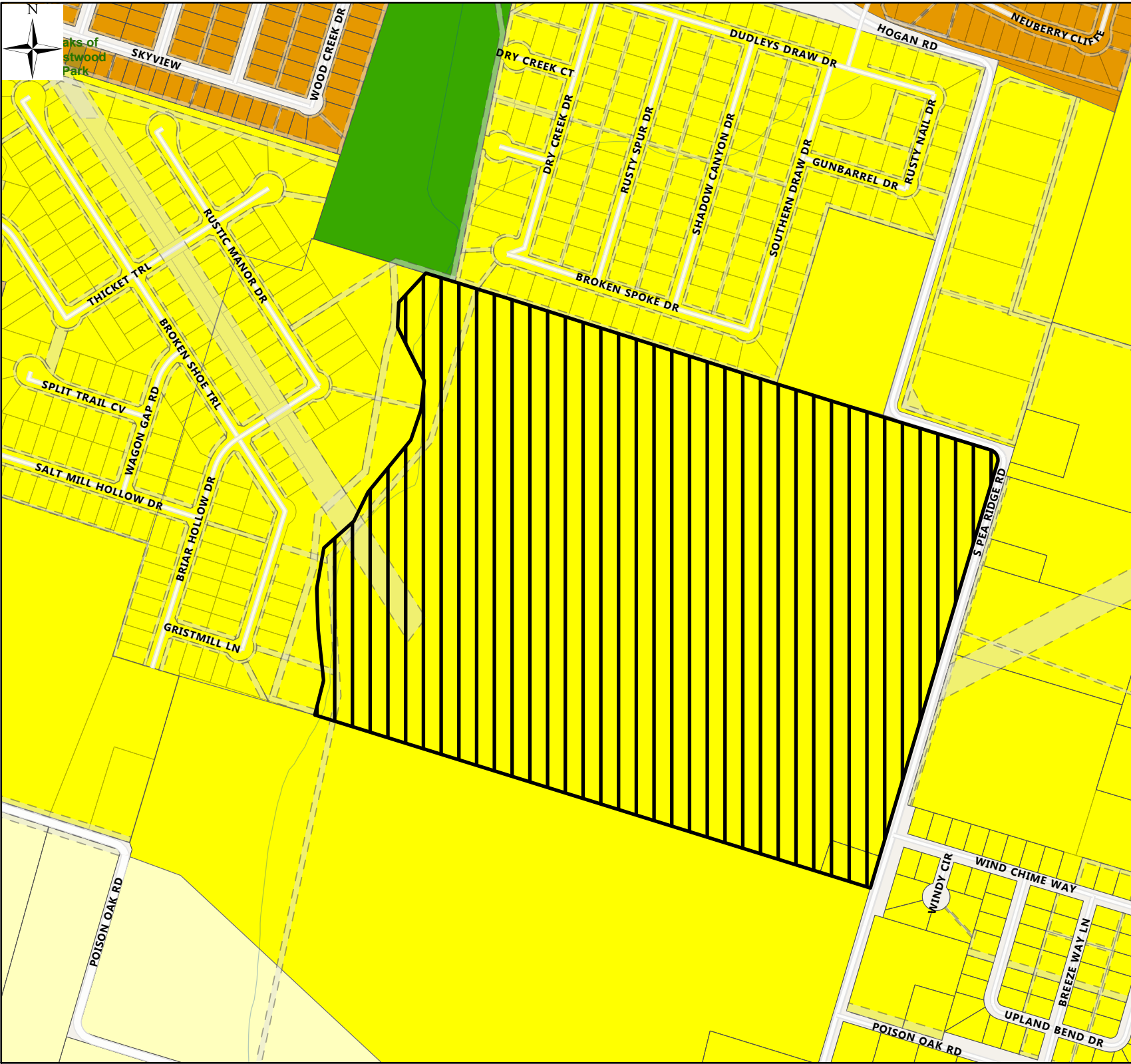


**View South along Pea Ridge Road, subject property is at right**



**Portion of curve which will be straightened**





AG TO PD SF-2

## FUTURE LAND USE MAP

Zoning Case :  
Z-FY-18-16

Address :  
1810 S PEA RIDGE

### Transportation

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP

### Parcel Features

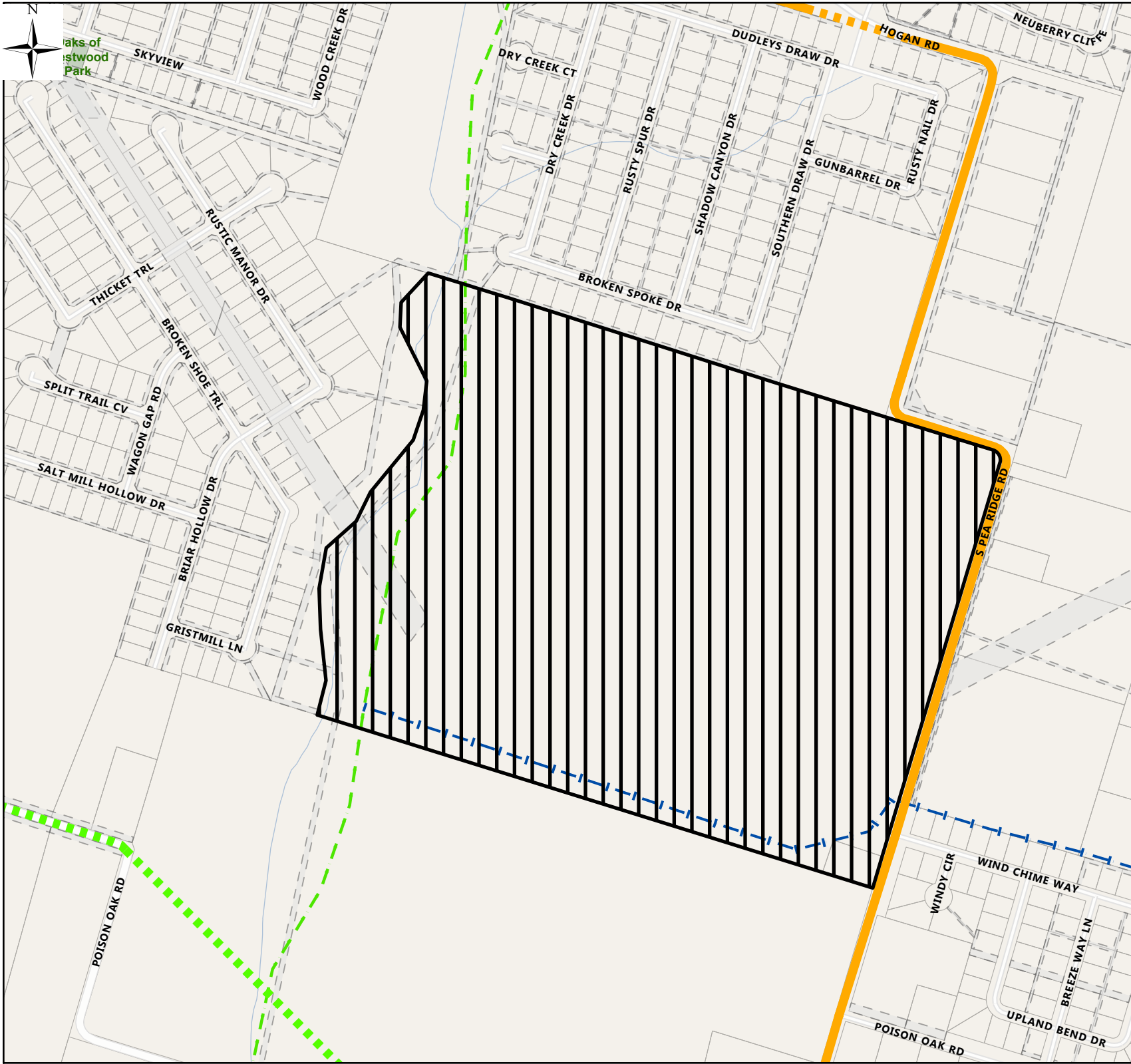
- Parcels
- Future LUP
  - Agricultural/Rural
  - Auto-Urban Commercial
  - Auto-Urban Mixed Use
  - Auto-Urban Multi-Family
  - Auto-Urban Residential
  - Business Park
  - Estate Residential
  - Industrial
  - Neighborhood Conservation
  - Parks & Open Space
  - Public Institutional
  - Suburban Commercial
  - Suburban Residential
  - Temple Medical Education District
  - Urban Center
- Production.SDE.Easement

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Irbarrett  
Date: 2/21/2018







# AG TO PD SF-2 THOROUGHFARE AND TRAILS MAP

Zoning Case :  
Z-FY-18-16

Address :  
1810 S PEA RIDGE

- Parcel Features**
- Parcels
- Thoroughfare Plan**
- Expressway
  - Major Arterial
  - Proposed Major Arterial
  - Minor Arterial
  - Proposed Minor Arterial
  - Collector
  - Proposed Collector
- Trails Master Plan**
- EXISTING, CITY WIDE SPINE
- Parcel Features**
- EXISTING, COMMUNITY WIDE CONNECTOR
  - EXISTING, LOCAL CONNECTOR
  - PROPOSED, CITY WIDE SPINE
  - PROPOSED, COMMUNITY WIDE CONNECTOR
  - PROPOSED, LOCAL CONNECTOR
  - Production.SDE.

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Irbarrett  
Date: 2/21/2018





AG TO PD SF-2

## 200' NOTIFICATION MAP

Zoning Case :

Z-FY-18-16

Address :

1810 S Pea Ridge Rd

CurrentZoning	
	CA
	CA - CUP
	CA - PD
	C
	C - CUP
	C - PD
	C - CUP, PD
	LI
	LI - CUP
	LI - PD
	LI - CUP, PD
	HI
	HI - PD
	AG
	AG - CUP
	MH
	MH - CUP
	MH - PD
	MU
	MU - CUP
	SD-C
	SD-C - CUP
	SD-H
	SD-H - CUP
	SD-T
	SD-V
	T4
	T4 - PD
	T4 - CUP
	T5-C
	T5-C - CUP
	T5-C - PD
	T5-E
	T5-E - CUP
	T5-E - PD
	NO BASE
	CUP
	PD
	Production.SDE.Easement

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Irbarrett

Date: 2/21/2018







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

**RECEIVED**

**MAR 19 2018**

City of Temple  
Planning & Development

FAST, BRADLEY T ETUX DEBORAH E  
1806 SHADOW CANYON DR  
TEMPLE, TX 76502

**Zoning Application Number: Z-FY-18-16**

**Case Manager: Lynn Barrett**

Location: 1810 South Pea Ridge, Temple, Texas

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

I ( ) agree

☒ disagree with this request

**Comments:**

---

---

---

---

Deborah E Fast  
**Signature**

Deborah E Fast  
**Print Name**

Bradley T. Fast

BRADLEY T. FAST

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [lbarrett@templetx.gov](mailto:lbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

Number of Notices Mailed: 51

Date Mailed: February 22, 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

ARNOLD, SABRINA  
7723 BROKEN SPOKE DR  
TEMPLE, TX 76502-5393

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

**Location:** 1810 South Pea Ridge, Temple, Texas

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

I ( ) agree

☒ disagree with this request


**Comments:**

---

---

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---

  
Signature

Sabrina Arnold  
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, [lrbartlett@templetx.gov](mailto:lrbartlett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

Number of Notices Mailed: 51

Date Mailed March 7, 2018

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

**RECEIVED**

MAR 21 2018

CITY OF TEMPLE  
PLANNING & DEVELOPMENT





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

KROPP, RUTH L  
7727 BROKEN SPOKE DR  
TEMPLE, TX 76502

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

Location: 1810 South Pea Ridge, Temple, Texas

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

I ☐ agree

☒ disagree with this request

**Comments:**

*Building so close to my property line will decrease property value. If the land is filled in, it will increase drainage issues in our area. We have one entrance into our subdivision leading onto S. Pea Ridge. The traffic will greatly increase.*

*Ruth Kropp*  
\_\_\_\_\_  
**Signature**

*Ruth Kropp*  
\_\_\_\_\_  
**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, [lbarrett@templetx.gov](mailto:lbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

**RECEIVED**

**MAR - 1 2018**

City of Temple  
Planning & Development

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

Number of Notices Mailed: 51

Date Mailed: February 22, 2018

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





**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**

**RECEIVED**

**MAR - 5 2018**

City of Temple  
Planning & Development

LYNCH, EARNEST D  
1805 SHADOW CANYON DR  
TEMPLE, TX 76502-5341

**Zoning Application Number: Z-FY-18-16**

**Case Manager: Lynn Barrett**

**Location: 1810 South Pea Ridge, Temple, Texas**

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I ☐ agree

☒ disagree with this request

**Comments:**

Smaller Homes and smaller Lots will bring down neighboring home values. The average American owns over two vehicles and with 350 homes planned that is over 700 additional vehicles on local roads like South Pea Ridge, Old Waco Rd, and Hogan Rd, All of which are not capable of handling the additional traffic.

**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, [lrbarratt@templetx.gov](mailto:lrbarratt@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 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**

MOSBY, SANDRA A  
7805 BROKEN SPOKE DR  
TEMPLE, TX 76502-5397

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MAR - 6 2018

City of Temple  
Planning & Development

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

Location: 1810 South Pea Ridge, Temple, Texas →

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

I ( ) agree

☒ disagree with this request

**Comments:**

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---

  
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, [lrbarrett@templetx.gov](mailto:lrbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 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**

HAIRSTON, CHAD ANTHONY ETUX AMANDA ELAINE  
7905 BROKEN SPOKE DR  
TEMPLE, TX 76502

**RECEIVED**

MAR 13 2018

City of Temple  
Planning & Development

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

Location: 1810 South Pea Ridge, Temple, Texas

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

I ☐ agree

☒ disagree with this request

**Comments:**

We do not agree with the duplex option.

  
Signature

Chad Hairston  
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, [lrbarrett@templetx.gov](mailto:lrbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 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**

COLLINS, PETER CHARLES ETUX JENNIFER L  
1809 SOUTHERN DRAW DR  
TEMPLE, TX 76502

**Zoning Application Number: Z-FY-18-16**

**Case Manager: Lynn Barrett**

Location: 1810 South Pea Ridge, Temple, Texas

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I ☐ agree

☒ disagree with this request

**Comments:**

MAR 13 2018

City of Temple  
Planning & Development

  
Signature

Jennifer Collins  
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, [lrbarrett@templetx.gov](mailto:lrbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 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**

HOSCH, JASON H ETUX KELLY M  
7316 BRANDON DR  
TEMPLE, TX 76502

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

Location: 1810 South Pea Ridge, Temple, Texas

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I ☐ agree

☒ disagree with this request

**Comments:**

We own the property at 1807 S. Pea Ridge just across the street on the North-Northeast side. We are firmly against the proposed optional multi-family (plexes) on the northeast corner. They will significantly lower our property values of the area. We also are not ok with our whole South side view being multi-family (plexes). Please consider having all single-family.

**Signature**

*Kelly Hosch*

**Print Name**

Kelly Hosch

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [lbarrett@templetx.gov](mailto:lbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

Number of Notices Mailed: 51

Date Mailed February 22, 2018

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City of Temple  
Planning & Development





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

133038  
DUSEK, BRAD  
8311 FM 2086  
TEMPLE, TX 76501

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

**Location:** 1810 South Pea Ridge, Temple, Texas

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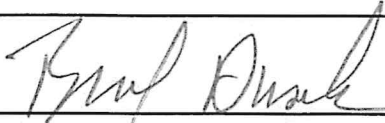
I ☒ agree

☐ disagree with this request

RECEIVED  
MAR - 8 2018

**Comments:**

City of Temple  
Planning & Development



**Signature**

Brad Dusek

**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, [lbarrett@templetx.gov](mailto:lbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

Number of Notices Mailed: 51

Date Mailed: February 22, 2018

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

133039  
DUSEK, BRAD  
8311 FM 2086  
TEMPLE, TX 76501

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

**Location:** 1810 South Pea Ridge, Temple, Texas

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I ☒ agree

( ) disagree with this request

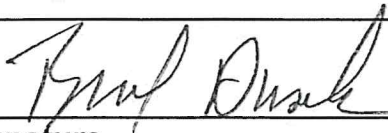
**Comments:**

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\_\_\_\_\_  
**Signature**

Brad Dusek  
\_\_\_\_\_  
**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, [lrbarrrett@templetx.gov](mailto:lrbarrrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 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**

WBW LAND INVESTMENTS LP  
3000 ILLINOIS AVE STE 100  
KILLEEN, TX 76543-5372

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

**Location:** 1810 South Pea Ridge, Temple, Texas

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I ☒ agree

( ) disagree with this request

**Comments:**

**RECEIVED**

FEB 27 2018

City of Temple  
Planning & Development

**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, [lrbartett@templetx.gov](mailto:lrbartett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

Number of Notices Mailed: 51

Date Mailed: February 22, 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**

WBW LAND INVESTMENTS LP  
3000 ILLINOIS AVE STE 100  
KILLEEN, TX 76543-5372

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

Location: 1810 South Pea Ridge, Temple, Texas

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

I ☒ agree

( ) disagree with this request

Comments:

**RECEIVED**

FEB 27 2018

City of Temple  
Planning & Development

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, [lrbartlett@templetx.gov](mailto:lrbartlett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 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

Brian + Melissa Supak  
1806 Southern Draw Dr.  
Temple, TX 76502

New Owners

Zoning Application Number: Z-FY-18-16

Case Manager: Lynn Barrett

Location: 1810 South Pea Ridge, Temple, Texas

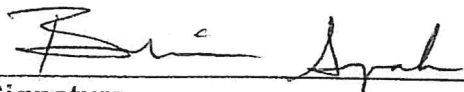
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I ( ) agree

(☒) disagree with this request

Comments:

Are in the email I sent to Lrbarrett@templetx.gov



Signature

Brian Supak

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, [lrbarrett@templetx.gov](mailto:lrbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

**RECEIVED**

MAR 26 2018

City of Temple  
Planning & Development

Number of Notices Mailed: 51

Date Mailed February 22, 2018

OPTIONAL Please feel free to email questions or comments directly to the Case Manager or call us at 254 298.5668.



## Lynn R. Barrett

---

**From:** Brian Supak <brian\_supak@yahoo.com>  
**Sent:** Monday, March 26, 2018 2:31 PM  
**To:** Lynn R. Barrett  
**Subject:** Z-FY-18-16  
**Attachments:** Z-FY-18-16.pdf

Sorry for the late reply, but I just found out about this planned development and I live within 200 feet. My response is below:

I object only to the option of having duplex's next to the water tower. This appears to be spot zoning to allow for this type of development. Directly next to the water tower you have zoning for homes with larger lots, I think this would be a more appropriate use of the land. It also appears the roadway will be changed that will cut off a small parcel of land from the main proposed subdivision, so I think a home with larger lot for this section of land would be more consistent than proposing duplexes. I'm also concerned with an immediate impact of the added traffic that a higher density residential feature like this provides to the area. As I drive down Pea Ridge I cannot find where a similar parcel of land would have a duplex type development, so I believe allowing duplexes here would be inconsistent to the zoning of the surrounding area.

I've been having ash collect on my vehicles from the burning brush while they been clearing the land, clearly it's been too windy for this to be occurring. Seeing this and other activities in the area give the feel that this development is being rushed to a certain extent.

Please confirm receipt of the response and provide updates to this case as allowable.

Thanks,  
Brian Supak





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

**RECEIVED**

**MAR 19 2018**

City of Temple  
Planning & Development

Michael Taylor  
1621 Southern Draw Dr.  
Temple, TX 76502

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

**Location:** 1810 South Pea Ridge, Temple, Texas

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I ☐ agree

☒ disagree with this request

**Comments:**

I am a disabled veteran that has sacrificed too much to finally own a home  
that will go down in property value because of a zoning ordinance for rental  
properties that will back up on my subdivision. The proposed zoning for this land  
should stay SINGLE FAMILY homes! As a side note, it was dirty the way the city of  
Temple only supposedly notified those who's property only directly backs up to this proposed land. There are  
obvious effects beyond those 10 homes!

Michael Taylor  
Signature

Michael Taylor  
Print Name

If you would like to submit a response, please email a scanned version of this completed form to [lbarrett@templetx.gov](mailto:lbarrett@templetx.gov) or mail or hand-deliver this comment in **March 5, 2018.**

Out of buffer  
area  
add to  
parcel  
for Council

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

Date Mailed February 22, 2018

Questions or comments directly to the Case Manager or call





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



**Mr. Rocky Snyder**  
1610 Rusty Spur Dr.  
Temple, TX 76502-4427

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

**Location:** 1810 South Pea Ridge, Temple, Texas

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I ( ) agree

(☒) disagree with this request

**Comments:**

WE FEEL THAT MULTI-FAMILY HOUSING WOULD HURT THE  
PROPERTY VALUE OF SINGLE FAMILY HOMES

**Signature**

**Print Name**

Rocky Snyder

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [lbarrett@templetx.gov](mailto:lbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

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MAR 14 2018

City of Temple  
Planning & Development

Number of Notices Mailed: 51

Date Mailed February 22, 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**

KAREN STARKS  
1714 Rusty Spur DR  
Temple, TX 76502

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

**Location:** 1810 South Pea Ridge, Temple, Texas

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☐ I ( ) agree

☒ I disagree with this request

**Comments:** We do not want to bring down the  
property value. We are in a secluded neighborhood  
for reason.

Karen Starks  
**Signature**

Karen Starks  
**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, [lbarrett@templetx.gov](mailto:lbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

Number of Notices Mailed: 51

Date Mailed February 22, 2018

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

DORIS BEATTY  
1627 S PEARIDGE RD  
TEMPLE, TEXAS 76502

Zoning Application Number: Z-FY-18-16

Case Manager: Lynn Barrett

Location: 1810 South Pea Ridge, Temple, Texas

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☐ ( ) agree

☒ disagree with this request

**Comments:**

*I am totally against the proposed Duplex structures intended for above location. Our roadways are impossible to navigate, the curves are so damaged, an influx of lg. traffic is a true hazard.*

*Doris Beatty*  
Signature

DORIS BEATTY  
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, [lrbarrrett@templetx.gov](mailto:lrbarrrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

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**MAR 12 2018**

City of Temple  
Planning & Development





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

Christy Jones  
1522 Rusty Spur Dr.  
Temple, Tx 76502

**Zoning Application Number: Z-FY-18-16**

**Case Manager: Lynn Barrett**

**Location: 1810 South Pea Ridge, Temple, Texas**

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I ☐ agree

☒ disagree with this request

**Comments:**

I do not agree with having multi-family zoning up  
against my neighborhood. Duplexes bring in extra traffic  
& will lower the value of our home in the Southern Draw  
subdivision. Duplexes will bring in people that have no personal  
investment into the property & I am not in favor of this. I ask that  
you consider single family zoning only!

Christy Jones  
Signature

Christy Jones  
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, [lbarrett@templetx.gov](mailto:lbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

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**RECEIVED**

**MAR 12 2018**

City of Temple  
Planning & Development





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Deb Jones  
1718 Shadow Canyon  
76502

**Zoning Application Number:** Z-FY-18-16

**Case Manager:** Lynn Barrett

**Location:** 1810 South Pea Ridge, Temple, Texas

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I ☐ agree

☒ disagree with this request

**Comments:**

Will cause value of home to decrease  
due to multi family housing (Bad idea)

Deb Jones  
Signature

Deb Jones  
Print Name

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

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MAR 12 2018

City of Temple  
Planning & Development





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

Brad & Marissa Beierman  
1722 Shadow Canyon Dr.  
Temple, TX 76502

**Zoning Application Number: Z-FY-18-16**

**Case Manager: Lynn Barrett**

**Location: 1810 South Pea Ridge, Temple, Texas**

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I ☐ agree

☒ disagree with this request

**Comments:** We do not want our house value to go  
down due to the building.

MB Beierman  
**Signature**

Marissa Beierman  
**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, [lrbarrett@templetx.gov](mailto:lrbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

Number of Notices Mailed: 51

Date Mailed February 22, 2018

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

**RECEIVED**

**MAR 12 2018**

City of Temple  
Planning & Development





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Dawnita Lambert  
1618 Southern Draw Dr.  
Temple TX 76502

Zoning Application Number: Z-FY-18-16

Case Manager: Lynn Barrett

Location: 1810 South Pea Ridge, Temple, Texas

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

☐ ( ) agree

☒ disagree with this request

**Comments:**

Building multi family housing in this vacinity will  
decrease our home values.

Dawnita Lambert  
Signature

Dawnita Lambert  
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, [lrbartett@templetx.gov](mailto:lrbartett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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MAR 15 2018

CITY OF TEMPLE  
PLANNING & DEVELOPMENT