



**MEETING OF THE  
TEMPLE CITY COUNCIL  
&  
CITY OF TEMPLE EMPLOYEE BENEFITS TRUST  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, JULY 19, 2018**

**2:00 P.M.**

**AGENDA**

1. Discuss the employment, duties, and work plan of the City Manager.

*Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of the City Manager. No final action will be taken.*

**ADJOURN THE MEETING OF THE TEMPLE CITY COUNCIL & CONVENE THE MEETING OF  
THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING**

**3:30 PM**

1. [2018-9206-R](#): Consider adopting a resolution authorizing the purchase of employee insurance policies from the following vendors for FY2019:
  - A) Metropolitan Life Insurance Company for Dental Insurance;
  - B) Metropolitan Life Insurance Company for Basic Life, AD&D, Voluntary Life, and Voluntary AD&D Insurance;
  - C) Metropolitan Life Insurance Company for Long Term Disability insurance; and
  - D) Scott and White Health Plan for Medical and Prescription Insurance.
2. [2018-9207-R](#): Consider adopting a resolution authorizing the following contracts allowing employees to purchase work site supplemental policies for FY2019:
  - A) The Guardian Life Insurance Company of America for Accident, Critical Illness, Hospital Indemnity and Cancer Insurance;
  - B) Metropolitan Life Insurance Company for Short Term Disability;
  - C) Discovery Benefits for Flexible Spending Account, Dependent Spending Account, Health Savings Account and Cafeteria 125 Administration.

**ADJOURN THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING & CONVENE THE  
WORKSHOP OF THE TEMPLE CITY COUNCIL**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 19, 2018.
2. Receive an update regarding the Kegley Road improvements.
3. Receive an overview briefing of the FY2019 Preliminary Budget, including a review of the FY2019 budget process, calendar, and other strategic and budget related policy issues.
4. Receive results on the security audit performed at City Hall.

*Executive Session – Pursuant to Chapter 551, Government Code Section 551.076 - DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS – The City Council may meet in executive session to discuss the (1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.*

**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. PRESENTATIONS & SPECIAL RECOGNITIONS**

3. Receive a presentation from Citizens for Progress.

**IV. CONSENT AGENDA**

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

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

**Minutes**

- (A) [June 28, 2018 Special and Regular Meeting](#)

**Contracts, Leases, & Bids**

- (B) [2018-9185-R](#): Consider adopting a resolution authorizing a contract amendment with Kimley-Horn and Associates, Inc. (Kimley Horn), of Austin, in an amount not to exceed \$163,000 for professional services required for the rehabilitation of Scott elevated storage tank.

- (C) [2018-9200-R](#): Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase in an estimated amount of \$4,000.
- (D) [2018-9201-R](#): Consider adopting a resolution authorizing a contract with Santa Clara Construction (Santa Clara), Ltd., of Austin in the amount of \$2,068,811, for construction of Phase 5 of the Bird Creek Interceptor Project.
- (E) [2018-9202-R](#): Consider adopting a resolution authorizing a renewal to the Services Agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.
- (F) [2018-9203-R](#): Consider adopting a resolution authorizing Services Agreements to provide police escort services for various University football teams from Temple to McLane Stadium, Baylor University in Waco, Texas.

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

- (G) [2018-4924](#): SECOND READING – FY-18-6-ZC: Consider adopting an ordinance authorizing rezoning from Agricultural zoning district to General Retail zoning district, on 6.938 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 7101 West Adams Avenue.
- (H) [2018-4925](#): SECOND READING – FY-18-7-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Attached-Three zoning district on 9.036 +/- acres and Single Family-Two zoning district on 12.481 +/- acres, totaling 21.517 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5 and addressed at 1812 Old Waco Road.

### **Misc.**

- (I) [2018-9204-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

## **V. REGULAR AGENDA**

### **RESOLUTIONS**

- 5. [2018-9205-R](#): Consider adopting a resolution pursuant to Government Code § 2206.053 finding that a 0.090-acre permanent easement situated in the George Givens Survey, Abstract No. 345, 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 – SECOND READING**

- 6. [2018-4923](#): SECOND READING – FY-18-4-ZC: Consider adopting an ordinance authorizing a rezoning for 135.24 +/- acres, from Light Industrial and Agricultural zoning districts to Planned Development Multi-Family 2 zoning district with binding conditions and general site plan, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive.

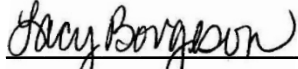


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***The City Council reserves the right to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.***

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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 1:00 pm, on Friday, July 13, 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 \_\_\_\_\_



## EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

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07/19/18  
Item #1  
EBT Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Stacey Hawkins, Interim Director of Human Resources

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of employee insurance policies from the following vendors for FY2019:

- A) Metropolitan Life Insurance Company for Dental Insurance;
- B) Metropolitan Life Insurance Company for Basic Life, AD&D, Voluntary Life, and Voluntary AD&D Insurance;
- C) Metropolitan Life Insurance Company for Long Term Disability insurance; and
- D) Scott and White Health Plan for Medical and Prescription Insurance.

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

**ITEM SUMMARY:** Dental: On June 3, 2014, the City received seven proposals for dental insurance. The proposal from Metropolitan Life Insurance Company (MetLife) provided the best value to the City and its employees, and accordingly, the Trustees authorized a one-year contract with MetLife for dental insurance. On August 6, 2015, the Trustees authorized a two-year extension to the dental insurance agreement with MetLife at a fixed rate increase of 3% for FY 2016 and 3% for FY 2017. On July 20, 2017, the Trustees authorized a one-year extension with MetLife for dental insurance with no rate increase for FY 2018.

MetLife has proposed a 6.61% increase in rates for dental insurance for FY 2019. The City's benefits consultant, McGriff, Seibels and Williams, reviewed the renewal and advised that the proposed increase is in line with the market. Staff is recommending that the Trustees authorize another one-year extension of the Dental Insurance agreement with MetLife for FY 2019. There are no remaining renewals available under this agreement after FY 2019.

Basic Life, AD&D, Voluntary Life: On June 3, 2014, the City received seven proposals for life insurance. The proposal from Metropolitan Life Insurance Company (MetLife) was selected as providing the best value to the city. Trustees have previously approved three separate one-year extensions to the current contract. MetLife has proposed no rate increase for FY 2019. Staff is recommending that the Trustees authorize another one-year extension of the Life Insurance agreement with MetLife for FY 2019. There are no remaining renewals available under this agreement after FY 2019.

Long Term Disability: On June 3, 2014, the City received five proposals for Long Term Disability. The proposal from Metropolitan Life Insurance Company (MetLife) was selected as providing the best value to the City. Trustees have previously approved three separate one-year extensions to the current contract. Based on high claims in recent years, MetLife has proposed a 12% increase in rates for long term disability insurance for FY 2019. MetLife has additionally proposed a two-year rate guarantee with this renewal. Staff is recommending that the Trustees authorize a one-year extension of the Long Term Disability Insurance agreement with MetLife for FY 2019.

Medical and Prescription Insurance: On May 1, 2018, the City received five proposals for providing City employees with medical and prescription insurance for fully-insured plans to replicate the employees' current medical benefits to include Health Savings Account (HSA) options. City staff and the benefits consultant reviewed the proposals and recommend that the Trustees authorize a one-year contract with the Scott and White Health Plan for a fully-insured medical and prescription plan with HSA options that would be in effect through September 30, 2019. Scott and White Health Plan's proposal includes an estimated 3.7% increase.

**ACTION REQUIRED:** The Mayor shall recess the Council meeting and convene a meeting of the trustees of the City of Temple Employee Benefits Trust. The Trustees (all Councilmember's) will conduct the business of the Trust as shown on the Trust Agenda, including awarding contracts to the various vendors. Once business has been concluded, the Mayor will adjourn the Trust meeting and reconvene the Council meeting. No action is required of the Council on this item. All action is performed by the Trustees.

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

Proposed FY 19 Budget Amount	Insurance Type
<b>Employees:</b>	
\$ 4,803,077	Medical/Prescription
69,736	Dental
56,633	Basic Life
11,965	AD&D
104,664	Long Term Disability
<b>Retirees:</b>	
\$ 166,018	Medical/Prescription - Retirees < age 65
3,821	Dental - Retirees < age 65
<b>\$ 5,215,914</b>	<b>TOTAL</b>

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

RESOLUTION NO. 2018-9198-R

A RESOLUTION OF THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, AUTHORIZING THE PURCHASE OF EMPLOYEE INSURANCE POLICIES FOR DENTAL INSURANCE, BASIC LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT, VOLUNTARY LIFE, VOLUNTARY ACCIDENTAL DEATH AND DISMEMBERMENT, AND LONG TERM DISABILITY INSURANCE THROUGH METROPOLITAN LIFE INSURANCE COMPANY; AUTHORIZING THE PURCHASE OF AN EMPLOYEE INSURANCE POLICY FOR MEDICAL AND PRESCRIPTION INSURANCE THROUGH SCOTT AND WHITE HEALTH PLAN FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on June 3, 2014, the City received seven proposals for dental insurance with the proposal from Metropolitan Life Insurance Company (MetLife) providing the best value to the City and its employees;

**Whereas**, at that time, the Trustees authorized a one year contract with MetLife for dental insurance, and on August 6, 2015, the Trustees authorized a two year extension to the dental insurance agreement with MetLife at a fixed rate increase of 3% for fiscal year 2016 and a fixed rate increase of 3% for fiscal year 2017;

**Whereas**, on July 20, 2017, the Trustees authorized a one-year extension to the agreement with MetLife for dental insurance with no rate increase for fiscal year 2018 - however, MetLife has proposed a 6.61% increase in rates for dental insurance for fiscal 2019;

**Whereas**, the City's benefits consultant, McGriff, Seibels and Williams, reviewed the renewal and advised that the proposed increase is in line with the market and therefore, Staff is recommending that the Trustees authorize another one-year extension of the Dental Insurance agreement with MetLife for fiscal year 2019 - there are no remaining renewals available under this agreement;

**Whereas**, on June 3, 2014, the City received seven proposals for life insurance with the proposal from MetLife providing the best value to the City - the Trustees have previously approved three separate one year extensions to the current contract;

**Whereas**, MetLife has proposed no rate increase for fiscal year 2019 and Staff recommends that the Trustees authorize another one year extension of the Life Insurance agreement with MetLife for fiscal year 2019 - there are no remaining renewals available under this agreement;

**Whereas**, on June 3, 2014, the City received five proposals for Long Term Disability with MetLife providing the best value to the City - the Trustees previously approved three separate one year extensions to the contract and based on high claims in recent years, MetLife has proposed a 12% increase in rates for long term disability insurance for fiscal year 2019;

**Whereas**, MetLife has also proposed a two-year rate guarantee with this renewal and Staff recommends the Trustees authorize a one-year extension of the Long Term Disability Insurance agreement with MetLife for fiscal year 2019;

**Whereas**, on May 1, 2018, the City received five proposals for the provision of employee medical and prescription insurance for fully-insured plans to replicate the employees' current medical benefits to include Health Savings Account (HSA) options;

**Whereas**, Staff and the City's Benefits Consultant reviewed the proposals and recommend the Trustees authorize a one-year contract with the Scott and White Health Plan for a fully-insured medical and prescription plan with HSA options that would be in effect through September 30, 2019 – this plan proposal includes an estimated 3.7% increase;

**Whereas**, funding of the contracts awarded by the Trust will be accomplished at a Council meeting in August when the budget is adopted; and

**Whereas**, the City of Temple Employee Benefits Trust has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TEMPLE, EMPLOYEE BENEFITS TRUST, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct findings of the Employee Benefits Trust, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City of Temple Employee Benefits Trust authorizes the purchase of insurance policies for dental, basic life, accidental death and dismemberment, voluntary life, voluntary accidental death and dismemberment and long term disability, through Metropolitan Life Insurance Company through fiscal year 2019.

**Part 3:** The City of Temple Employee Benefits Trust authorizes the purchase of medical and prescription insurance through Scott and White Health Plan through fiscal year 2019.

**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 **19<sup>th</sup>** day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS EMPLOYEE  
BENEFITS TRUST

\_\_\_\_\_  
TIMOTHY A. DAVIS, Trustee

ATTEST:

APPROVED AS TO FORM:

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

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



## EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

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07/19/18  
Item #2  
EBT Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Stacey Hawkins, Interim Director of Human Resources

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of employee insurance policies from the following vendors for FY2019:

- A) The Guardian Life Insurance Company of America for Accident, Critical Illness, Hospital Indemnity and Cancer Insurance;
- B) Metropolitan Life Insurance Company for Short Term Disability;
- C) Discovery Benefits for Flexible Spending Account, Dependent Spending Account, Health Savings Account and Cafeteria 125 Administration.

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

**ITEM SUMMARY:** The City currently provides worksite benefits through multiple vendors. The City received eight proposals for worksite benefits. City staff and the benefits consultant reviewed the proposals and recommend that the Trustees authorize a one-year agreement with Guardian Life Insurance Company to provide Accident, Critical Illness, Hospital Indemnity and Cancer insurances for FY 2019. Staff also recommends that the Trustees authorize a one-year agreement with Metropolitan Life Insurance Company for Short Term Disability insurance for FY 2019.

Discovery Benefits is the current administrator of the Cafeteria 125 plan, Flexible Spending Account (FSA) and Dependent Spending Account (DSA). Staff recommends that the Trustees authorize a one-year agreement with Discovery for continuation of these services as well as the addition of Health Savings Account (HSA) administration services.

**FISCAL IMPACT:** Funding for the contract awarded by the Trust to Discovery Benefits will be accomplished at a Council meeting in August when the budget is adopted. (NOTE: The trust was established in order to eliminate the premium tax that is passed on from the insurance companies.) There is no cost to the City for the other worksite benefit services listed above.

Proposed FY 19 Budget Amount	Administration Type
\$ 10,817	Flex Spending Account Administration
10,727	Health Savings Account Administration
<b>\$ 21,544</b>	<b>TOTAL</b>

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9199-R

A RESOLUTION OF THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, AUTHORIZING THE PURCHASE OF VARIOUS WORKSITE INSURANCE POLICIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City currently provides worksite insurance benefits through multiple vendors;

**Whereas**, Staff and the City's Benefits Consultant reviewed proposals received and recommend that the Trustees authorize a one-year agreement with Guardian Life Insurance Company to provide Accident, Critical Illness, Hospital Indemnity and Cancer insurances for fiscal year 2019;

**Whereas**, Staff also recommends the Trustees authorize a one-year agreement with Metropolitan Life Insurance Company for Short Term Disability insurance for fiscal year 2019;

**Whereas**, Discovery Benefits is the current administrator of the Cafeteria 125 Plan, Flexible Spending Account and Dependent Spending Account and Staff recommends the Trustees authorize a one-year agreement with Discovery Benefits for continuation of these services, as well as the addition of Health Savings Account administration services;

**Whereas**, the worksite insurance policy vendors for fiscal year 2019 are as follows:

- The Guardian Life Insurance Company - Accident, Critical Illness and Hospital Indemnity and Cancer;
- Metropolitan Life Insurance Company – Short Term Disability;
- Discovery Benefits – Flexible Spending Account, Dependent Spending Account, Health Savings Account, and Cafeteria 125 Administration; and

**Whereas**, the City of Temple Employee Benefits Trust has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the Employee Benefits Trust 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 of Temple Employee Benefits Trust authorizes a one-year agreement for the purchase of worksite insurance policies for and through the following vendors:

- The Guardian Life Insurance Company - Accident, Critical Illness and Hospital Indemnity and Cancer;
- Metropolitan Life Insurance Company – Short Term Disability;
- Discovery Benefits – Flexible Spending Account, Dependent Spending Account, Health Savings Account, and Cafeteria 125 Administration.

**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 **19<sup>th</sup>** day of **July**, 2018.

CITY OF TEMPLE, TEXAS, EMPLOYEE  
BENEFITS TRUST

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TIMOTHY A. DAVIS, Trustee

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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Item #4(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) June 28, 2018 Special and Regular Meetings

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[June 28, 2018 Special and Regular Meetings  
Video](#)

## TEMPLE CITY COUNCIL

**JUNE 28, 2018**

The City Council of the City of Temple, Texas conducted a workshop City Council Meeting on Thursday, June 28, 2018 at 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

### **PRESENT:**

Councilmember Susan Long  
Councilmember Jessica Walker  
Councilmember Michael Pilkington  
Mayor Pro Tem Judy Morales  
Mayor Timothy A. Davis

#### **1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 28, 2018.**

Mayor Davis noted that Councilmember Pilkington would abstain from item 5 on the regular agenda, and that Mayor Pro Tem Morales would abstain from 8.

Kayla Landeros briefly discussed item 4(M) regarding the assignment agreements with Temple Generation SF, LLC.

Kayla Landeros, City Attorney, also discussed item 11, and the vote that took place at the July 7th meeting. She reminded Council that at its meeting on July 7, 2018, after the public hearing and discussion was had, Councilmember Pilkington made a motion to approve a rezoning from AG to Planned Development – Urban Estates with a minimum lot size of 22,500 sf, a maximum of 108 lots, and all other conditions recommended by Staff.

Councilmember Walker seconded this motion and Mayor Davis called for a vote reading.

Upon calling for the vote, Councilmember Long asked to amend the motion by adding a condition, that the existing tree line along the west side of the property (abutting Valley Ranch) must remain. Councilmember Walker then seconded that motion. Mayor Davis then called for a vote. The vote to adopt Councilmember Long's amended motions was taken and passed 4/1. The amended motion was successful, therefore Councilmember Pilkington's original motion was amended to include the added condition by Councilmember Long. Another vote was needed on the main motion, as amended; but this did not occur.

So as it stands, Councilmember Pilkington's main motion, as amended, is still pending. Ms. Landeros explained that a vote is needed on the main

motion because the motion is still pending, no additional motion is needed at this time, unless another amendment is proposed. This item will require a “third reading” on July 19 so that two votes are taken.

Ms. Landeros also explained a second option with regards to the original motion from July 7th. She explained that Councilmember Pilkington may request that his motion be withdrawn. Council may grant that request by “general consent”. A roll call vote is not required, unless someone objects to the request to withdraw. If anyone objects, a roll call vote will be taken; and majority approval would be required for the request to withdraw to be granted. If the request to withdraw is granted, Council can start over and a new motion can be made.

Ms. Landeros also noted that the existing tree line on the west boundary of the property varies in width. If Council would like to maintain a portion of this tree line, Staff would recommend the following: A minimum of 15 feet of the existing tree line along the west side of the property must remain.

**2. Receive an overview briefing of the FY2019 Preliminary Budget, including a review of the FY2019 budget process, calendar, and other strategic and budget related policy issues.**

Ms. Myers began by identifying her FY2019 Budget parameters to be (1) Maintain fiscal soundness; (2) Focus on core mission and activities; (3) Maintain or improve services & service levels; (4) Continue to improve infrastructure; (5) Continue to support and develop our workforce; and (6) Align strategic, financial, and staff work plans. These parameters are used in concert with the Strategic Plan to determine priorities.

She explained the focus areas as to (1) manage strategically; (2) protect our public safety; (3) enhance our quality of life; (4) deliver high quality services; (5) invest in our infrastructure; and (6) build strong neighborhoods.

*Manage Strategically*, the FY 2019 proposed budget includes, (1) An update to the City’s Comprehensive Plan, which was last updated in 2008; (2) An update to the Parks Master Plan, the Trails Master Plan, and the Bend of the River Master Plan; (3) A \$863,236 placeholder to maintain and replenish the TEDC incentive pool funding level as well as \$1,330,554 for the operations and maintenance component of TEDC; and (4) Continued funding for all of our Strategic Partner agencies and an allocation of \$100,000 for Community Enhancement Grants.

*Protect our Public Safety*, the FY 2019 proposed budget includes, (1) Two new Crime Scene Technicians and a Communications Specialist position in the Police Department; and (2) The second and third staffing phases for the new Proactive Enforcement/Violent Crime Squad. This includes adding sergeant and 2 additional police officers to the unit. The sergeant position is an addition to the force and the police officer positions would be reassigned as a result of the addition of the 3 civilian positions. The first staffing phase,

which was funded in FY 2018, consisted of 2 police officers (1 addition and 1 reassignment), and future staffing phases will include the addition of 2 police officers to bring the unit to full staffing; (3) replacement of 11 marked and 1 unmarked police vehicles; (4) \$1,350,000 allocation to purchase a new ladder truck and new rescue truck for the Fire Department; (5) a cloud-based evidence management software system and connected devices for the Police Department, which will include TASER devices; in-car and body-worn video devices; a centralized digital evidence management system with unlimited video storage; and signal technology that automatically turns on in-car and body-worn cameras when a police officer performs certain events, such as drawing their TASER or sidearm or activating their vehicle's light bar.

*Enhance our Quality of Life*, the FY 2019 proposed budget includes, (1) funding for a contract for services for maintenance expenses associated with Crossroads Park as well as other neighborhood and community parks in West Temple; (2) \$20,000 for operational funding for Miller Springs Nature Center; (3) An additional part-time Youth Services Librarian; (4) new GPS technology for the golf carts at Sammons Golf Links as well as the replacement of the north pump station; (5) an additional Irrigation Technician; and (6) additional Program Coordinator position to develop and coordinate events in Downtown Temple.

*Deliver High Quality Services*, the FY 2019 proposed budget includes (1) additional positions in Solid Waste and Recycling, Animal Services, Drainage, and Facility Services intended to maintain service levels in the midst of the growth of our community, such as a Solid Waste Route Foreman; a Recycling Maintenance Worker; a Solid Waste Customer Service Representative (converting from part-time to full-time); a Drainage Crew Leader; a Drainage Equipment Operator II; a Drainage Equipment Operator I; a Animal Services Officer (converting from part-time to full-time); and a Facility Attendant/Custodian; (2) replacement of 3 solid waste trucks as part of a 10 year replacement plan; (3) an allocation to continue our performance pay program for general government employees, as well as a 1.5% market adjustment for general government employees; (4) continued funding for a group health insurance plan, employee retirement plan, and employee longevity program; and (5) replacement of the City's human resource management system and performance management system.

*Invest in our Infrastructure*, the FY 2019 proposed budget includes (1) the 7th year of the \$140,258,343 Transportation Capital Improvement Program; (2) Construction of North Pea Ridge Phase 1; Outer Loop South Phase 4; Poison Oak; and Kegley Road Phase 3 & 4; (3) Design & ROW at South Pea Ridge; (4) a placeholder to implement projects based on the completed Drainage Study and Comprehensive Modeling assessment; (5) an additional \$22,000,000 in capital funds to implement water and wastewater improvement projects. Highlights of projects recommended for funding in FY 19 include Bird Creek Interceptor Phase 4; Scott Elevated Storage Tank Rehabilitation; Water Treatment Plant Disinfection Byproduct Reduction

Initiative; Gateway Center Area Utility Improvements; (6) an additional Vactor Crew and additional Camera Crew to enhance our wastewater system maintenance as well as an additional crew leader in Utility Services; and (7) a GIS Modeler position to maintain the water, wastewater, and drainage models that are being developed as part of the master planning work that is currently underway.

*Building Strong Neighborhoods*, the FY 2019 proposed budget includes, (1) continuing to leverage our Community Development Block Grant (CDBG) funds; (2) targeting our resources to a specific area to generate greater impact; (3) current year budget includes an allocation of funding to begin a strategic plan for the redevelopment of the Ferguson Park neighborhood planning district. This plan should be used to guide the implementation of the programs proposed in the FY 2019 Budget. (4) funding to provide grants to low and moderate income residents to repair or rebuild homes in our targeted area; (5) incentives to developers to invest in housing in East Temple; (6) additional police officer focused on crime prevention strategies in Downtown and the Ferguson Park neighborhood planning district; (7) allocation to design and construct infrastructure improvements including water, wastewater, and transportation improvements; and (8) converting the part-time Recreational Specialist position to a full-time position to more effectively coordinate efforts in enhancing access to youth recreational opportunities in East Temple.

Ms. Myers noted the proposed tax rate for FY 2019 is 67.72 cents which is consistent with FY 2018.

### **3. Receive an update regarding the Kegley Road improvements.**

Mayor Davis stated that due to time, we'd bring this item back in July for discussion.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 28, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

#### **Present:**

Councilmember Susan Long  
Councilmember Jessica Walker  
Councilmember Mike Pilkington  
Mayor Pro Tem Judy Morales  
Mayor Timothy A. Davis

## **I. CALL TO ORDER**

### **1. Invocation**

Reverend Justin Yawn, Christ Episcopal Church voiced the invocation.

## **2. Pledge of Allegiance**

Kevin Beavers, Director of Parks and Recreation lead the Pledge of Allegiance.

## **II. PUBLIC COMMENTS**

Josh Pearson, 5205 South Main Street, representing the developer on item #11, reminded the Council that there have been many concessions made by the developer. Mr. Pearson also requested that the council consider the 176 lots with the sewer requirement, or the 108 lots without the sewer requirements. Without the density you cannot feasibly make 108 lots work. The second request is to clarify the tree line requirement.

## **III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

### **3. National Parks and Recreation Month**

Mayor Davis presented the proclamation to Kevin Beavers, Director of Parks and Recreation Services, and the Staff.

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

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

#### **(A) June 21, 2018 Regular Meeting**

**(B) 2018-9182-R: Consider adopting a resolution authorizing the purchase of one property necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs associated with the purchase in an estimated amount of \$610,000.**

**(C) 2018-9183-R: Consider adopting a resolution authorizing change order #1 to the Crossroads Park construction contract with Choice Builders, LLC of Temple, in the amount of \$42,462.76 to furnish and install bleacher shade structures at the tennis courts in Crossroads Park.**

**(D) 2018-9184-R: Consider adopting a resolution authorizing change order #3 in the amount of \$120,870.35 for construction of Prairie View, Phase 2, with R.T. Schneider Construction**

**Company, Ltd., of Belton. Work includes construction of drive approaches, entrance road realignment, and water main improvements to serve the BISD Lake Belton High School and High Point Elementary School campuses.**

**(E) 2018-9185-R: Consider adopting a resolution authorizing a contract amendment with Kimley-Horn and Associates, Inc., of Austin, in an amount not to exceed \$221,000 for professional services required for the rehabilitation of Scott elevated storage tank.**

**(F) 2018-9186-R: Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for the addition of a vestibule at the Summit Recreation Center, improvements to Clarence Martin Recreation Center, and construction of a restroom facility in South Temple Park.**

**(G) 2018-9187-R: Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$210,250 for engineering services required for construction phase services for Phase 3B of the Outer Loop.**

**(H) 2018-9188-R: Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$72,960 for engineering services required in support of the City's Water and Wastewater Master Plan Update.**

**(I) 2018-9189-R: Consider adopting a resolution ratifying an agreement with Web Benefits Design Corporation of Orlando, FL, in estimated amount of \$36,000 per year for providing online employee benefits enrollment and administration services.**

**(J) 2018-9190-R: Consider adopting a resolution ratifying an emergency construction contract with Matous Construction, of Belton, in the estimated amount not to exceed \$50,000 for a water valve repair at the Conventional Water Treatment Plant.**

**(K) 2018-9191-R: Consider adopting a resolution authorizing an agreement with ADK Consulting, Inc., Atlantic Beach, FL, in an estimated amount of \$39,900 for the search and recruitment of the Director of Airport position.**

**(L) 2018-9192-R: Consider adopting a resolution extending an Exclusive Listing Agreement with Airspace DFW, LLC for the**

**lease of Hangars 20 and 26 at the Draughon Miller Central Texas Regional Airport.**

**(M) 2018-9193-R: Consider adopting a resolution authorizing the assignment of the following agreements to Temple Generation SF, LLC:**

**(1) The 2009 Effluent and Water Purchase Agreement between Panda Temple Power, LLC and the City of Temple;**

**(2) The 2013 Effluent and Water Purchase Agreement between Panda Temple Power II, LLC; and**

**(3) The Easement Agreement for Access and Utilities between the City of Temple and Panda Temple Power, LLC.**

**(N) 2018-4922: SECOND READING: Consider adopting an ordinance amending the City of Temple's Comprehensive Economic Development Ordinance (Ord. No. 2016-4783) to readopt the City's guidelines and criteria governing property tax abatement.**

**(O) 2018-9194-R: Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2018-2019 Budget for August 2, 2018 at 5:00 p.m. and August 24, 2018 at 8:30 a.m. in the City Council Chambers.**

**(P) 2018-9195-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.**

Motion by Councilmember Jessica Walker approve Consent Agenda as presented, with the exception of items 4(E) and 4(J), seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

**(E) 2018-9185-R: Consider adopting a resolution authorizing a contract amendment with Kimley-Horn and Associates, Inc., of Austin, in an amount not to exceed \$221,000 for professional services required for the rehabilitation of Scott elevated storage tank.**

Ms. Myers asked that Council table this item, to allow additional time for staff to look into some of the issues brought forward by Councilmember Pilkington.

Motion by Councilmember Mike Pilkington table as requested by staff for further work, seconded by Councilmember Susan Long.



Motion passed unanimously.

**(J) 2018-9190-R: Consider adopting a resolution ratifying an emergency construction contract with Matous Construction, of Belton, in the estimated amount not to exceed \$50,000 for a water valve repair at the Conventional Water Treatment Plant.**

Ms. Landeros provided an explanation of this item. She noted that the item was noticed as ratifying the contract in an amount of \$50,000. She further explained that the proposal received this week by Matous, and was for \$36,300; and staff was hopeful to have entered into the contract sooner, but was unable to do. Therefore, we are asking that you authorize the contract in the amount of \$36,300.

Motion by Mayor Pro Tem Judy Morales motion to authorized a construction contract with Matous Constructio of Belton, in the estimated amount of \$36,300 for a water valve repair at the Conventional Water Treatment Plant, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

**V. REGULAR AGENDA**

**RESOLUTIONS**

- 5. 2018-9196-R: Consider adopting a resolution authorizing a construction contract with Tex-Global Contractors, Inc., of Ft. Worth, in the amount of \$5,265,702.63 for services required to construct Phase 3B of the Outer Loop.**

Don Bond, City Engineer, presented this item to the Council. He noted that West Temple is rapidly growing along the West Adams corridor. Roadway improvements to the Outer Loop (Old Waco Road) south of West Adams are needed to support continued development. Phase 3B of the Outer Loop extends from the Thompson Channel to Jupiter Drive. The infrastructure to be constructed in this phase includes approximately one half of a mile of arterial thoroughfare, sidewalks, and associated utility improvements and adjustments.

On June 14, 2018, the City received six bids for the project ranging from \$5,265,702.63 to \$6,636,515. The engineer's opinion of probable cost was \$6,190,000. The engineering consultant has evaluated bids, experience, and references and recommends award to the low bidder, Tex-Global Contractors, Inc. The proposed timeline for construction is 240 calendar

days from the Notice to Proceed.

The bid consists of:

Part A: Roadway & Drainage	\$ 4,116,157.93
Part B: Water & Wastewater	\$ 1,149,544.70

Motion by Councilmember Susan Long adopt resolution as presented, seconded by Councilmember Jessica Walker.

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

**6. 2018-9197-R: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with United Way of Central Texas in an amount not to exceed \$70,000 for Tier II (double facade) category improvements to property located at 4 North 3rd Street within the Downtown Strategic Investment Zone corridor**

Brian Chandler, Director of Planning provided a presentation to the Council. The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with United Way of Central Texas that would provide a SIZ 1:1 matching grant for a maximum amount of \$70,000 of a proposed total project cost of \$438,996 for United Way's new office facilities. This Tier II project scope consists of asbestos abatement, facade improvements, landscaping and exterior lighting, in addition to the proposed interior work. In a June 14, 2018 meeting with the SIZ Review Committee, the applicant agreed to also install additional windows and awnings along the West Central Avenue facade, as well as a few street trees. Fee waivers up to \$2,000 are also requested. Due to the recent allocation of RZ (Reinvestment Zone) funding to the SIZ program, \$259,228 is currently available for the remainder of this fiscal year. Two other SIZ grant applications (110 and 112 South 1<sup>st</sup> Street) qualifying for \$70,000 and \$90,530, respectively, will be considered by City Council on this same agenda. If all grant applications are approved, a balance of \$28,698 would remain for FY18.

In order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds, which will ensure that the applicant: (1) Completes the work and total capital investment described in the agreement in a timely fashion; (2) Gives the City the right to inspect the work and financial records; (3) Performs all of the work described in the agreement in accordance with all applicable City codes and regulations; and

(4) Maintains those improvements in the future.

The total maximum grant match by the City is \$70,000. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City.

Motion by Mayor Pro Tem Judy Morales adopt resolution as presented, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

**7. Consider adopting resolutions authorizing Chapter 380 Development Agreements with Short-Term Lending GP, Inc.:**

- A) 2018-9198-R: in an amount not to exceed \$70,000 for Tier II (double facade) category improvements to property located at 110 South 1st Street within the Downtown Strategic Investment Zone corridor.**
- B) 2018-9199-R: in an amount not to exceed \$90,530 for Tier III (double facade) category improvements to property located at 112 South 1st Street within the Downtown Strategic Investment Zone corridor.**

Brian Chandler, Director of Planning provided a presentation to the Council for both item (A) & (B). Item (A) would allow the City Manager to enter into a Chapter 380 Development Agreement with Short-Term Lending GP, Inc. that would provide a SIZ 1:1 matching grant for a maximum amount of \$70,000 of an estimated total project cost of \$300,000 for a proposed coffee shop with outdoor dining and entertainment. This Tier II project scope consists of interior renovation, including fire suppression, façade improvements, landscaping and other improvements associated with converting the area behind the building to a spacious seating area. Fee waivers up to \$2,000 are also requested. Due to the recent allocation of RZ (Reinvestment Zone) funding to the SIZ program, \$259,228 is currently available for the remainder of this fiscal year. Two other SIZ grant applications (112 South 1<sup>st</sup> Street and 4 North 3<sup>rd</sup> Street) qualifying for \$90,530 and \$70,000, respectively, will be considered by City Council on this same agenda. If all grant applications are approved, a balance of \$28,698 would remain for FY18.

Mr. Chandler discussed item (B) and noted the proposed resolution would allow the City Manager to enter into a Chapter

380 Development Agreement with Short-Term Lending GP, Inc. that would provide a SIZ 1:1 matching grant for a maximum amount of \$90,530 of an estimated total project cost of \$508,645 for a proposed restaurant with outdoor dining and entertainment. This Tier III project scope consists of interior renovation, including fire suppression, façade improvements, landscaping and other improvements associated with converting the area behind the building to a spacious seating area. Fee waivers up to \$2,000 are also requested. Due to the recent allocation of RZ (Reinvestment Zone) funding to the SIZ program, \$259,228 is currently available for the remainder of this fiscal year. Two other SIZ grant applications (110 South 1<sup>st</sup> Street and 4 North 3<sup>rd</sup> Street) each qualifying for \$70,000, will be considered by City Council on this same agenda. If all grant applications are approved, a balance of \$28,698 would remain for FY18.

In order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds, which will ensure that the applicant, (1) Completes the work and total capital investment described in the agreement in a timely fashion; (2) Gives the City the right to inspect the work and financial records associated with the project; (3) Performs all of the work described in the agreement in accordance with all applicable City codes and regulations; and (4) Maintains those improvements in the future.

Motion by Councilmember Susan Long adopt resolutions as presented for items 7(A) & 7(B), seconded by Councilmember Jessica Walker.

Motion passed unanimously.

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

- 8. 2018-4923: FIRST READING – PUBLIC HEARING – FY-18-4-ZC: Consider adopting an ordinance authorizing a rezoning for 135.24 +/- acres, from Light Industrial and Agricultural zoning districts to Planned Development Multi-Family 2 zoning district with binding conditions and general site plan, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive.**

Lynn Barrett, Assistant Director of Planning, provided a presentation to the Council. The applicant, WBW Land Investments, is proposing development of the subject property

in three development standards phases per attached site plan: Single Family 2 for at least 50% of the area, Two Family for no more than 30% of the area and Multi Family Two or up to 20% of the area. Both single family and single family attached development would be allowed on the portions not developed for 2F or MF-2 uses. Since the property has existing trees and is adjacent to the VA property, the developer is proposing interior natural trails, sidewalks on one side of interior streets, entrance enhancements and decorative fencing along South MLK Avenue and other recreational amenities. A property owner's association would maintain the perimeter fence along South MLK, the entrances and signage as well as the recreational amenities and trails. This proposed development is in Temple Independent School District.

There were 53 notices 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 Thursday, May 31<sup>st</sup>, 2018, one notices representing 30 properties (Ken Mitchell of Country Lane Senior Community) along with two others were received in disagreement; and three notices in agreement (one with conditions) were returned, with zero notices returned undeliverable.

Based on the following, staff recommends approval with conditions for a rezoning from the current AG zoning district to the PD-MF-2 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 proposed zoning is compatible with area zoning;
3. The proposed development is compatible with future TMED zoning due to its added connectivity and interior streetscapes with trees;
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. PD MF-2 on 135 acre property with three general areas of development standards:
  - a. Base zoning on 50% of area minimum to be SF-2
  - b. Base zoning on maximum of 30% of area to be 2F on 60 foot wide lots or single family attached or detached
  - c. Base zoning on maximum of 20% of area to be MF-2 with

additional site plan approval required prior to development or single family attached or detached

2. HOA maintained improvements on SF-2 and 2F areas to include

- a. Pavilion
- b. Playground
- c. Minimum ½ mile improved walking trail
- d. Natural trails in drainage areas
- e. Parkland dedication to the HOA will meet UDC minimum requirements with a minimum of five acre
- f. Minimum of two Landscaped subdivision entry ways with monument signs

3. SF-2 and 2F Design Criteria    a. Streets to be 55 feet ROW: with 31 feet back of curb to back of curb, including 12 foot wide public frontage on each side with five foot sidewalk on one side of non-cul-de-sac-streets and a minimum of

seven foot landscaped transition behind the curb.

b. Trees (2" diameter at breast height) planted, one per lot, located in the public frontage on both sides of streets, and on the street side of the sidewalk. Each front yard shall be sodded. Landscaping will be

installed when homes are constructed and will be maintained by the homeowners. The HOA shall also have oversight of public frontage landscape maintenance.

c. Landscaping on each lot installed prior to Certificate of Occupancy

d. Privacy or decorative fences on all boundary perimeters except South MLK, to be installed no later than at time of home construction.

e. Fencing along South MLK Drive frontage to consist of decorative fencing to complement the aesthetics of landscaped entry ways to be built by the developer with development of the phases of the

subdivision. This perimeter fence must be constructed prior to first C of O being issued in each phase. The HOA shall maintain perimeter fencing and the landscaped area to the curb of the South MLK

roadway.

f. Exposed walls of homes adjacent to a street will be 80% minimum masonry (walls on first story behind privacy fence are excluded from this provision). Eaves, gables, walls above roof lines, porches, and

windows are excluded from this requirement.

g. Minimum setbacks on SF-2 and 2F property to be:

- i. 20' Front Setbacks
- ii. 10' side setbacks adjacent to streets
- iii. 5' side setbacks

4. Perimeter sidewalk along South MLK will be installed as required by City of Temple Ordinance.
5. Trailhead with a minimum of 10 foot easement to be provided at the southern boundary of property.
6. Sidewalk connectivity to be provided inside subdivision to provide pedestrian access to trails and MLK sidewalk and will be determined during platting.
7. PD must comply with all other UDC code requirements unless exceptions are requested at platting. At their June 4, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the rezoning to PD MF-2 with development/site plan per staff's recommendation. Adjacent landowner, Ken Mitchell, of Country Lane Senior development requested a masonry wall be constructed to buffer or screen his PD O-2 property from the proposed Single Family 2 construction citing poor maintenance of wood privacy fences, and also requested the lots be SF-1 widths or larger. The developer, Josh Welch, observed buffering/screening is required of the more intense use (Country Lane lots are 48 feet in width and PD is for multi-family development) rather than for WBW's single family development and offered to sell the adjacent landowner a buffer strip.

Councilmember Long asked about how the trail will connect.

Ms. Barrett noted it has been proposed to connect in southwest corner of the development.

Councilmember Long also inquired about the fencing requirement.

Ms. Barrett, noted that Mr. Mitchell has requested the developer to pay for the fencing. She noted this is not part of Staff's recommendation.

Mayor Davis declared the public hearing open with regards to item 8, and asked if anyone wished to address this item.

JD Zeptner, 402 South 26th Street inquired on the drainage from this new development and how it would impact the surrounding area.

Mayor Davis noted the same drainage requirements will apply to this development.

There being no further comments, Mayor Davis declared the public hearing closed.

Motion by Councilmember Mike Pilkington adopt ordinance as presented on first reading, with second and final reading set for July 19, 2018, seconded by Councilmember Jessica Walker.

Mayor Pro Tem Judy Morales abstained. The other Councilmembers voted aye. The motion passed.

**9. 2018-4924: FIRST READING – PUBLIC HEARING – FY-18-6-ZC: Consider adopting an ordinance authorizing rezoning from Agricultural zoning district to General Retail zoning district, on 6.938 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 7101 West Adams Avenue.**

Jason Deckman, City Planner, presented this case to the Council. Mr. Deckman noted this is the current location of the Trinity Catholic Church. The church will be moving from this property to a new location on Airport Road. The applicant is anticipated to develop the property with non-residential uses, but no specific development has been identified at this time. A variety of uses are permitted by right or with a conditional use permit under a GR zoning designation. See the attached comparison of AG and GR uses. Development will require submission and review of a subdivision plat.

There were 24 notices mailed, represented by sixteen separate property owners, 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 June 4, 2018 at 12:00 PM, staff has received two notices in agreement, zero in disagreement, and two notices were returned as undeliverable.

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, and anticipated uses; (2) The proposal is in compliance with the Future Land Use Map and Thoroughfare Plan from the Comprehensive Plan; and (3) Public facilities are available to serve the subject property.

At their June 4, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of rezoning from AG to GR.

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



Motion by Councilmember Jessica Walker adopt ordinance as presented on first reading, with second and final reading set for July 19, 2018, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

10. **2018-4925: FIRST READING – PUBLIC HEARING – FY-18-7-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Attached-Three zoning district on 9.036 +/- acres and Single Family-Two zoning district on 12.481 +/- acres, totaling 21.517 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5 and addressed at 1812 Old Waco Road.**

Mark Baker, Senior City Planner, presented this case. Mr. Baker noted the applicant, Kiella Land Development request rezoning of 9.036 +/- acres from AG to SFA-3 and 12.481 +/- acres from AG to SF-2 for a total rezoning request of 21.517 +/- acres. Also, it is noteworthy that 17.95 +/- acres of the subject property was previously requested (Z-FY-14-07) for Two-Family (2F) but was withdrawn before City Council consideration. A revised request for the same acreage was submitted for 2F and Office-2 (O-2) on 3.64 +/- acres fronting along Old Waco Road. The request was modified at the Planning & Zoning Commission meeting to a Planned Development, restricting the 2F-portion to duplexes and single family homes only and non-residential uses on the O-2-portion. The Planned Development failed at City Council, since there was a motion to approve without the required second to that motion.

The current request provides opportunity for single family attached and single family detached housing product and townhomes limited to the SFA-3-portion only. It can be surmised that this rezoning may result in an additional phase of Westwood Estates, which was developed by the applicant or will become a future portion of the unplatted SF-3 zoned property immediately to the north, which is also currently owned by the applicant.

Further evidence of the area's increased residential development is by the recent rezoning from AG to Planned Development - Single-Family 2 (PD-SF-2) by Ordinance 2018-4907 on April 19, 2018 for the Reserve at Pea Ridge. The plat for the 1<sup>st</sup> phase of the Reserve at Pea Ridge with proposed exceptions was before the Planning & Zoning Commission on May 7, 2018. The plat was approved by City Council on June 7, 2018.

A subdivision plat will be required prior to development for single family homes. The subdivision plat will address parcel tract lines, circulation as well as any needed right-of-way necessary along the Outer Loop (Old Waco Road).

Fifteen notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday June 19, 2018 at 9:00 AM, one notice in agreement, representing three properties, and one notice in disagreement have been received.

Staff recommends approval of a rezoning to SFA-3 on 9.036 +/- acres & SF-2 on 12.481 +/- acres for the following reasons:

- (1) The proposed single family detached and attached zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
- (2) The proposed single family detached and attached zoning is compatible with the Future Land Use Map;
- (3) The proposal is in compliance with the Thoroughfare Plan; and
- (4) Public facilities are available to serve the subject property.

Motion by Councilmember Mike Pilkington adopt ordinance as presented on first reading, with second and final reading set for July 19, 2018, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

## **ORDINANCES- SECOND READING**

- 11. 2018-4919: SECOND READING – FY-18-2-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning to Planned Development Single-Family One zoning district and a binding development/site plan on 86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, 3093 West FM 93.**

Kayla Landeros, City Attorney, provided a explanation to the Council. She reminded Council that at its meeting on July 7, 2018, after the public hearing and discussion was had, Councilmember Pilkington made a motion to approve a rezoning from AG to Planned Development – Urban Estates with a minimum lot size of 22,500 sf, a maximum of 108 lots, and all other conditions recommended by Staff. Councilmember Walker seconded this motion and Mayor Davis called for a vote reading.

Upon calling for the vote, Councilmember Long asked to amend the motion by adding a condition, that the existing tree line along the west side of the property (abutting Valley Ranch) must remain. Councilmember Walker then seconded that motion. Mayor Davis then called for a vote. The vote to adopt Councilmember Long's amended motions was taken and passed 4/1. The amended motion was successful, therefore Councilmember Pilkington's original motion was amended to include the added condition by Councilmember Long. Another vote was needed on the main motion, as amended; but this did not occur.

So as it stands, Councilmember Pilkington's main motion, as amended, is still pending. Ms. Landeros explained that a vote is needed on the main motion because the motion is still pending, no additional motion is needed at this time, unless another amendment is proposed. This item will require a "third reading" on July 19 so that two votes are taken.

Ms. Landeros also explained a second option with regards to the original motion from July 7th. She explained that Councilmember Pilkington may request that his motion be withdrawn. Council may grant that request by "general consent". A roll call vote is not required, unless someone objects to the request to withdraw. If anyone objects, a roll call vote will be taken; and majority approval would be required for the request to withdraw to be granted. If the request to withdraw is granted, Council can start over and a new motion can be made.

At this time, Councilmember Pilkington requested that the motion from July 7, 2018 be withdrawn.

Mayor Davis asked the Council for a 'general consent' All were in favor. At this time Mayor Davis asked Council if there was a new motion.

Motion by Councilmember Mike Pilkington adopt ordinance approving the rezoning from Agriculture to Planned Development-Urban Estates, with the following conditions (1) Compliance with the development/site plan; (2) Implementation of Trails Masterplan per the development/site plan and within the HOA park; (3) Construction of a sidewalk along the entry street connecting to the HOA park trail; (4) Development is subject to all City code requirements during the platting and permitting processes; (5) Minimum lot size of 22,500 square feet and maximum 108 total lots; (6) Connection to the City's sanitary sewer system; (7) One 2-inch DBH canopy tree in each front yard per the approved Tree list (UDC); (8) Preservation of

all trees (estimated 16 in or greater in diameter) that are on the approved Tree List (UDC) and that are not in conflict with the proposed structures or infrastructure; (9) Construction of a wood fence along FM 93 with masonry columns; (10) Homes along west property line are limited to 1 story; and (11) Construction of a new metal fence along Friar's Creek (subject to approval of a floodplain development permit), on second reading, with the third and final reading set for July 19, 2018. seconded by Councilmember Jessica Walker.

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Timothy A. Davis, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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07/19/18  
Item #4(B)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract amendment with Kimley-Horn and Associates, Inc. (Kimley Horn), of Austin, in an amount not to exceed \$163,000 for professional services required for the rehabilitation of Scott elevated storage tank.

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

**ITEM SUMMARY:** The City owns and operates Scott elevated storage tank located on Scott Boulevard (map attached). In April 2018, a professional services agreement was approved to complete a Preliminary Engineering Report (PER) for the Scott elevated storage tank in the amount of \$24,800. The PER found structural and regulatory deficiencies and recommends a full rehabilitation.

Erected in 1968, the interior of the 50-year-old tank will require structural repairs including welding, roof plate and rafter replacement, extending the access tube to the roof, replacing the damaged lighting system and upgrading the cathodic protection system. The tank will also require updating ladders, guardrails, and adding electrical/communication conduits to comply with current OSHA standards. Hatch and vent replacement, weir box and overflow pipe replacement, and interior/exterior abrasive blasting and recoating are needed to maintain potable water quality standards and comply with TCEQ regulations. The tank site improvements will involve grading and fence replacement to improve both drainage and security.

Kimley Horn responded to Staff's request for a proposal with a contract amendment scope based on true not-to-exceed amounts (i.e. hours and associated fees conservatively scoped on a worst-case basis) that were anticipated to be partially billed, with the remainder deducted from the contract total at the conclusion of the project. Staff requested the scope of these services to be refined based on expected amounts for a typical project progression. The number of trips to Temple from Kimley Horn's home office were reduced in the scope, and subconsultant fees were renegotiated.

This recommended contract amendment includes final design, bidding and construction-phase services. The proposed timeline for design is 45 calendar days. Staff recommends authorizing the following scope of services and fees under this contract:

Design	\$ 41,000
Electrical Design	\$ 14,000
Survey	\$ 5,000
Bidding	\$ 8,000
Construction Contract Administration	\$ 35,000
Resident Project Representative	\$ 60,000
<b>TOTAL</b>	<b>\$ 163,000</b>

Construction is anticipated to begin late fall and is estimated to require 180 calendar days to complete. The preliminary opinion of probable cost ranges from \$1,090,000 to \$1,360,000 and will be further refined through the design phase.

**FISCAL IMPACT:** Funding for contract amendment #1 to the professional services agreement with Kimley-Horn and Associates, Inc. required for the rehabilitation of Scott elevated storage tank in an amount not to exceed \$163,000 is available for project 101834 as follows:

	<b>520-5100-535-6522</b>	<b>561-5100-535-6989</b>	<b>Total</b>
Project Budget	\$ 25,000	\$ 1,325,000	\$ 1,350,000
Encumbered/Committed to Date	(24,800)	-	(24,800)
<b>Kimley-Horn Contract Amendment #1</b>	<b>-</b>	<b>(163,000)</b>	<b>(163,000)</b>
<b>Remaining Project Funds</b>	<b>\$ 200</b>	<b>\$ 1,162,000</b>	<b>\$ 1,162,200</b>

**ATTACHMENTS:**

Engineer's Proposal  
Contract Amendment Form  
Project Map  
Resolution

## City of Temple –1.0 MG Scott Elevated Storage Tank – Rehabilitation Design

### PROJECT UNDERSTANDING

This project consists of the design, bidding, and construction contract administration (CCA) for the rehabilitation and repaint of for the CITY's 1.0 million-gallon (MG) Scott Elevated Storage Tank (EST). This project is a continuation of the preliminary engineering report prepared in May 2018.

### SCOPE OF SERVICES

#### 1. Design

The ENGINEER will provide the following professional services for the rehabilitation and repaint design of the Scott EST.

##### **A. Survey**

- Survey – Perform a topographic design survey of the tank site. The survey will include the following:
  - Locate visible topographic features such as marked and existing utilities and their appurtenances, and larger, iron pins (if found), edge of pavement, structures and fences.
  - Establish control points.

##### **B. Prepare 95% engineering plan and technical specifications**

Prepare engineering plan sheets, specifications and construction contract documents, for project bidding. Plans shall consist of 22" x 34" plan sheets. The following listing is an example of anticipated Plan Sheets. The actual list may vary depending on design options chosen by the CITY during the Preliminary Engineering Report.

- Plan Sheets
  - Civil Plan Sheets
    - Site Plan
    - Grading Plan

- Tank Elevations and Sections (2 Sheets)
- Roof Improvements (2 Sheets)
- Dry Riser Improvements (1 Sheets)
- Tank Bowl and Access Tube (1 Sheets)
- Logo Details (1 Sheets)
- Construction Details (6 Sheets)
- Electrical Plan Sheets
  - Legends & Abbreviations
  - Site Plan
  - One Line Diagram
  - Tank Elevation
  - Tank and Roof Plan
  - Details (3 Sheets)
- Instrumentation Plans
  - SCADA RTU Control Plan
  - SCADA RTU Power Schematic
  - SCADA RTU I/O (3 Sheets)
- Specifications and materials for installation
  - Contract Documents - Specifications will include technical specifications for materials and installation of the proposed facilities. The Contract Documents will be based upon the CITY's standard documents and requirements for public work construction. The ENGINEER will prepare special specification for items either not covered by the City of Standards or where the City of Standards need to be modified to meet the requirements of the project.
- Opinion of Probable Construction Cost – The ENGINEER will prepare final opinions of probable construction cost for the project. The ENGINEER has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to ENGINEER at this time and represent only the ENGINEER's judgment as a design professional familiar with the construction industry. The ENGINEER cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.



***C. Meetings and Deliverables***

A PDF copy of deliverables will be provided as well as the defined number of hard copies, as follows.

- Deliverables
  - Three (3) copies of the 95% Construction Plans and Technical Specifications.
  - Three (3) copies of the Opinion of Probable Construction Cost.
  - Five (5) copies of the Final Construction Plans and Specifications.
  - One (1) copy of Reproducible Bidding Documents (Plans and Specifications).
- Meetings
  - Conduct a 95% plans and specifications review workshop

***D. Services provided by the CITY***

- Review and comment of 95% complete plans, specifications, contract documents, and Opinion of Probable Construction Cost.

**2. Bid Phase Services**

- Print and issue 2 sets of bidding documents. Bidding documents will be issued to potential bidders upon the payment of a non-refundable fee to cover the cost of printing those documents.
- Issue addenda as required.
- Attend a Pre-bid Meeting
- Evaluate Bids.
- Evaluate Contractor Qualifications.
- Prepare Award Recommendation Letter
- Address Contractor Questions
- Deliverables
  - Notice to Bidders for advertising by the CITY.
  - Addenda as required.
  - Contractor Award Recommendation

### 3. Construction Contract Administration (CCA)

ENGINEER will provide construction contract administration services to the CITY during the construction phase of the project.

#### A. Construction Cost Projections

The estimated construction period for the basis of establishing the ENGINEER's Fee for each phase is as follows:

- Tank Rehab – Up to six (6) months.

The construction phase services are as follows:

1. Pre-Construction Conference – The ENGINEER will conduct a Pre-Construction Conference prior to commencement of Work at the Site. The ENGINEER will invite the grant administrator to the conference.
2. Visits to Site and Observation of Construction - The ENGINEER will provide on-site construction observation services during the construction phase of the subject project. Observations will vary depending on the type of work being performed by the contractors, the location, and the contractors' schedules.
3. The ENGINEER will make visits to the Site up to six (6) times. Such visits and observations by ENGINEER are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on ENGINEER's exercise of professional judgment. Based on information obtained during such visits and such observations, ENGINEER will determine if Contractor's work is generally proceeding in accordance with the Contract Documents, and ENGINEER will keep CITY informed of the general progress of the Work.

Site Visit Purpose - The purpose of ENGINEER's visits to the site will be to enable ENGINEER to better carry out the duties and responsibilities assigned in this Agreement to ENGINEER during the construction phase by CITY, and, in addition, by the exercise of ENGINEER's efforts, to provide CITY a greater degree of confidence that the completed Work will conform in general to the Contract Documents and that the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents has been implemented and preserved by Contractor. ENGINEER will not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor will ENGINEER have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly,

ENGINEER neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

4. Recommendations with Respect to Defective Work - The ENGINEER will recommend to CITY that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, ENGINEER believes that such work will not produce a completed Project that conforms generally to Contract Documents or that it will prejudice the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. Notwithstanding the foregoing, the CITY reserves the right to disapprove or reject Contractor's work without a recommendation from the ENGINEER.
5. Clarifications and Interpretations - The ENGINEER will issue necessary clarifications and interpretations of the Contract Documents to CITY as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of the Contract Documents. Field Orders authorizing variations from the requirements of the Contract Documents will be made by CITY.
6. Change Orders – The ENGINEER will recommend Change Orders to CITY, as appropriate. ENGINEER will review and make recommendations related to Change Orders submitted or proposed by the Contractor.
7. Shop Drawings and Samples - The ENGINEER will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.
  - a. The ENGINEER will use a file management system such as Sharefile to facilitate electronic submissions and distribution of shop drawings and submittals.
8. Substitutes and "or-equal." - The ENGINEER will evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities. ENGINEER will notify CITY of any such substitutions.
9. Inspections and Tests - The ENGINEER will require, at the Contractor's cost, such special inspections or tests of Contractor's work as ENGINEER deems appropriate, and receive and review certificates of inspections within ENGINEER's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. ENGINEER's review

of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. ENGINEER will be entitled to rely on the results of such tests and the facts being certified.

10. Disagreements between CITY and Contractor - As necessary, The ENGINEER will, with reasonable promptness, render initial written decision on all claims of CITY and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the progress of Contractor's work. In rendering such decisions, ENGINEER will be fair and not show partiality to CITY or Contractor and will not be liable in connection with any decision rendered in good faith in such capacity. The initial decisions of the ENGINEER shall be required as a condition precedent to mediation or litigation of any claim arising prior to the date final payment is due to the Contractor, unless thirty (30) days have passed after a claim has been referred to the ENGINEER with no decision having been rendered.
11. Applications for Payment - Based on ENGINEER's observations and on review of applications for payment and accompanying supporting documentation, the ENGINEER will determine the amounts that ENGINEER recommends Contractor be paid. Such recommendations of payment will be in writing and will constitute ENGINEER's representation to CITY, based on such observations and review, that, to the best of ENGINEER's knowledge, information and belief, Contractor's work has progressed to the point indicated, such work-in-progress is generally in accordance with the Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled insofar as it is ENGINEER's responsibility to so determine. In the case of unit price work, ENGINEER's recommendations of payment will include final determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.
12. By recommending any payment, ENGINEER will not thereby be deemed to have represented that observations made by ENGINEER to check Contractor's work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to ENGINEER in this Agreement. Neither ENGINEER's review of Contractor's work for the purposes of recommending payments nor ENGINEER's recommendation of any payment including final payment will impose on ENGINEER responsibility to supervise, direct, or control Contractor's work in progress or for the means, methods, techniques, equipment choice and usage, sequences, or procedures of construction of safety precautions or programs incident thereto, nor Contractor's compliance with Laws and Regulations applicable

to Contractor's furnishing and performing the Work. It will also not impose responsibility on ENGINEER to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, nor to determine that title to any portion of the work in progress, materials, or equipment has passed to CITY free and clear of any liens, claims, security interests, or encumbrances, nor that there may not be other matters at issue between CITY and Contractor that might affect the amount that should be paid.

13. Substantial Completion - Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with CITY and Contractor, the ENGINEER will conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of CITY, ENGINEER considers the Work substantially complete, ENGINEER will notify CITY and Contractor.
14. Final Notice of Acceptability of the Work - The ENGINEER will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that ENGINEER may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, ENGINEER will also provide a notice that the Work is generally in accordance with the Contract Documents to the best of ENGINEER's knowledge, information, and belief and based on the extent of the services provided by ENGINEER under this Agreement and based upon information provided to ENGINEER upon which it is entitled to rely.
15. Limitation of Responsibilities – The ENGINEER will not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work. ENGINEER will not have the authority or responsibility to stop the work of any Contractor.
16. Record Drawings – The ENGINEER will prepare record drawings based on contractor and inspector combined mark-ups of construction plans. The ENGINEER will follow CITY record drawing procedures, including a review set and a final set in with digital and hard copies.

#### **B. Deliverables**

- Review of up to five (5) shop drawings and submittals
- One (1) review set of 22"x34" Record Drawings

**C. Resident Project Representative**

- ENGINEER will furnish a Resident Project Representative (RPR), to assist ENGINEER in observing progress and quality of the Work and to observe materials furnished and report findings to the ENGINEER. The ENGINEER has retained the services of Boswell & Reyes, Robert Boswell NACE Level III Certified Inspector, to provide RPR services.
- Through such additional observations of Contractor's work in progress and field checks of materials by the POR and assistants, ENGINEER shall endeavor to provide for a greater degree of confidence to the CITY that the Work will conform in general to the Contract Documents. However, ENGINEER shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work nor shall ENGINEER have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, or procedures selected or used by Contractor, for security or safety at the Site, for safety precautions and programs incident to Contractor's work in progress, for any failure of Contractor to comply with Laws and Regulations applicable to Contractor's performing and furnishing the Work.
- RPR will be onsite at intervals and durations appropriate for the construction activities ongoing at the time and as scheduled. Services are based on a \$100/hour rate not to exceed 600 hours.
- RPR will periodically observe the surface preparation and coatings application for conformance with the Contract Documents.
- Records
  - Prepare a report, recording Contractor's hours on the site, weather conditions, wind speed, relative humidity, wet and dry surface temperature, dew point, dry film thickness, surface profile measurements, a printout of all the holiday testing measurements, material batch numbers, site visitors, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to the ENGINEER. Daily reports must be signed by the NACE inspector and be provided to CITY on a weekly basis. Record names, addresses, e-mail addresses, web site locations and telephone numbers of all Contractors, subcontractors, and major suppliers of materials and equipment.

## FEE SCHEDULE

Kimley-Horn will not exceed the total maximum fee shown below without authorization from the CITY. Labor fee will be billed on an hourly basis according to our attached rates. As to these tasks, direct reimbursable expenses such as express delivery services, fees, air travel, and other direct expenses will be billed at 1.10 times cost. All permitting, application, and similar project fees will be paid directly by the City.

Task 1	Design	\$ 41,000
Task 2	Bidding	\$ 8,000
Task 3	Construction Contract Administration (CCA)	\$ 35,000
	<i>Electrical Design (McCreary and Associates)</i>	\$ 14,000
	<i>Survey (Gorron dona and Associates)</i>	\$ 5,000
	<i>Resident Project Representative (Boswell &amp; Reyes)</i>	\$ 60,000
<b>Total Fee</b>		<b>\$ 163,000</b>

## **ADDITIONAL SERVICES**

Any services not specifically provided for in the above scope will be considered additional services and can be performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Meetings beyond those identified in the scope
- Assisting OWNER or Contractor in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this Agreement. Such services, if any, will be furnished by ENGINEER on a fee basis negotiated by the respective parties outside of and in addition to this Agreement.
- Sampling, testing, or analysis beyond that specifically included in the Scope of Services referenced herein above.
- Preparing applications and supporting documents for government grants, loans, or planning advances, and providing data for detailed applications.
- Appearing before regulatory agencies or courts as an expert witness in any litigation with third parties or condemnation proceedings arising from the development or construction of the Project, including the preparation of engineering data and reports for assistance to the CITY.
- Providing professional services associated with the discovery of any hazardous waste or materials in the project route.
- Providing additional presentations to the CITY Council.
- Providing construction staking, additional platting, or other surveying services not identified in the above Scope of Services.
- Providing any easement acquisition services.
- Attending additional public meetings during the project.
- Preparation of Easement Documents
- Perform any materials testing.
- Perform welding and coating inspections.
- Any services not listed in the Scope of Services.



**Kimley-Horn and Associates, Inc.**

**Standard Rate Schedule**

(Hourly Rate)

Senior Professional I	\$240 - \$265
Senior Professional II	\$180 - \$250
Professional	\$160 - \$210
Senior Technical Support	\$115 - \$190
Technical Support	\$70 - \$100
Analyst	\$105 - \$175
Support Staff	\$ 75 - \$ 115

*Effective July 2017*

Scott EST Rehab and Repaint  
July 2018

ID	% Complete	Task Name	Duration	Start	Finish	Predecessors	
1	0%	Scott EST Rehab	351 days	Mon 3/19/18	Mon 7/22/19		M   A   M   J   J   A   S   O   N   D   J   F   M   A   M   J   J
2	0%	Kick-off and Data Collection	6 days	Mon 3/19/18	Mon 3/26/18		
6	0%	Inspection	1 day	Tue 5/1/18	Tue 5/1/18 4.5		
7	0%	Preliminary Engineering Report	20 days	Wed 5/2/18	Tue 5/29/18 6		
8	0%	Design	33 days	Thu 7/19/18	Mon 9/3/18		
9	0%	Prepare Plans	10 days	Thu 7/19/18	Wed 8/1/18 7		
10	0%	95 % Submittal	11 days	Wed 8/1/18	Thu 8/16/18		
11	0%	Submit 95% Plans	0 days	Wed 8/1/18	Wed 8/1/18 9		
12	0%	Meeting with City	1 day	Thu 8/2/18	Thu 8/2/18 11		
13	0%	City Review	5 days	Fri 8/3/18	Thu 8/9/18 12		
14	0%	Revisions per City Comments	5 days	Fri 8/10/18	Thu 8/16/18 13		
15	0%	Final Submittal	12 days	Thu 8/16/18	Mon 9/3/18		
16	0%	Submit Final Plans	0 days	Thu 8/16/18	Thu 8/16/18 14		
17	0%	Meeting with City	1 day	Fri 8/17/18	Fri 8/17/18 16		
18	0%	City Review	5 days	Mon 8/20/18	Fri 8/24/18 17		
19	0%	Revisions per City Comments	3 days	Mon 8/27/18	Wed 8/29/18 18		
20	0%	Final Documents	2 days	Thu 8/30/18	Fri 8/31/18 19		
21	0%	City Approval	1 day	Mon 9/3/18	Mon 9/3/18 20		
22	0%	Bidding	50 days	Tue 9/4/18	Mon 11/12/18 21		
29	0%	Construction	180 days	Tue 11/13/18	Mon 7/22/19 28		

Task

Split

Milestone

Summary

Project Summary

External Tasks

External Milestone

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

Progress

Deadline

## CONTRACT AMENDMENT (Professional Service Agreements)

**PROJECT:** Scott Elevated Storage Tank Rehabilitation  
**OWNER:** City of Temple  
**ARCHITECT/ENGINEER:** Kimley-Horn & Associates, Inc.  
**AMENDMENT #:** 1

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

**Add professional services for final design, bidding and construction phase services for the rehabilitation of Scott Elevated Storage Tank:**

Design	\$ 41,000
Electrical Design	\$ 14,000
Survey	\$ 5,000
Bidding	\$ 8,000
Construction Administration	\$ 35,000
Project Representative	\$ 60,000
<b>TOTAL</b>	<b>\$ 163,000</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>	<b>\$ 24,800</b>
<b>Previous Net Change in Contract Amount:</b>	<b>\$ -0-</b>
<b>Amount This Amendment:</b>	<b>\$ 163,000</b>
<b>Revised Contract Amount:</b>	<b>\$ 187,800</b>
<b>Original Contract Completion Date:</b>	<b>May 19, 2018</b>
<b>Revised Contract Completion Date:</b>	<b>September 3, 2018</b>

**Recommended by:**

**Agreed to:**

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

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

**Approved by City of Temple:**

**Approved as to form:**

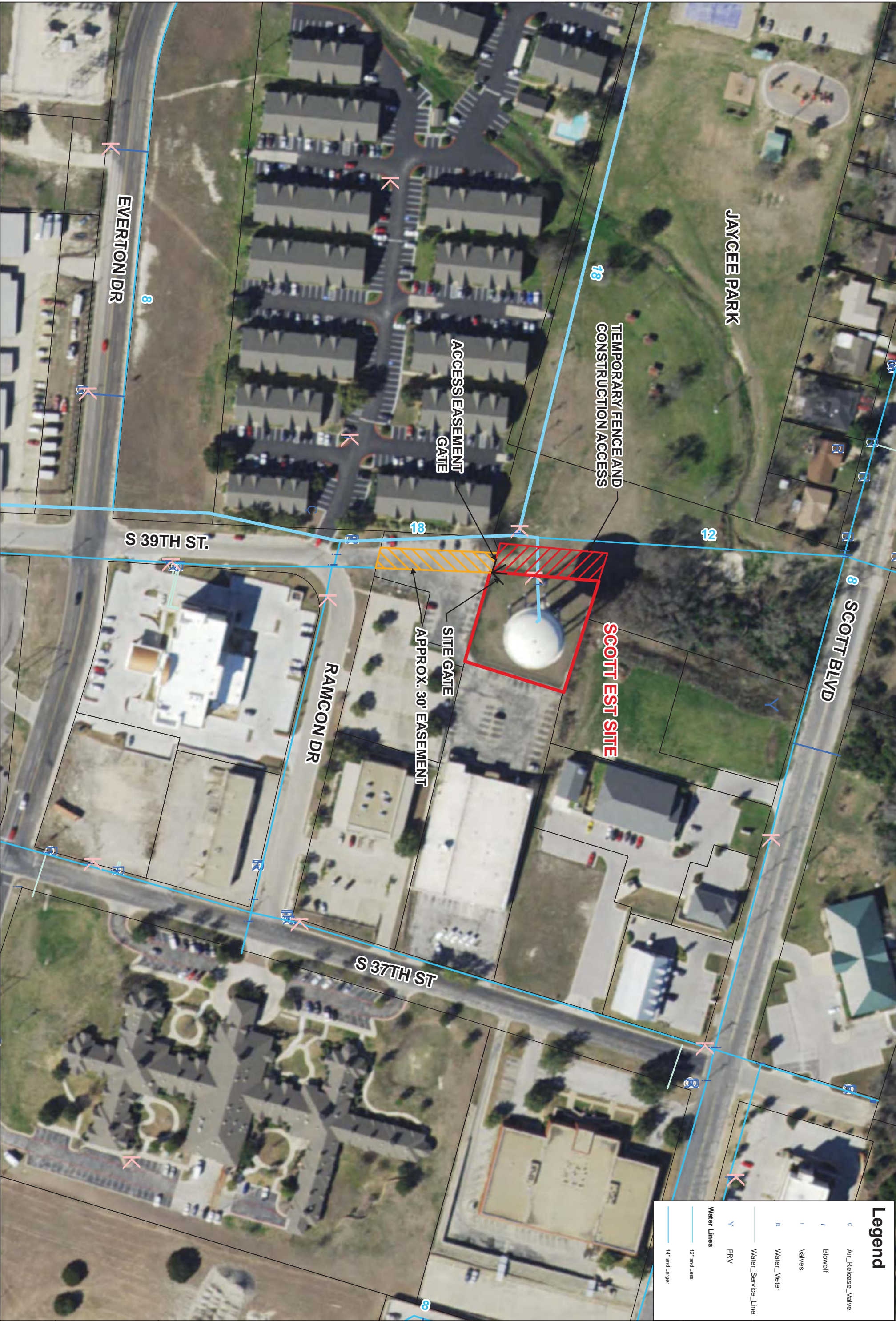
\_\_\_\_\_  
Brynn Myers, City Manager Date

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

**Approved by Finance Department:**

\_\_\_\_\_  
Finance Date





**Legend**

Air\_Release\_Valve

Blowoff

Valves

Water\_Meter

Water\_Service\_Line

PRV

**Water Lines**

12" and Less

14" and Larger

Kimley»Horn			
No.	Revision	By	Date

City of Temple

SCOTT 1.0 MG ELEVATED  
STORAGE TANK REHABILITATION

DATE: MAY 2018

DESIGN: SRM

DRAWN: JML

CHECKED: SRM

KHA NO.: 064325007

TANK SITE LOCATION EXHIBIT

SHEET  
1

OF 1 SHEETS



RESOLUTION NO. 2018-9185-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. OF AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$163,000, FOR SERVICES REQUIRED FOR THE REHABILITATION OF THE SCOTT ELEVATED STORAGE TANK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City owns and operates the Scott Elevated Storage Tank located on Scott Boulevard;

**Whereas**, in April 2018, a professional services agreement was approved to complete a Preliminary Engineering Report for the Scott Elevated Storage Tank in the amount of \$24,800 and per that report, structural and regulatory deficiencies were noted and a full rehabilitation was recommended;

**Whereas**, the Scott Elevated Storage Tank was erected in 1968 - the 50-year-old tank will require welding, roof plate and rafter replacement, extending the access tube to the roof, replacing the damaged lighting system, upgrading the cathodic protection system, updating ladders, guardrails, and adding electrical/communication conduits to comply with current OSHA standards, and hatch and vent replacement, weir box and overflow pipe replacement, and interior/exterior abrasive blasting and recoating in order to maintain potable water quality standards and comply with TCEQ regulations;

**Whereas**, the tank site improvements will involve grading and fence replacement to improve both drainage and security;

**Whereas**, this contract amendment provides for the final design, bidding and construction phase services of the project;

**Whereas**, Staff recommends Council authorize an amendment to the professional services agreement with Kimley-Horn and Associates in an amount not to exceed \$163,000, for the rehabilitation of the Scott Elevated Storage Tank;

**Whereas**, funding for this amendment is available in Account No. 520-5100-535-6522 and Account No. 561-5100-535-6989, Project No. 101834; 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 amendment to the professional services agreement with Kimley-Horn and Associates, Inc. of Austin, Texas in an amount not to exceed \$163,000, for services required for the rehabilitation of the Scott Elevated Storage Tank.

**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 **19<sup>th</sup>** day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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07/19/18  
\_\_Item #4(C)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase in an estimated amount of \$4,000.

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

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

The design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners. Offers have been made to all of the property owners. The City has acquired or reached an agreement to acquire twenty-three of the needed easements. Council authorized the use of eminent domain for one easement at its April 5, 2018 meeting and negotiations continue with the remaining owners.

Staff is now seeking authorization to purchase one easement needed for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase in an estimated amount of \$4,000.

The address of the property is South General Bruce Drive, Bell County Appraisal District ID No. 479525.

**FISCAL IMPACT:** Funding for the purchase of an easement necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase in an estimated amount of \$4,000 is appropriated in account 520-5900-535-6110, project #100608.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9200-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN EASEMENT NECESSARY FOR THE CONSTRUCTION OF THE CHARTER OAK WATER LINE; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$4,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Whereas**, the design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners - offers have been made to all property owners and the City has acquired or reached agreements to acquire 23 of the 30 easements;

**Whereas**, on April 5, 2018, Council authorized the use of eminent domain for one easement and negotiations continue with the remaining owners;

**Whereas**, Staff recommends Council authorize the purchase of one easement necessary for the construction of the Charter Oak Water Line and authorize closing costs associated with the purchase, in an estimated amount of \$4,000;

**Whereas**, the addresses of the property is South General Bruce Drive - BellCAD ID 479525;

**Whereas**, funding is available for the purchase of this easement 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 authorizes the purchase of an easement located at South General Bruce Drive – BellCAD ID 479525, which is necessary for the construction of the Charter Oak Water Line and authorizes closing costs associated with the purchase, in an estimated amount of \$4,000.

**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 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 **19<sup>th</sup>** day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, 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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07/19/18  
Item #4(D)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Santa Clara Construction (Santa Clara), Ltd., of Austin in the amount of \$2,068,811, for construction of Phase 5 of the Bird Creek Interceptor Project.

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

**ITEM SUMMARY:** The existing Bird Creek Interceptor (shown on the attached map) built in the mid-1950's provides wastewater service to many neighborhoods, restaurants and commercial developments, draining an area approximately 6,200 acres in size through the middle of Temple. Over the years, the wastewater line has deteriorated, taking in additional flows during rain events. These excess flows and line condition have led to unauthorized sanitary sewer discharges into Bird Creek. This project, phased and implemented over several years, is targeted toward reducing overflows and rehabilitating infrastructure, ultimately providing for increased capacity within the wastewater collection system.

Phase 1, 2, and 3 of the project have been completed. Phase 5, from Lion's Park to Shallow Ford Lift Station, will provide for increased capacity through a large diameter collection interceptor to convey flows through the park for adequate conveyance and treatment to the wastewater treatment plant. Phase 4 (the last section to be addressed) is anticipated to be constructed in FY 2019.

On June 28, 2018, 12 bids for construction of Phase 5 were received. Per the attached bid tabulation, base bids ranged from \$932,106.77 to \$1,786,688. Two add alternates #1 and #2 compared pricing for two pipe materials, centrifugally-cast fiberglass-reinforced polymer-mortar pipe (CCFRP) and polyvinyl chloride (PVC) pipe, respectively. Add alternate #3 included a full-depth replacement of a portion of Lion's Park roadway that is already in poor condition and is in need of replacement.

Upon review, CCFRP (add alternate #1) was bid at \$58,373 less than PVC (add alternate #2) and has demonstrated high performance in comparable environments. Therefore, the engineer and staff recommends award of a construction contract to Santa Clara Construction, Ltd., for the base bid plus Add Alternate #1 and #3 in the amount of \$2,068,811.

The Engineer's opinion of probable construction cost was \$2,500,000. Time allotted for construction is 300 calendar days.

**FISCAL IMPACT:** Funding for the contract with Santa Clara Construction, Ltd. for construction of Phase 5 of the Bird Creek Interceptor Project in the amount of \$2,068,811 is available for project 101477 as follows:

	520-5400-535-6361	561-5400-535-6925	Total
Project Budget	\$ 1,000,000	\$ 1,591,370	\$ 2,591,370
Encumbered/Committed to Date	-	(77,561)	(77,561)
<b>Construction Award - Santa Clara Construction</b>	<b>(555,002)</b>	<b>(1,513,809)</b>	<b>(2,068,811)</b>
<b>Remaining Project Funds</b>	<b>\$ 444,998</b>	<b>\$ -</b>	<b>\$ 444,998</b>

**ATTACHMENTS:**

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



2705 Bee Cave Road, Suite 300  
Austin, Texas 78746  
1.512.314.3100 Fax 1.512.314.3135

July 9, 2018

Mr. James Billeck, PE  
Project Manager  
City of Temple  
3210 East Avenue H, Building A  
Temple, TX 76501

**Re: Bird Creek Interceptor – Contract V Letter of Recommendation of Contract Award**

Dear Mr. Billeck,

Bids were received for the Bird Creek Interceptor – Contract V project on June 28<sup>th</sup>. Enclosed is a copy of the certified bid tabulation which shows the twelve (12) bids that were received. The base bid includes all construction - excluding pipe material. Additional Alternate #1 uses Centrifugally Cast Fiberglass Reinforced Polymer-mortar Pipe (CCFRP) while Additional Alternate #2 uses Polyvinyl Chloride (PVC) pipe. Either Additional Alternate #1 or Additional Alternate #2 must be included in the award to supply pipe for this project. The portion of the pavement in Lions Park that will be damaged during construction is included as a basic repair in the Base Bid, and Additional Alternate #3 is for a full-depth replacement for additional asphaltic pavement in Lions Park. Bids ranged from \$2,068,811.00 to \$3,280,689.00 for Base + Add Alternate #1 + Add Alternate #3.

Santa Clara Construction, Ltd. is the low bidder with bids as follows:

Base Bid	\$987,972.00
<u>Additional Alternate #1</u>	<u>\$956,630.00</u>
Base + Add Alternate #1	\$1,944,602.00

If the City would like to include Additional Alternate #3, Santa Clara's bid is as follows:

Base Bid	\$987,972.00
Additional Alternate #1	\$956,630.00
<u>Additional Alternate #3</u>	<u>\$124,209.00</u>
Base + Add Alternate #1 + Add Alternate #3	\$2,068,811.00

Santa Clara Construction, Ltd. has abided by the bidding requirements set by the conditions of the contract and successfully completed similar work in Central Texas. Therefore, it is our opinion that Santa Clara Construction, Ltd. is capable of performing the required scope of work included in the Base, plus Additional Alternate #1 and Additional Alternate #3 and we hereby recommend award of the contract to in the amount of **\$2,068,811.00**.

Santa Clara Construction Ltd's bid for Additional Alternate #2 was \$1,015,003.00, or \$58,373.00 more than their bid for Additional Alternate #1. If the City prefers to utilize PVC pipe on this project, this is a reasonable bid price.

Jacobs appreciates the opportunity to provide this information to the City. If you have any questions or need additional information, please feel free to contact me at (512) 314-3100.

Sincerely,

JACOBS ENGINEERING GROUP, INC.



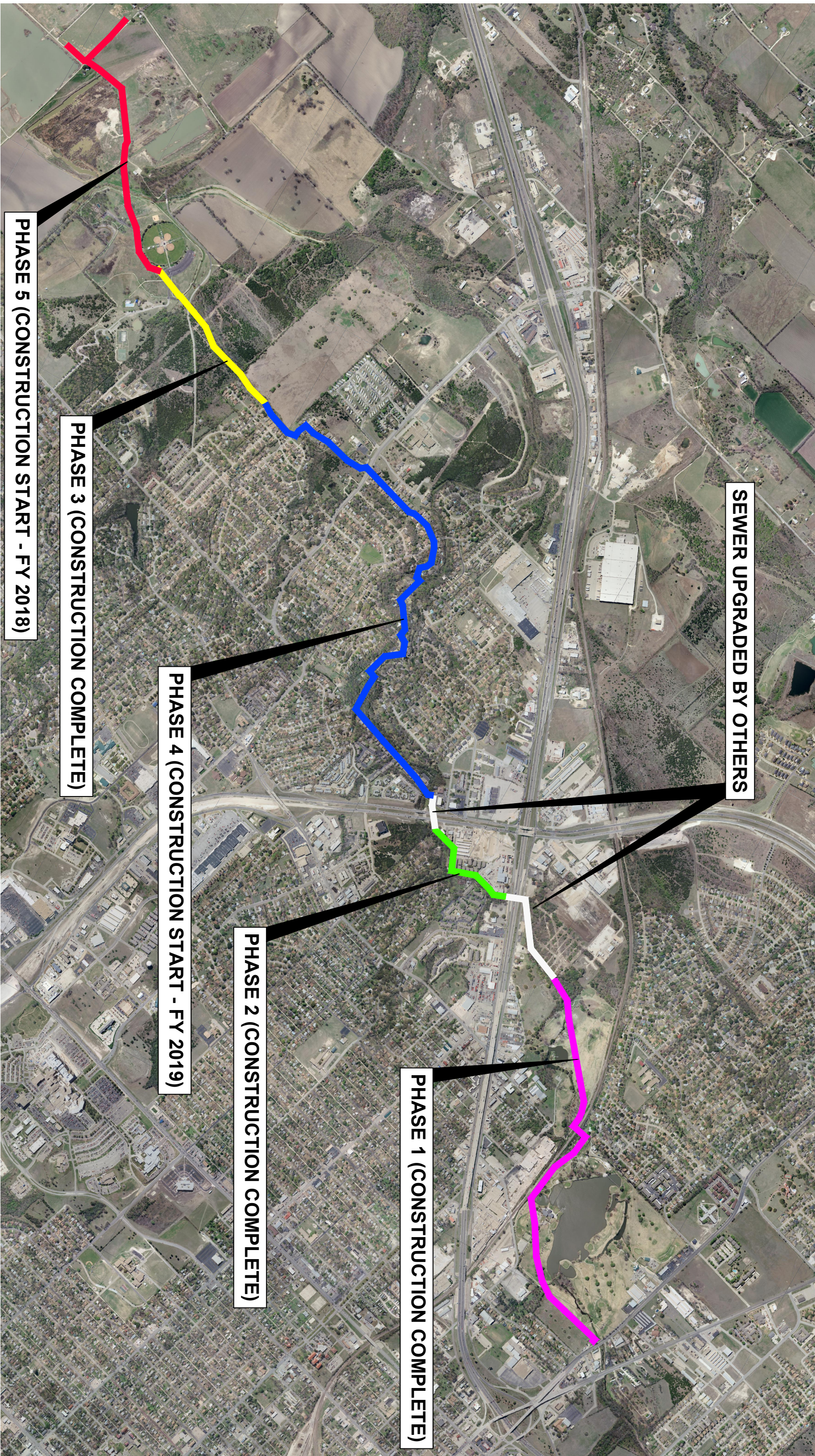
T. Jason Roberts, P.E.  
Project Manager

Enclosures: Certified Bid Tabulation

Item No.	Reference	Item Description	Unit	Quantity	Bid Price	Amount	Bid Price	Amount	Bid Price	Amount	Bid Price	Amount	Bid Price	Amount	Bid Price	Amount	Bid Price	Amount	Bid Price	Amount	Bid Price	Amount	Bid Price	Amount	Bid Price	Amount	Bid Price	Amount
ADD-1	507	Furnish and Install 30" FRPM Class SMI6 Pipe, 0'-12' Depth, including excavation and backfill	LF	67	\$182.00	\$12,194.00	\$138.00	\$9,246.00	\$154.35	\$10,335.42	\$162.00	\$10,954.00	\$225.00	\$15,075.00	\$187.00	\$12,525.00	\$111.00	\$7,437.00	\$158.36	\$10,610.12	\$140.00	\$9,380.00	\$155.00	\$10,385.00	\$180.00	\$12,060.00	\$190.23	\$10,065.41
ADD-2	507	Furnish and Install 36" FRPM Class SMI6 Pipe, 16'-20' Depth, including excavatio and backfill	LF	727	\$228.00	\$163,575.00	\$171.00	\$124,317.00	\$164.18	\$119,359.96	\$205.00	\$149,035.00	\$250.00	\$181,750.00	\$204.00	\$148,300.00	\$176.00	\$127,952.00	\$299.04	\$210,132.08	\$180.00	\$116,520.00	\$165.00	\$119,955.00	\$185.00	\$134,495.00	\$195.34	\$99,392.18
ADD-3	507	Furnish and install 36" FRPM Class SMI6 Pipe Greater than 20' Depth, including excavation and backfill	LF	219	\$320.00	\$72,061.00	\$177.00	\$38,766.00	\$165.21	\$36,180.99	\$230.00	\$50,370.00	\$265.00	\$58,035.00	\$204.00	\$44,676.00	\$191.00	\$41,829.00	\$333.04	\$73,110.96	\$170.00	\$37,230.00	\$200.00	\$43,800.00	\$190.00	\$41,610.00	\$160.17	\$35,077.23
ADD-4	507	Furnish and Install 42" FRPM Class SMI6 Pipe, 0'-12' Depth, including excavation and backfill	LF	2,232	\$253.00	\$565,686.00	\$190.00	\$424,080.00	\$209.68	\$466,005.76	\$201.00	\$448,632.00	\$272.00	\$613,800.00	\$217.00	\$484,344.00	\$160.00	\$357,120.00	\$223.72	\$499,343.04	\$177.00	\$395,064.00	\$195.00	\$435,240.00	\$190.00	\$424,080.00	\$194.11	\$433,253.52
ADD-5	507	Furnish and Install 42" FRPM Class SMI6 Pipe, 12'-16' Depth, including excavatio and backfill	LF	726	\$244.00	\$177,144.00	\$202.00	\$146,652.00	\$223.42	\$162,202.92	\$232.00	\$168,432.00	\$280.00	\$203,280.00	\$217.00	\$157,542.00	\$174.00	\$126,324.00	\$246.12	\$178,683.12	\$182.00	\$132,132.00	\$195.00	\$141,570.00	\$195.00	\$141,570.00	\$246.00	\$178,696.00
ADD-6	507	Furnish and Install 42" FRPM Class SMI6 Pipe, 16'-20' Depth, including excavatio and backfill	LF	932	\$251.00	\$233,932.00	\$209.00	\$194,788.00	\$245.09	\$228,423.88	\$237.00	\$220,984.00	\$280.00	\$270,280.00	\$217.00	\$202,244.00	\$200.00	\$186,480.00	\$335.72	\$312,891.04	\$185.00	\$172,240.00	\$195.00	\$187,440.00	\$200.00	\$200,000.00	\$315.74	\$284,269.68
ADD-7	507	Furnish and Install 48" FRPM Class SMI6 Pipe Greater than 20' Depth, including excavation and backfill	LF	428	\$388.00	\$165,064.00	\$285.00	\$121,980.00	\$245.36	\$105,014.08	\$314.00	\$134,392.00	\$300.00	\$128,400.00	\$238.00	\$101,864.00	\$256.00	\$109,568.00	\$395.64	\$169,419.52	\$252.00	\$107,956.00	\$255.00	\$109,440.00	\$235.00	\$100,580.00	\$395.46	\$152,176.90
						\$1,389,656.00		\$1,059,825.00	\$1,252,521.91		\$1,252,521.91	\$1,182,599.00	\$1,320,825.00	\$1,470,620.00		\$1,151,657.00		\$965,630.00		\$1,454,189.88	\$970,402.00		\$1,040,785.00		\$1,040,785.00		\$1,040,785.00	

[illegible]





SEWER UPGRADED BY OTHERS

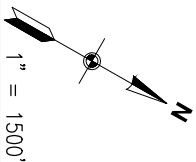
PHASE 1 (CONSTRUCTION COMPLETE)

PHASE 2 (CONSTRUCTION COMPLETE)

PHASE 4 (CONSTRUCTION START - FY 2019)

PHASE 3 (CONSTRUCTION COMPLETE)

PHASE 5 (CONSTRUCTION START - FY 2018)



**JACOBS**  
2705 BEE CREEK ROAD, SUITE 300,  
AUSTIN, TX. 78746  
(512) 314-3100, (512) 314-3135  
TEXAS REG. NO. 29669

BIRD CREEK INTERCEPTOR  
TEMPLE, TEXAS

PROJECT PHASING



RESOLUTION NO. 2018-9201-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SANTA CLARA CONSTRUCTION, LTD OF AUSTIN, TEXAS IN THE AMOUNT OF \$2,068,811, FOR CONSTRUCTION OF PHASE 5 OF THE BIRD CREEK INTERCEPTOR PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the existing Bird Creek Interceptor was built in the mid-1950's and provides wastewater service to many neighborhoods, restaurants and commercial developments, and drains an area approximately 6,200 acres in size through the middle of Temple;

**Whereas**, over the years, the wastewater line has deteriorated, taking in additional flows during rain events which have led to unauthorized sanitary sewer discharges into Bird Creek;

**Whereas**, this project, phased and implemented over several years, is targeted toward reducing overflows and rehabilitating infrastructure, ultimately providing for increased capacity within the wastewater collection system;

**Whereas**, Phases 1, 2, and 3 of the project have been completed and Phase 5, from Lion's Park to Shallow Ford Lift Station, will provide for increased capacity through a large diameter collection interceptor to convey flows through the park for adequate conveyance and treatment to the wastewater treatment plant;

**Whereas**, Phase 4, which is the last section to be addressed, is anticipated to be constructed in fiscal year 2019;

**Whereas**, on June 28, 2018, Staff received twelve bids for construction of Phase 5 ranging from \$932,106.77 to \$1,786,688 - two Add Alternates, No. 1 and No. 2, compared pricing for two pipe materials, centrifugally-cast fiberglass-reinforced polymer-mortar pipe (CCFRP) and polyvinyl chloride (PVC) pipe, respectively;

**Whereas**, Add Alternate No. 3 included a full-depth replacement of a portion of Lion's Park roadway that is already in poor condition and is in need of replacement;

**Whereas**, upon review, CCFRP (Add Alternate No. 1) was bid at \$58,373 less than PVC (Add Alternate No. 2) and has demonstrated high performance in comparable environments;

**Whereas**, Staff and the City's engineer recommend Council authorize a construction contract with Santa Clara Construction, Ltd., for the base bid plus Add Alternate No. 1 and Add Alternate No. 3 in the amount of \$2,068,811.00;

**Whereas**, funds are available for this construction contract in Account No. 520-5400-535-6361 and Account No. 561-5400-535-6925, Project No. 101477; and

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

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

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

**Part 2:** The City Council authorizes a construction contract with Santa Clara Construction, Ltd. in the amount of \$2,068,811 for construction of Phase 5 of the Bird Creek Interceptor 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 **19<sup>th</sup>** day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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07/19/18  
Item #4(E)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Floyd Mitchell, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a renewal to the Services Agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.

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

**ITEM SUMMARY:** James Construction Group, LLC ("James") is the general contractor on TXDOT's I-35 Reconstruction Project. James has requested a one-year renewal to the current Services Agreement which utilizes Temple police officers and Temple police vehicles to provide traffic control services on the I-35 project. All police officers working on the project will continue to remain under the supervision and control of the Temple Police Department. James will reimburse the City for overtime salary and benefits paid to the police officers. James will also pay the City \$30 per hour, per vehicle for each police vehicle used on any portion of the I-35 project that lies in whole or in part within the Temple city limits and \$45 per hour, per vehicle for each police vehicle used on any portion of the project that lies completely outside of the Temple city limits. The agreement is for a term of one year beginning August 1, 2018 and expiring July 31, 2019.

**FISCAL IMPACT:** Based on the projected hours to be worked during the contract period, it is estimated that the City will be reimbursed by James Construction approximately \$325,000 for overtime incurred and approximately \$152,250 for vehicle costs during FY 2019.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9202-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RENEWAL TO THE SERVICES AGREEMENT WITH JAMES CONSTRUCTION GROUP, LLC, OF TEMPLE, TEXAS, TO PROVIDE TEMPLE POLICE OFFICERS FOR TRAFFIC CONTROL SERVICES AND USE TEMPLE POLICE VEHICLES ON THE I-35 RECONSTRUCTION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, James Construction Group, LLC (“James”) is the general contractor on TxDOT’s I-35 Reconstruction Project and has requested a one-year renewal to the current agreement which utilizes Temple police officers and Temple police vehicles to provide traffic control services on the I-35 reconstruction project;

**Whereas**, on June 15, 2017, Council approved a one-year renewal to the current Services Agreement which expires July 31, 2018 – this one-year renewal will begin August 1, 2018 and expire July 31, 2019;

**Whereas**, all police officers working on this project will continue to remain under the supervision and control of the Temple Police Department;

**Whereas**, James will reimburse the City for overtime salary and benefits paid to the police officers and will pay to the City \$30.00 per hour, per vehicle used on any portion of the I-35 project that lies in whole or in part within the Temple city limits;

**Whereas**, James will also pay to the City \$45.00 per hour, per vehicle for each police vehicle used on any portion of the project that lies completely outside of the Temple city limits;

**Whereas**, based on the projected hours to be worked during the contract period, it is estimated that the City will be reimbursed by James Construction approximately \$325,000 for overtime incurred and approximately \$152,250 for vehicle costs during fiscal year 2019; 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 one-year renewal to the Services Agreement with James Construction Group, LLC of Temple, Texas, to provide Temple police officers for traffic control services and use Temple police vehicles on the I-35 Reconstruction 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 **19<sup>th</sup>** day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, 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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07/19/18  
Item #4(F)  
Consent Agenda  
Page 1 of 1

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

Floyd Mitchell, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing Services Agreements to provide police escort services for various University football teams from Temple to McLane Stadium, Baylor University in Waco, Texas.

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

**ITEM SUMMARY:** The universities request that the Temple Police Department provide police officers and police vehicles to escort their football teams from Temple to McLane Stadium on the Baylor University campus in Waco, Texas. The Department will provide two uniformed police officers, and two marked patrol vehicles to escort university's vehicles from a location in Temple to the players' entrance of McLane Stadium in Waco on the date of each respective university's football game against Baylor University. Each university will reimburse the City the assigned officers' actual overtime salary and benefits for a minimum of four hours at a base salary rate not to exceed \$70 per hour for each Police Officer, Corporal, or Sergeant assigned as an escort, and a base salary rate not to exceed \$85 per hour for each Lieutenant assigned as an escort. Each university will reimburse the City \$45 per hour for the use of each police vehicle for a minimum of four hours. The officers will work under the supervision and control of the Temple Police Department through their direct supervisor and the Chief of Police, or his designee. The officers will not provide law enforcement services outside of Bell County. The City reserves the right to deny escort services if the City determines that the police resources are needed to carry out the City's business.

The proposed Agreement will be in effect from September 1, 2018 through November 24, 2018.

**FISCAL IMPACT:** Based on the minimum number of hours worked during the contract period and assuming all home game opponents will want our service, it is estimated that the City could be reimbursed by participating universities approximately \$3,720 for overtime and benefits and approximately \$2,160 for vehicle costs during FY 2018 and FY 2019.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9203-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING SERVICES AGREEMENTS WITH VARIOUS UNIVERSITIES TO PROVIDE POLICE ESCORT SERVICES FROM TEMPLE, TEXAS TO MCLANE STADIUM, BAYLOR UNIVERSITY IN WACO, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, various University football teams have requested that the Temple Police Department provide police officers and police vehicles to escort their football teams from Temple, Texas to McLane Stadium on the Baylor University campus in Waco, Texas;

**Whereas**, the Temple Police Department will provide two uniformed police officers and two marked patrol vehicles to escort each university vehicle from a location in Temple, Texas to the players' entrance of McLane Stadium in Waco, Texas on the date of each respective university's football game against Baylor University;

**Whereas**, each university will reimburse the City of Temple the assigned officers' actual overtime salary and benefits for a minimum of four hours at a base salary rate not to exceed seventy dollars per hour for each Police Officer, Corporal, or Sergeant assigned as an escort, a base salary rate not to exceed eighty-five dollars per hour for each Lieutenant assigned as an escort, and each university will reimburse the City forty-five dollars per hour for the use of each police vehicle for a minimum of four hours;

**Whereas**, all officers will work under the supervision and control of the Temple Police Department through their direct supervisor and the Chief of Police, or his designee - the officers will not provide law enforcement services outside of Bell County;

**Whereas**, the City reserves the right to deny police escort services if the City determines that the police resources are needed to carry out the City's business;

**Whereas**, this agreement will be effective from September 1, 2018 through November 24, 2018;

**Whereas**, based on the minimum number of hours worked during the contract period for all home football games, and assuming home game opponents desire the services of the Temple Police Department, it is estimated that the City will be reimbursed approximately \$3,720 for overtime and benefits and approximately \$2,160 for vehicle costs during fiscal year 2018 and fiscal year 2019; 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 services agreements with various Universities for police escort services from Temple, Texas to McLane Stadium, Baylor University in Waco, Texas.

**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 **19<sup>th</sup>** day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

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07/19/18  
Item #4(G)  
Consent Agenda  
Page 1 of 2

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

Jason Deckman, Planner

**ITEM DESCRIPTION:** SECOND READING – FY-18-6-ZC: Consider adopting an ordinance authorizing rezoning from Agricultural zoning district to General Retail zoning district, on 6.938 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 7101 West Adams Avenue.

**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, and anticipated uses;
2. The proposal is in compliance with the Future Land Use Map and Thoroughfare Plan from the Comprehensive Plan; and
3. Public facilities are available to serve the subject property.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their June 4, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of rezoning from AG to GR.

**ITEM SUMMARY:** This is the current location of the Trinity Catholic Church. The church will be moving from this property to a new location on Airport Road. The applicant is anticipated to develop the property with non-residential uses, but no specific development has been identified at this time. A variety of uses are permitted by right or with a conditional use permit under a GR zoning designation. See the attached comparison of AG and GR uses. Development will require submission and review of a subdivision plat.

**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 designated Suburban-Commercial in the Future Land Use Plan. Suburban Commercial is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. This designation supports the proposed GR zoning and therefore the requested GR zoning **is** consistent with the Suburban Commercial designation. **Compliance**

Thoroughfare Plan (CP Map 5.2): The subject property takes access from West Adams Avenue (FM 2305), a major arterial. Future access is possible from Old Waco Road, currently shown as a proposed major arterial but was recently widened to a divided roadway as part of the Research Parkway / Temple Outer Loop corridor. No Transportation Capital Improvement Program (TCIP) improvements scheduled through FY 2024 have been identified. **Compliance**

Availability of Public Facilities (CP Goal 4.1): Water is available through a 3" main to the north along West Adams, and an 8" main to the east along Old Waco Road. There is no direct access to sewer on this property but an 8" main is located west of the property along Meadowbrook Drive, and a 10" main is located across Old Waco Road, on the east side of the right-of-way. **Compliance**

Temple Trails Master Plan Map and Sidewalks Ordinance: A proposed City-wide Spine along Old Waco Road is shown on the Trails Master Plan, and a sidewalk exists along the recently widened section of Old Waco Road along the eastern boundary of the subject property. No sidewalk currently exists along Adams Avenue, but will be required under UDC 7.3.1 upon new construction. UDC 8.2.3 requires that sidewalks be constructed along both sides of arterial streets. **Compliance**

**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:** Twenty-four notices, represented by sixteen 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 June 4, 2018 at 12:00 PM, staff has received two notices in agreement, zero in disagreement, and two notices were returned as undeliverable.

The newspaper printed notice of the public hearing on May 24, 2018, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Boundary Map](#)

[Photos](#)

[Tables](#)

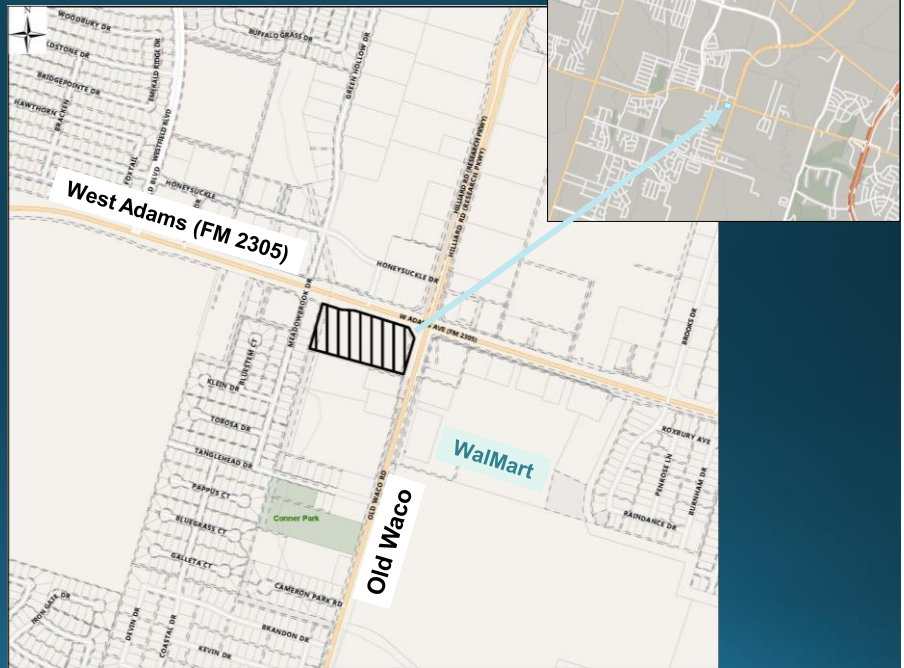
[Returned Property Notice](#)

[Ordinance](#)



## Background

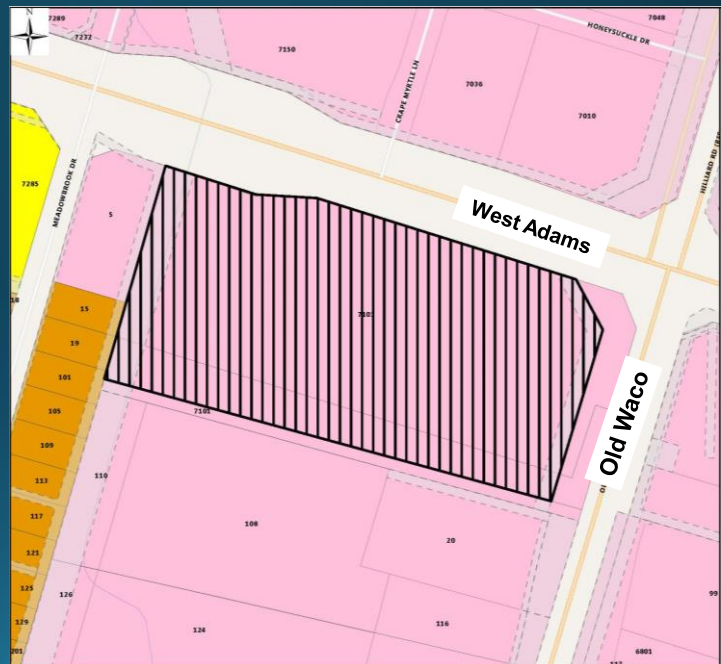
- Rezoning AG to GR
- 6.938 +/- acres
- Current site of Trinity Church
- Currently unplatted
- No specific use has been identified



## Future Land Use Map

- Suburban Commercial
- Office, retail and services uses adjacent to and abutting residential neighborhoods
- Supports GR

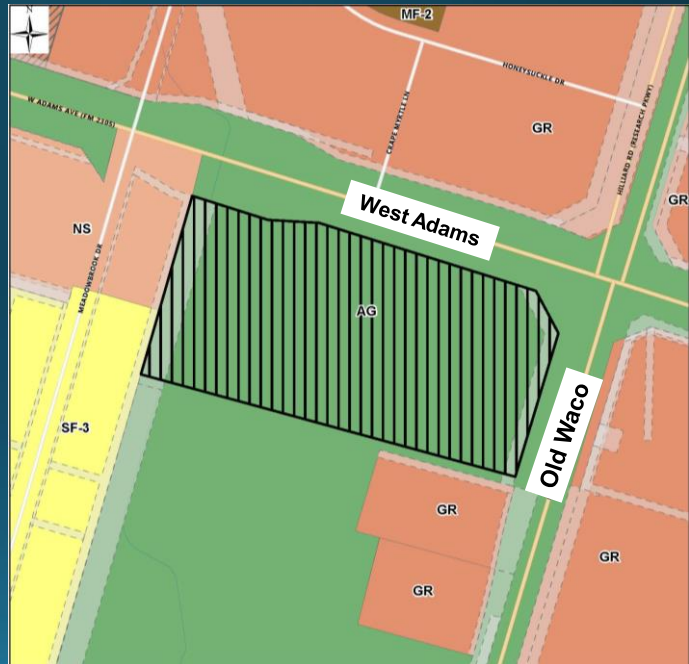
## COMPLIANCE



# Zoning Map

- General Retail (GR)
- Intended for Retail and Service Uses
- Fronts along West Adams Avenue (FM 2305)
- Adjacent to NS, GR, SF-3

## COMPLIANCE



# Existing Water & Sewer Map

## Water

- 3" on Adams
- 8" on Old Waco

## Sewer

- 8" on Meadowbrook
- 10" on Old Waco in east side of Right-of-Way

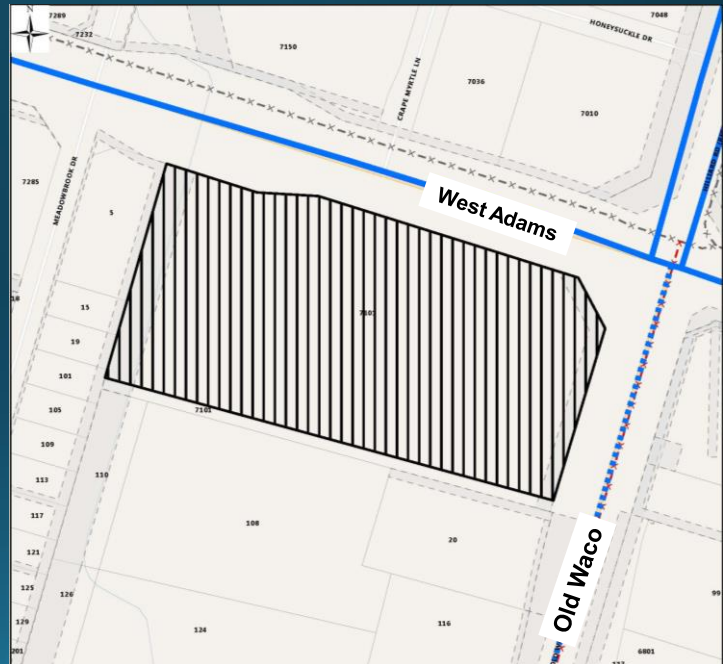
## COMPLIANCE



## Thoroughfare Plan & Trails

- **West Adams (FM 2305)**
  - Major arterial
  - Sidewalk required upon development
- **Old Waco Road**
  - Proposed major arterial
  - Recently widened to divided roadway
  - Existing sidewalk
- **Trails**
  - Proposed City-wide Spine along Old Waco
  - Existing sidewalk along east edge of property

## COMPLIANCE

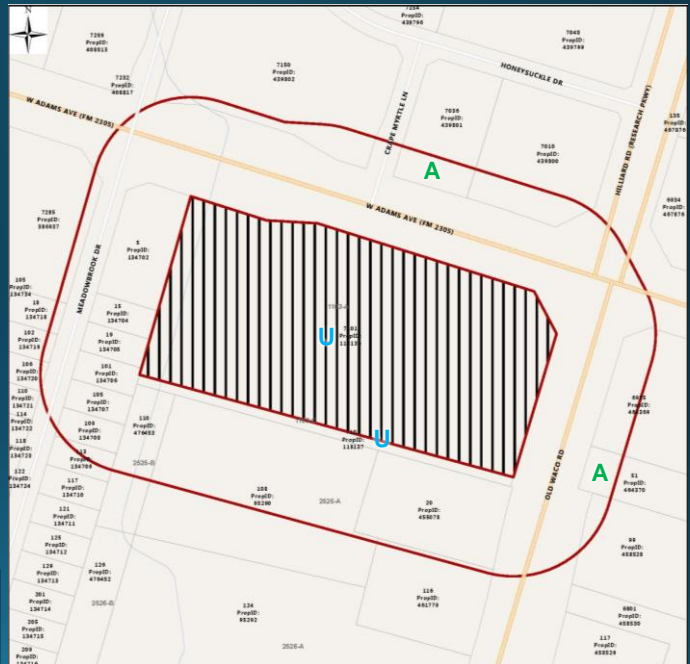


## PUBLIC NOTICE:

- 25 notices were sent out to property owners within 200 feet
- 2 notices in Agreement
- 0 notices in Disagreement
- 2 notice returned Undeliverable
- The newspaper printed notice of the public hearing on May 24, 2018, in accordance with state law and local ordinance

### ## Notices Mailed

1 Agree A  
0 Disagree D  
2 Undeliverable U





Site Photos – 7101 West Adams Avenue – Trinity Church



Facing west from corner of West Adams and Old Waco Road



Facing southwest along West Adams Ave





Facing south from West Adams showing drainage channel



Facing west showing adjacent properties





Facing southeast from West Adams



Facing south along Old Waco Road

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

## Development standards for AG and GR zoning

	<u>Current</u> (AG) <u>Residential</u>	<u>Proposed</u> (GR) <u>Non-Residential</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

\* a minimum rear yard of 10 feet is required adjacent where a nonresidential use abuts a residential zoning district or use. Where an alley exists, a rear yard is not required.





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

464370  
ROUF, EMRAN & RABEYA KHATUN  
1600 SANDBAR CIR  
BELTON, TX 76513

**Zoning Application Number: FY-18-6-ZC**

**Case Manager: Jason Deckman**

Location: 7101 W. Adams Avenue, 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:**

Consider building service outlets,  
such as dentist office, city office, doctor's  
office. Would NOT recommend gas stations!!

**Signature**

**Print Name**

EMRAN ROUF

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [jdeckman@templetx.gov](mailto:jdeckman@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

Number of Notices Mailed: 25

Date Mailed: May 24, 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**

439801  
BOULEVARD PLAZA SAN DIEGO LLC  
PO BOX 217  
RANCHO SANTA FE, CA 92067

**Zoning Application Number:** FY-18-6-ZC

**Case Manager:** Jason Deckman

Location: 7101 W. Adams Avenue, 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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*Boulevard Plaza SD, LLC*  
*Liane R. Leist*

**Signature**

*Boulevard Plaza SD*  
*LIANE R. LEIST*

**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, [jdeckman@templetx.gov](mailto:jdeckman@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

Number of Notices Mailed: 25

Date Mailed: May 24, 2018

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

ORDINANCE NO. 2018-4924  
(FY-18-6-ZC)

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 6.938 ACRES, SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, AND LOCATED AT 7101 WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council approves a rezoning from Agricultural zoning district to General Retail zoning district on approximately 6.938 acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, and located at 7101 West Adams Avenue, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **28<sup>th</sup>** day of **June**, 2018.

PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, 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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07/19/18  
Item #4(H)  
Consent Agenda  
Page 1 of 4

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** SECOND READING – FY-18-7-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Attached-Three zoning district on 9.036 +/- acres and Single Family-Two zoning district on 12.481 +/- acres, totaling 21.517 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5 and addressed at 1812 Old Waco Road.

**STAFF RECOMMENDATION:** Staff recommends approval of a rezoning to SFA-3 on 9.036 +/- acres & SF-2 on 12.481 +/- acres for the following reasons:

1. The proposed single family detached and attached zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
2. The proposed single family detached and attached zoning is compatible with the Future Land Use Map;
3. The proposal is in compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** During their June 4, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval for the requested rezoning from AG to SFA-3 & SF-2 on a total of 21.517 +/- acres.

**ITEM SUMMARY:** The applicant, Kiella Land Development request rezoning of 9.036 +/- acres from AG to SFA-3 and 12.481 +/- acres from AG to SF-2 for a total rezoning request of 21.517 +/- acres.

It is noteworthy that 17.95 +/- acres of the subject property was previously requested (Z-FY-14-07) for Two-Family (2F) but was withdrawn before City Council consideration. A revised request for the same acreage was submitted for 2F and Office-2 (O-2) on 3.64 +/- acres fronting along Old Waco Road. The request was modified at the Planning & Zoning Commission meeting to a Planned Development, restricting the 2F-portion to duplexes and single family homes only and non-residential uses on the O-2-portion. The Planned Development failed at City Council, since there was a motion to approve without the required second to that motion.

The current request provides opportunity for single family attached and single family detached housing product and townhomes limited to the SFA-3-portion only. It can be surmised that this rezoning may result in an additional phase of Westwood Estates, which was developed by the applicant or will become a future portion of the unplatted SF-3 zoned property immediately to the north, which is also currently owned by the applicant.

Further evidence of the area's increased residential development is by the recent rezoning from AG to Planned Development - Single-Family 2 (PD-SF-2) by Ordinance 2018-4907 on April 19, 2018 for the Reserve at Pea Ridge. The plat for the 1<sup>st</sup> phase of the Reserve at Pea Ridge with proposed exceptions was before the Planning & Zoning Commission on May 7, 2018. The plat was approved by City Council on June 7, 2018.

**SUBDIVISION PLAT:** A subdivision plat will be required prior to development for single family homes. The subdivision plat will address parcel tract lines, circulation as well as any needed right-of-way necessary along the Outer Loop (Old Waco Road).

**COMPREHENSIVE PLAN (CP) COMPLIANCE:** Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Land Use Map (CP Map 3.1)

The subject property is within both the Suburban Residential & Suburban Commercial Future Land Use Map (FLUM) designations. While the Suburban Residential designation is for mid-sized single family lots, the Suburban Commercial designation lends itself to non-residential development catering to office and retail service zoning designations. The following have been identified with regard to this request:

1. The proposed SF-2 zoning with its underlying Suburban Residential designation **is** consistent with the FLUM;
2. The proposed SFA-3 with its underlying Suburban Commercial **is not** consistent;
3. The Auto-Urban Residential and Multi-Family Residential designations are more accommodating to single family-attached & multi-family uses;
4. The proposed residential zoning is compatible with existing residential zoning within the immediate vicinity; and
5. The existing O-2 directly to the north, fronting along Old Waco Road, would be supported by proposed residential development fronting along this section of Old Waco Road.

It can be concluded that the Suburban Commercial FLUM designation is compatible with the proposed SFA-3 without requiring additional non-residential zoning along this section of Old Waco Road. Therefore the requested SF-2 & SFA-3 zoning is **partially** consistent with the FLUM designations.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along Lively Lane and Old Waco Road. Lively Lane is proposed as the realigned and renamed section of South Pea Ridge by the Reserve at Pea Ridge, Phase I final plat and is currently classified as a collector street. Frontage along this collector is a 55 +/- foot wide “panhandle” portion of the subject property and may lend itself to being a local street access point rather than being used for lot development.

On the other hand, Old Waco Road has been identified as the “Outer-Loop” and will be developed with a 163’ ROW. ROW acquisition is on-going and if necessary, any needed ROW adjacent to this tract will be addressed at the platting stage of review.

As part of on-going Transportation Capital Improvement Plan (TCIP) scheduled improvements, this section of Old Waco Road is part of Phase IV of the Outer Loop. According to Public Works, design is expected to be complete by April 2019 with construction commencing during the summer of 2019, pending ROW acquisition and franchise utility relocation.

Per Unified Development Code (UDC) Sec. 8.5.1 (Perimeter Streets), the developer will be responsible at the platting stage for right-of-way dedication for adjacent street improvements

Availability of Public Facilities (CP Goal 4.1)

Water is available through an eight inch waterline in South Pea Ridge Road, a 14-inch waterline along the north & west boundaries and a 24-inch water line along old Waco Road. Sewer is available through an eight inch sewer line in Old Waco Road.

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed City-wide spine trail is shown on the Trails Master Plan in Old Waco Road, as a minor arterial, a 6’ sidewalk is required. Ten-foot (10’) sidewalks will be built on both sides of Old Waco Road with TCIP improvements.

**DEVELOPMENT REGULATIONS:** The attached table show the required dimensional standards of the SFA-3 & SF-2 zoning districts.

**PUBLIC NOTICE:** Fifteen notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday June 19, 2018 at 9:00 AM, one notice in agreement, representing three properties, and one notice in disagreement have been received.

The newspaper printed notice of the public hearing on May 24, 2018, in accordance with state law and local ordinance.

**SCHOOL DISTRICT:** Belton Independent School District (BISD)

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Survey Map (Exhibit A)

Photos

Tables

Maps

Returned Property Notice

P&Z Excerpts (June 4, 2018)

Ordinance







# Site & Surrounding Property Photos



**Site: Undeveloped - Looking West from Old Waco Road  
(AG)**



**Site: Undeveloped - Looking East from S. Pea Ridge Road  
(AG)**



**West: Looking across South Pea Ridge Road – The Reserve at Pea Ridge  
(PD-SF-2)**



**West: Single Family Residential Uses (Westwood Estates)  
(SF-3)**





**West: Water Tower along South Pea Ridge Rd  
(AG)**



**South: Existing SF Residence on Acreage  
(AG)**



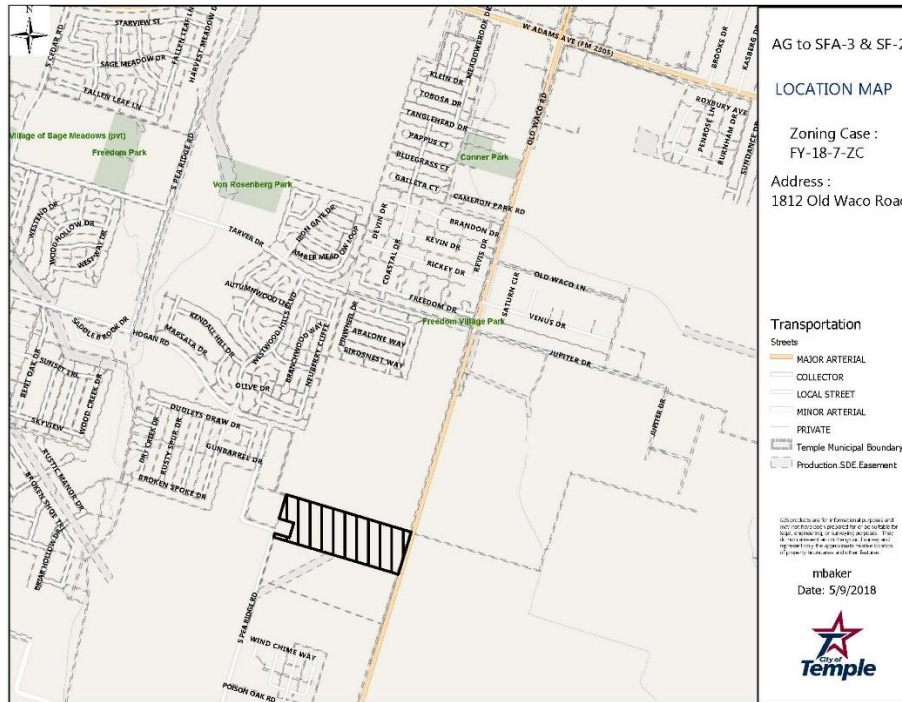
**North – As Seen from Old Waco Road – Note Power Line  
(AG)**



**East – Looking across Old Waco Road – Single Family Uses on Acreage  
(AG)**



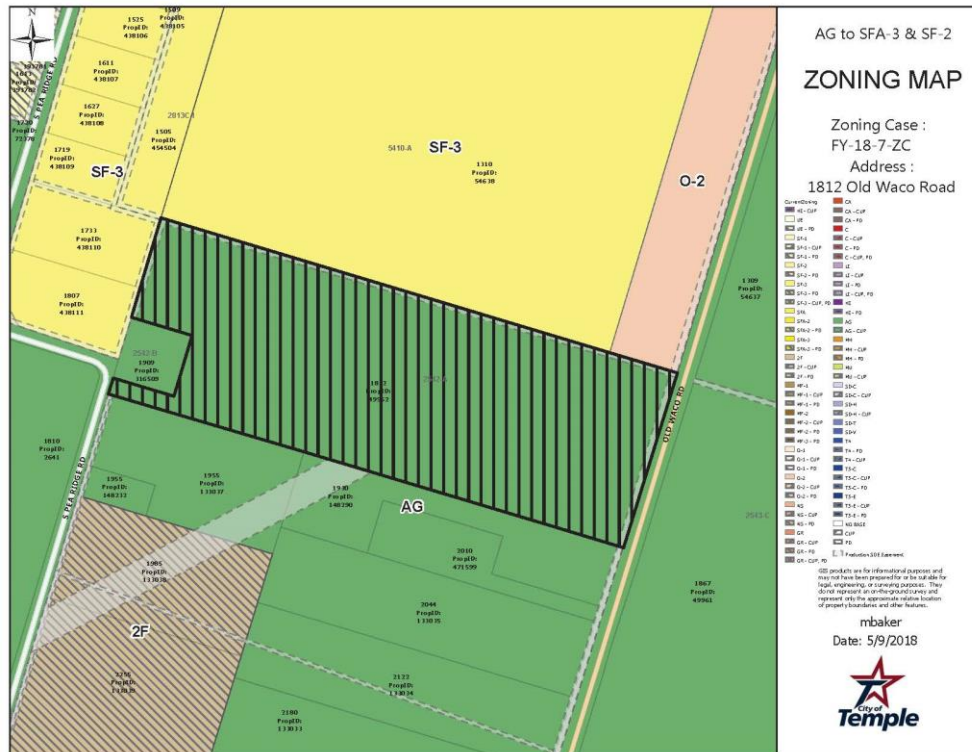
# Maps



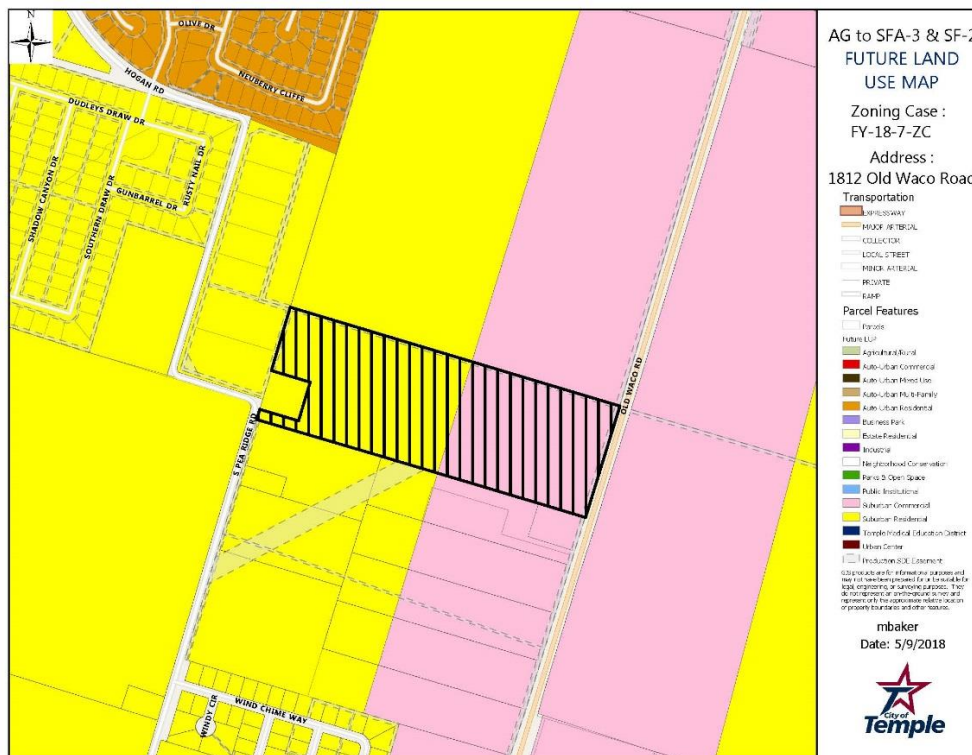
**Location Map**



**Aerial Map**



Zoning Map

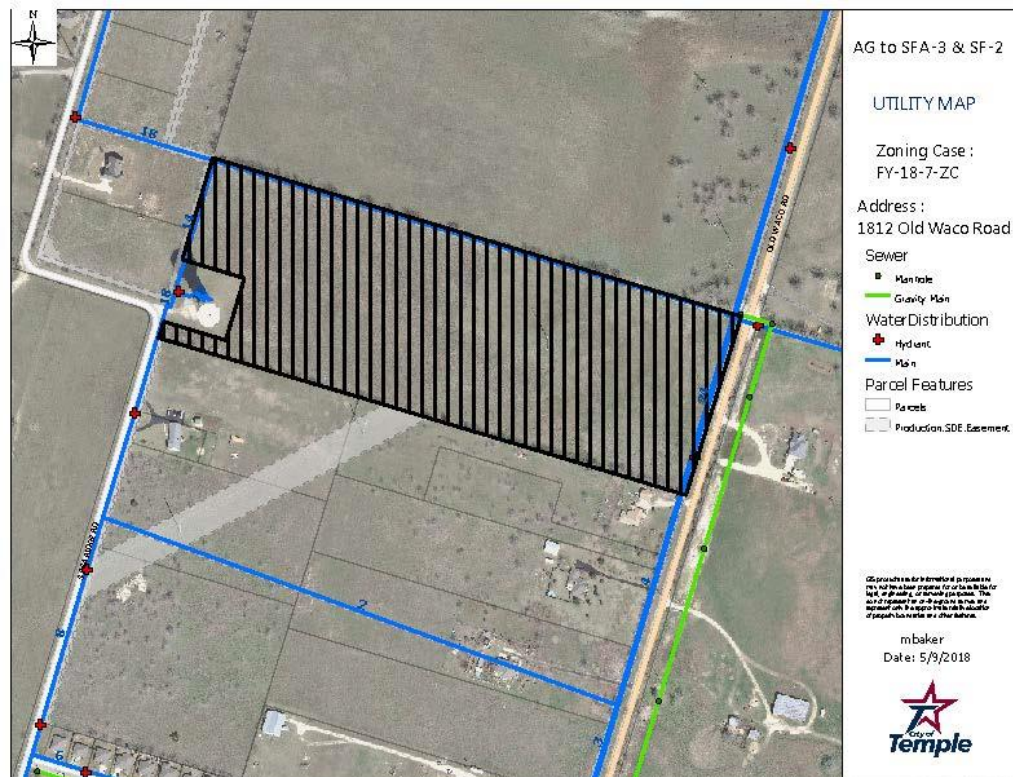


Future Land Use Map





**Thoroughfare & Trails Map**



**Utility Map**



Notification Map



# Tables

**Permitted & Conditional Uses Table  
Comparison between AG, SFA-3 & SF-2**

Use Type	Agricultural (AG)	Single-Family Attached-3 (SFA-3)	Single Family 2 (SF-2)
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)	Same as AG Townhomes	Same as AG No CUP for Home for the Aged
Retail & Service Uses	None	Same as AG	Same as AG
Commercial Uses	None	Same as AG	Same as AG
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP)	Same as AG	Same as AG
Recreational Uses	None	Same as AG	Same as AG
Vehicle Service Uses	None	Same as AG	Same as AG
Restaurant Uses	None	Same as AG	Same as AG
Overnight Accommodations	None	Same as AG	Same as AG
Transportation Uses	None	Same as AG	Same as AG

**Comprehensive Plan Compliance Table**

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

## Surrounding Property Uses

Surrounding Property & Uses			
Direction	FLUP	Zoning	Current Land Use
Site	Suburban Residential & Suburban Commercial	AG	Undeveloped
North	Suburban Residential & Suburban Commercial	SF-3 & O-2	Undeveloped
South	Suburban Residential & Suburban Commercial	AG & PD-2F	Scattered SF Residential Uses on Acreage (Blue Bonnet Ridge Estates)
East	Suburban Commercial	AG	Scattered SF Residential Uses on Acreage
West	Suburban Residential	SF-3 & PD-SF-2	SF Residential Uses (Westwood Estates / The Reserve at Pea Ridge)

## Dimensional Standards (UDC Section 4.5)

	(SFA-3) SF (Attached)	(SF-2) SF (Detached)
Minimum Lot Size	15 Units per Acre (2,300 SF Lot)	7 Units per Acre (5,000 SF Lot)
Minimum Lot Width	20 Feet	50 Feet
Minimum Lot Depth	100 Feet	100 Feet
Front Setback	15 Feet	25 Feet
Side Setback	5 Feet / 0 Feet	5 Feet
Side Setback (corner)	15 Feet	15 Feet
Rear Setback	❖ 10 Feet (Only)	10 Feet
Max Building Height	2 ½ Stories	2 ½ Stories

❖ 10' rear setback - Non-residential use abuts a residential zoning district or use (UDC Section 4.4.4.F3) – Only applies at the time of development of the adjacent O-2 zoned property. The SFA-3 portion is not responsible for buffering & screening.

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).



**Representing Three Properties**

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

54638  
KIELLA LAND INVESTMENTS LTD  
PO BOX 1344  
TEMPLE, TX 76503-1344

**Zoning Application Number:** FY-18-7-ZC

**Case Manager:** Mark Baker, Senior Planner

Location: 1812 Old Waco Road, 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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

**RECEIVED**

MAY 31 2018

CITY OF TEMPLE  
PLANNING & DEVELOPMENT

Number of Notices Mailed: 15

Date Mailed: May 24, 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**

438110  
WIELAND, HELEN S  
1733 S PEA RIDGE  
TEMPLE, TX 76502

**Zoning Application Number:** FY-18-7-ZC

**Case Manager:** Mark Baker, Senior Planner

Location: 1812 Old Waco Road, 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:**

LEAVE SO GREEN AREAS!!! THAT FIELD IS  
THE HOME TO SEVERAL DEER, THEY COME INTO OUR BACK  
YARD TO DRINK.  
LOOK HOW NICE MORGAN'S POINT IS!!! LOTS OF GREEN BEST  
THAN TOWN IS GOING TO END UP LOOKING LIKE CRAP

Helen Wieland  
Signature

HELEN WIELAND  
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 **June 4, 2018**.

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

**RECEIVED**  
JUN 11 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

Number of Notices Mailed: 15

Date Mailed: May 24, 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, JUNE 4, 2018**

**ACTION ITEMS**

**Item 4: FY-18-7-ZC** – Hold a public hearing to consider and recommend action on a rezoning from Agricultural (AG) zoning district to Single Family Attached-Three (SFA-3) zoning district on 9.036 +/- acres and Single Family-Two (SF-2) zoning district on 12.481 +/- acres, totaling 21.517 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5 and addressed at 1812 Old Waco Road.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on June 28, 2018 and second reading on July 19, 2018.

This is for rezoning of 21.517 +/- acres: 12.81 +/- acres as SF-2 and 9.036 +/- acres as SFA-3.

Background: Approximately 17 acres of the subject property (in 2014) requested rezoning from AG to 2F and O-1. That request was modified at P&Z to a Planned Development. The PD failed at City Council for lack of a second to the motion.

The current request is adjacent to the recently approved The Reserve at Pea Ridge (PD-SF-2) (Ord. 2018-4907) which included the realignment of South Pea Ridge Road.

Phase I Final Plat (The Reserve) which included the realignment is scheduled for City Council on June 7, 2018.

The current request requires a subdivision plat for residential uses and the property lies within the Belton Independent School District (BISD).

Aerial and street view of the realignment portion of South Pea Ridge Road shown.

Zoning map shown. There is a variety of existing SF zoning in the vicinity. This is adjacent to recently approved PD-SF-2 (The Reserve at Pea Ridge). Proposed SF-2 & SFA-3 are compatible with surrounding area. Proposed residential uses would support the adjacent O-2.

The Future Land Use and Character Map designate the subject property as Suburban Commercial which is appropriate for retail and office uses, generally concentrated at intersections versus strip development along major roads.

SF attached/Townhome uses are more accommodated in the Auto-Urban Residential and Auto-Urban Multi-Family Future Land Use and Character Map designations.

Proposed residential zoning supports existing non-residential zoning along this section of Old Waco Road.

Suburban Residential is identified for mid-sized single family lots (primarily SF-1 & SF-2).

The request of the two zoning are in partial compliance with the land use.

Water and sewer is available to serve the property.

The Thoroughfare Plan designates Old Waco Road (Outer Loop) as a Major Arterial and has approximately 163-feet of right-of-way and will be addressed with the platting process. Phase IV Outer Loop Improvements has an anticipated start of the summer of 2019.

South Pea Ridge Road, proposed to be renamed as Lively Lane, is a Collector. Any needed right-of-way will be addressed at the platting stage.

A proposed City-Wide Spine Trail will be addressed with platting and timed with Phase IV Outer Loop improvements.

On-site photos shown.

Comparison chart of land uses and Development Standards for AG, SFA-3 and SF-2 shown.

Buffering and Screening Standards do not apply to the SFA-3 property. The developer of the adjacent O-2 property will be responsible for buffering and screening.

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 (O-2 & SFA-3 Properties Only), continuous buffer and screening is required:

Between non-residential or multiple-family uses and an agricultural or residential zoning district or use

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

Staff recommends approval of the request for a rezoning from AG District to SFA-3 and SF-2 Districts.

Chair Fettig opened the public hearing.

Mr. Josh Welch, WBW Development, 3000 Illinois Avenue, Killeen, Texas, stated WBW has property adjacent to this subject property. WBW feels this request would be compatible with the area, is a good use of the property, and support the request.



There being no further speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 4, **FY-18-7-ZC**, per staff recommendation, and Commissioner Marshall made a second.

*Motion passed: (7:0)*

Commissioners Crisp and Ward absent.

DRAFT

ORDINANCE NO. 2018-4925  
(FY-18-7-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY ATTACHED-THREE ZONING DISTRICT ON APPROXIMATELY 9.036 ACRES, AND SINGLE FAMILY-TWO ZONING DISTRICT ON APPROXIMATELY 12.481 ACRES, TOTALING 21.517 ACRES, SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, AND LOCATED AT 1812 OLD WACO ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**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 Single Family Attached-Three zoning district on approximately 9.036 acres, and Single Family-Two zoning district on approximately 12.481 acres, totaling 21.517 acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, and located at 1812 Old Waco Road, as outlined in the map attached hereto as Exhibit 'A,' and as further described in the field notes attached as Exhibit 'B,' 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 **28<sup>th</sup>** day of **June**, 2018.

PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, 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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07/19/18  
Item #4(I)  
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 \$393,152.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2018 BUDGET**  
**July 19, 2018**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3620-560-2510		Other Services / Contributions/Prizes	\$ 2,000	
110-0000-446-3530		Other / Miscellaneous Airport Revenue		\$ 2,000
To appropriate monetary sponsorship received from AvFuel for the Central Texas Airshow that occurred May 4-6, 2018.				
520-5100-535-2118		Supplies / Chemicals/Compressed Gas	\$ 111,686	
520-0000-443-0111		Water / Water - Residential		\$ 60,310
520-0000-443-0113		Water / Water - Commercial		\$ 51,376
To appropriate additional revenue to be received for Water-Residential and Water-Commercial, as well as appropriate funding for the projected chemical usage for the remainder of FY 2018.				
365-2800-532-6810	101956	Capital - Bonds / Video Detection Equipment	\$ 168,000	
365-2800-532-6810	101958	Capital - Bonds / Traffic Signal Camera Replacements (4)	\$ 88,000	
365-3400-531-6532		Capital - Bonds / Contingency		\$ 256,000
To appropriate contingency funds for traffic signal video detection equipment and for four traffic signal camera replacements.				
351-0000-461-0865		Other / Miscellaneous Reimbursements	\$ 7,624	
351-3400-531-6110	100346	Capital Land / Land Purchase		\$ 7,624
To unappropriate funds from escrow as they are not available.				
240-4400-551-2516		Other Services / Judgments & Damages	\$ 12,442	
240-0000-461-0554		Insurance Claims / Insurance Claims		\$ 12,442
To appropriate insurance proceeds received from TML related to damages that occurred in April 2017 at the Mayborn Center by a TISD vehicle.				
The City has already received insurance proceeds from Travelers Property Casualty Company of America in November 2017 in the amount of \$17,402.89. TML's subrogation department is in the process of retrieving the \$17,442.11 from Travelers and upon payment, they will pay the City our \$5,000 deductible back.				
240-4400-551-2725		Cost of Goods Sold / Alcohol Beverages	\$ 3,400	
240-0000-445-1072		Civic Center / Alcohol Beverages		\$ 3,400
To appropriate revenue and expenditures related to alcohol beverages at Mayborn Center.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 393,152</b>	<b>\$ 393,152</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			\$ -	

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2018 BUDGET**  
July 19, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>WATER &amp; WASTEWATER 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; Wastewater Fund Contingency</b>		<b>\$ 52,916</b>
		<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>\$ -</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>		<b>\$ 112,201</b>
		<b>FEDERAL/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 Federal/State Grant Fund Contingency</b>		<b>\$ 8,882</b>



RESOLUTION NO. 2018-9204-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 19<sup>th</sup> day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, 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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07/19/18  
Item #5  
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 Government Code § 2206.053 finding that a 0.090-acre permanent easement situated in the George Givens Survey, Abstract No. 345, 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 0.090-acre permanent easement situated in the George Givens Survey, Abstract No. 345, Bell County, Texas, for the construction of the water line with its necessary appurtenances under Local Government Code § 251.001. A survey of the property needed is included with the Resolution attached to this memorandum.

The City made an initial offer to purchase the necessary easement on August 1, 2016 via Lone Star Right of Way Services, Inc. (Lone Star). Shortly after receiving the offer, the owner notified the City he was selling the property. The initial offer was sent to the new owner on October 14, 2016. Lone Star made multiple attempts to contact the property owner to negotiate a settlement. Each attempt was ignored or rebuffed. An appraisal was conducted in May 2018 and a final offer based on the appraisal was sent on June 7, 2018. The property owner has at least 14 days to respond, as required by the Texas Property Code, and has failed to do so.

Accordingly, Staff is asking pursuant to 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 0.090-acre permanent easement situated in the George Givens Survey, Abstract No. 345, Bell County, Texas, located along 4240 South General Bruce Drive, Temple, Texas, Bell County Appraisal District ID Number 816055.

**FISCAL IMPACT:** Funding for the easement necessary for the construction of the Charter Oak Water Line is available in account 520-5900-535-6110, project 100608.

**ATTACHMENTS:**

[Survey](#)  
[Resolution](#)

TRACT 39  
AMERCO REAL ESTATE COMPANY

Surveyor's Sketch showing 0.090 ACRE, situated in the GEORGE  
GIVENS SURVEY, ABSTRACT 345, Bell County, Texas.

This sketch to accompany a metes and bounds  
description of the hereon shown 0.090 Acre tract.

REMAINDER OF 1  
LOT 1, BLOCK 1  
TRANUM III SUBDIVISION, PHASE I  
Cdb. C, Sl. 47-D  
CALLED 0.6931 ACRE  
AMERCO REAL ESTATE COMPANY  
Doc. No. 2016-00034448

REMAINDER OF  
CALLED 3.658 ACRES  
AMERCO REAL ESTATE COMPANY  
Doc. No. 2015-00047703

LOT 1A, BLOCK 1  
TRANUM III SUBDIVISION  
AMERCO REAL ESTATE COMPANY  
Cdb. C, Sl. 114-D

N 22°05'49" W 150' (Rec. N 20°04'41" W)

INTERSTATE HIGHWAY 35  
(Service Road) (Asphalt Surface)  
PUBLIC MAINTAINED ROADWAY

N 66°10'09" E 251.43'  
0.090 ACRE OF LAND  
S 66°10'09" N 269.126'

(Rec. S 71°00'04" E)  
S 73°01'17" E 22.95'

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 +  
3.20266618 Reference tie from City Monument No. 251 to the southwest corner of said 0.090  
acre tract is N 60°34'24" E 11023.73 feet.

Survey performed for: CITY OF TEMPLE as per that title commitment provided by FIRST  
COMMUNITY TITLE COMPANY, GF No. 207275, EFFECTIVE DATE: MARCH 11, 2013.

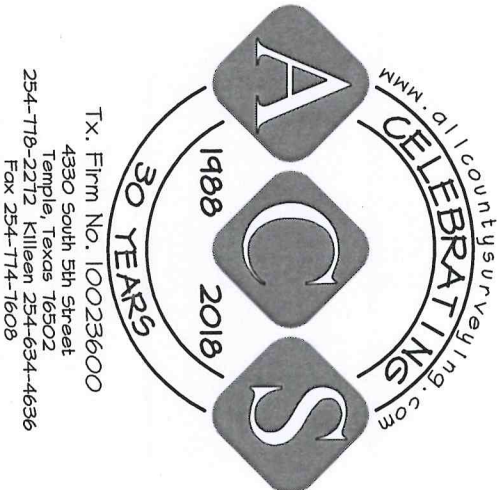
Note from the Surveyor:  
The following instruments listed on the title commitment supplied by First Community Title Company,  
GF No. 207275, effective date March 11, 2013, have been reviewed by this surveyor and based  
upon what is visible on the ground and what can be platted from their descriptions, do not  
appear to affect this property:

(Vol./Pg.) \* 409/600 \* 619/602 \* 619/603 \* 694/58 \* 844/428 \* 993/297 \* 993/301 \* 994/514

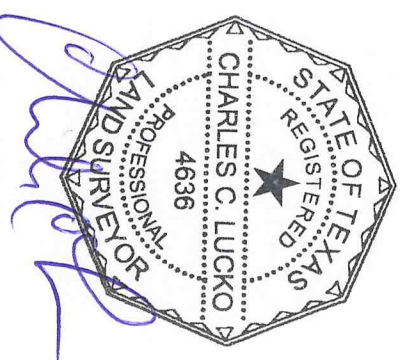
Revised on 06-06-2018 to  
revise ownership information.

Revised: 12-22-2015  
Survey  
completed: 07-25-2011  
Scale: 1" = 20'  
Job No.: 110396  
DWG No.: 110396-E34-AMERCO

Drawn by: SLW  
Surveyor: CCL #4636  
Copyright 2015 All County Surveying, Inc.



Tx. Firm No. 10023600  
4330 South 5th Street  
Temple, Texas 76702  
254-778-2272 Killian 254-634-4636  
Fax 254-774-1608



Plot Date: 12-22-2015



## FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

June 6, 2018

Surveyor's Field Notes for:

**0.090 ACRE**, situated in the **GEORGE GIVENS SURVEY, ABSTRACT 345**, Bell County, Texas, embracing a portion of the remainder of Lot 1, Block 1, Trantum III Subdivision, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet C, Slide 47-D, Plat Records of Bell County, Texas, same being a called 0.6931 Acre tract conveyed to Amerco Real Estate Company in Document No. 2016-00034948, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a TxDOT monument found at the southwest corner of the remainder of said Lot 1, being the southeast corner of Lot 1A, Block 1, Trantum IV Subdivision, Amending Plat, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet C, Slide 119-D, Plat Records of Bell County, Texas, and being on the north line of a public roadway known as Interstate Highway 35 (IH 35) (Service Road), for the southwest corner of the herein described tract;

**THENCE**, in a northerly direction, with the east line of said Lot 1A, **N 22° 05' 49" W – 15.01'** (Rec. N 20° 04' 41" W), to a calculated point, for the northwest corner of the herein described tract;

**THENCE**, in an easterly direction, severing the remainder of said Lot 1, **N 66° 10' 09" E – 251.43'**, to a calculated point on the south line of the remainder of a called 3.658 Acre tract conveyed to Amerco Real Estate Company in Document No. 2015-00047703, Official Public Records of Real Property, Bell County, Texas, for the northeast corner of the herein described tract;

**THENCE**, in a easterly direction, with the south line of said 3.658 Acre tract, **S 73° 01' 17" E – 22.95'** (Rec. S 71° 00' 09" E), to a TxDOT monument found on the north line of said IH 35, for the easternmost southeast corner of the herein described tract;

**THENCE**, in a westerly direction, with the north line of said IH 35, **S 66° 10' 09" W – 269.26'**, to the **POINT OF BEGINNING** and containing 0.090 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 0.090 acre tract is N 60° 39' 24" E 17023.73 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 0.090 Acre tract.

Surveyed July 25, 2011

**ALL COUNTY SURVEYING, INC.**  
**1-800-749-PLAT**

server/projects/pro110000/110300/110396/110396-E39-AMERCO.doc



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



RESOLUTION NO. 2018-9205-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT AN APPROXIMATELY 0.090-ACRE PERMANENT EASEMENT SITUATED IN THE GEORGE GIVENS SURVEY, ABSTRACT NO. 345, 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 0.090-acre permanent easement situated in the George Givens Survey, Abstract No. 345, 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**, the City made an initial offer to purchase the necessary easement on August 1, 2016 via Lone Star Right of Way Services, Inc. ("Lone Star") and shortly after receiving the offer, the owner notified the City that he was selling the property;

**Whereas**, the initial offer was sent to the new owner on October 14, 2016 and Lone Star made multiple attempts to contact the property owner to negotiate a settlement with each attempt being ignored or rebuffed;

**Whereas**, an appraisal was conducted in May 2018 and a final offer based on the appraisal was sent to the owner on June 7, 2018 - as required by the Texas Property Code, the property owner has at least 14 days to respond, and has failed to do so;

**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 0.090-acre permanent easement situated in the George Givens Survey, Abstract No. 345, Bell County, Texas, located along 4240 South General Bruce Drive, Temple, Texas, Bell County Appraisal District ID Number 816055;

**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 0.090-acre permanent easement situated in the George Givens Survey, Abstract No. 345, Bell County, Texas, located along 4240 South General Bruce Drive, Temple, Texas, Bell County Appraisal District ID Number 816055.

**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 19<sup>th</sup> day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, 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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07/19/18  
Item #6  
Regular Agenda  
Page 1 of 5

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

Lynn Barrett, Assistant Planning Director

**ITEM DESCRIPTION:** SECOND READING – FY-18-4-ZC: Consider adopting an ordinance authorizing a rezoning for 135.24 +/- acres, from Light Industrial and Agricultural zoning districts to Planned Development Multi-Family 2 zoning district with binding conditions and general site plan, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval with conditions for a rezoning from the current AG zoning district to the PD-MF-2 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 proposed zoning is compatible with area zoning;
3. The proposed development is compatible with future TMED zoning due to its added connectivity and interior streetscapes with trees;
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. PD MF-2 on 135 acre property with three general areas of development standards:
  - a. Base zoning on 50% of area minimum to be SF-2
  - b. Base zoning on maximum of 30% of area to be 2F on 60-foot wide lots or single family attached or detached
  - c. Base zoning on maximum of 20% of area to be MF-2 with additional site plan approval required prior to development or single family attached or detached
2. HOA maintained improvements on SF-2 and 2F areas to include
  - a. Pavilion
  - b. Playground
  - c. Minimum ½ mile improved walking trail
  - d. Natural trails in drainage areas
  - e. Parkland dedication to the HOA will meet UDC minimum requirements with a minimum of five acres
  - f. Minimum of two Landscaped subdivision entry ways with monument signs

3. SF-2 and 2F Design Criteria

- a. Streets to be 55 feet ROW: with 31 feet back of curb to back of curb, including 12-foot wide public frontage on each side with 5-foot sidewalk on one side of non-cul-de-sac-streets and a minimum of 7-foot landscaped transition behind the curb.
  - b. Trees (2" diameter at breast height) planted, one per lot, located in the public frontage on both sides of streets, and on the street side of the sidewalk. Each front yard shall be sodded. Landscaping will be installed when homes are constructed and will be maintained by the homeowners. The HOA shall also have oversight of public frontage landscape maintenance.
  - c. Landscaping on each lot installed prior to Certificate of Occupancy
  - d. Privacy or decorative fences on all boundary perimeters except South MLK, to be installed no later than at time of home construction.
  - e. Fencing along South MLK Drive frontage to consist of decorative fencing to complement the aesthetics of landscaped entry ways to be built by the developer with development of the phases of the subdivision. This perimeter fence must be constructed prior to first C of O being issued in each phase. The HOA shall maintain perimeter fencing and the landscaped area to the curb of the South MLK roadway.
  - f. Exposed walls of homes adjacent to a street will be 80% minimum masonry (walls on first story behind privacy fence are excluded from this provision). Eaves, gables, walls above roof lines, porches, and windows are excluded from this requirement.
  - g. Minimum setbacks on SF-2 and 2F property to be:
    - i. 20' Front Setbacks
    - ii. 10' side setbacks adjacent to streets
    - iii. 5' side setbacks
4. Perimeter sidewalk along South MLK will be installed as required by City of Temple Ordinance.
  5. Trailhead with a minimum of 10-foot easement to be provided at the southern boundary of property
  6. Sidewalk connectivity to be provided inside subdivision to provide pedestrian access to trails and MLK sidewalk and will be determined during platting
  7. PD must comply with all other UDC code requirements unless exceptions are requested at platting.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their June 4, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the rezoning to PD MF-2 with development/site plan per staff's recommendation. Adjacent landowner, Ken Mitchell, of Country Lane Senior development requested a masonry wall be constructed to buffer or screen his PD O-2 property from the proposed Single Family 2 construction citing poor maintenance of wood privacy fences, and also requested the lots be SF-1 widths or larger. The developer, Josh Welch, observed buffering/screening is required of the more intense use (Country Lane lots are 48 feet in width and PD is for multi-family development) rather than for WBW's single family development and offered to sell the adjacent landowner a buffer strip.

**ITEM SUMMARY:** The applicant, WBW Land Investments, is proposing development of the subject property in three development standards phases per attached site plan: Single Family 2 (SF-2) for at least 50% of the area, Two Family (2F) for no more than 30% of the area and Multi Family Two (MF-2) or up to 20% of the area. Both single family and single family attached development would be allowed on the portions not developed for 2F or MF-2 uses. Since the property has existing trees and is adjacent to the VA property, the developer is proposing interior natural trails, sidewalks on one side of interior streets, entrance enhancements and decorative fencing along South MLK Avenue and other recreational amenities. A property owner's association would maintain the perimeter fence along South MLK, the entrances and signage as well as the recreational amenities and trails.

**This proposed development is in Temple Independent School District.**

**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."

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 site plan review and amendment prior to development of Multi Family development.

**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>Under cultivation, wooded</b>
North	T-MED	LI	Vacant and undeveloped
South	TMED	PD-O-2, LI, PD-GR	Country Lane Senior Living, Commercial properties
East	Auto Urban Residential	PD-MF-1, AG, LI	Apartments, vacant, homes
West	T-MED	TMED,AG	Temple College, VA Tarrant Park



**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)	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 Map (CP Map 3.1)**

In the FLUM, the subject property is designated as the TMED character district. The proposal is in partial compliance with the FLUM as future TMED since the subdivision is designed as a Planned Development to incorporate the elements of TMED: greater pedestrian connectivity, natural trails, additional trees and interior sidewalks. The development is planned to include recreational amenities also.

**Thoroughfare and Trails Plan (CP Map 5.2)**

The subject property takes access from South MLK Drive, which is designated as a Minor Arterial in the Thoroughfare Plan. All three development phases would access this street. A future trail is shown bisecting the property from east to west, and the developer plans multiple trails for connectivity.

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

Water and Sewer are available to service the subject property.

**DEVELOPMENT REVIEW COMMITTEE:** As required by UDC Section 3.4.2 B, the Development/Site Plan for the proposed PD was reviewed by the Development Review Committee on May 21<sup>st</sup> and 24<sup>th</sup>, 2018. Site characteristics, development areas and, traffic circulation and accesses to the property were discussed.

**PUBLIC NOTICE:** Fifty-three 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 Thursday, May 31<sup>st</sup>, 2018, one notices representing 30 properties (Ken Mitchell of Country Lane Senior Community) along with two others were received in disagreement; and three notices in agreement (one with conditions) were returned, with zero notices returned undeliverable.

The newspaper printed notice of the public hearing on May 24, 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

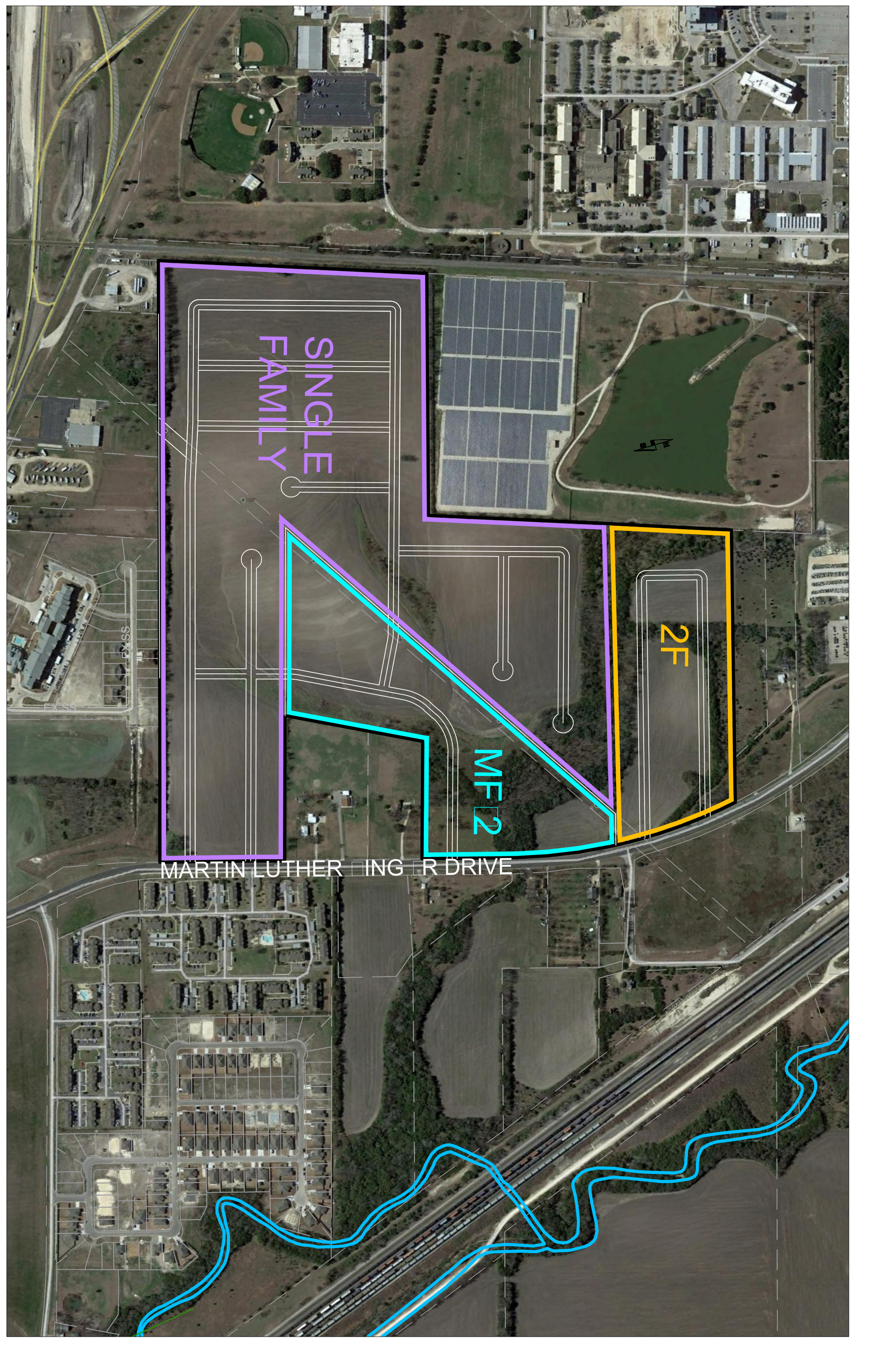
Notification Map

Returned Property Notices

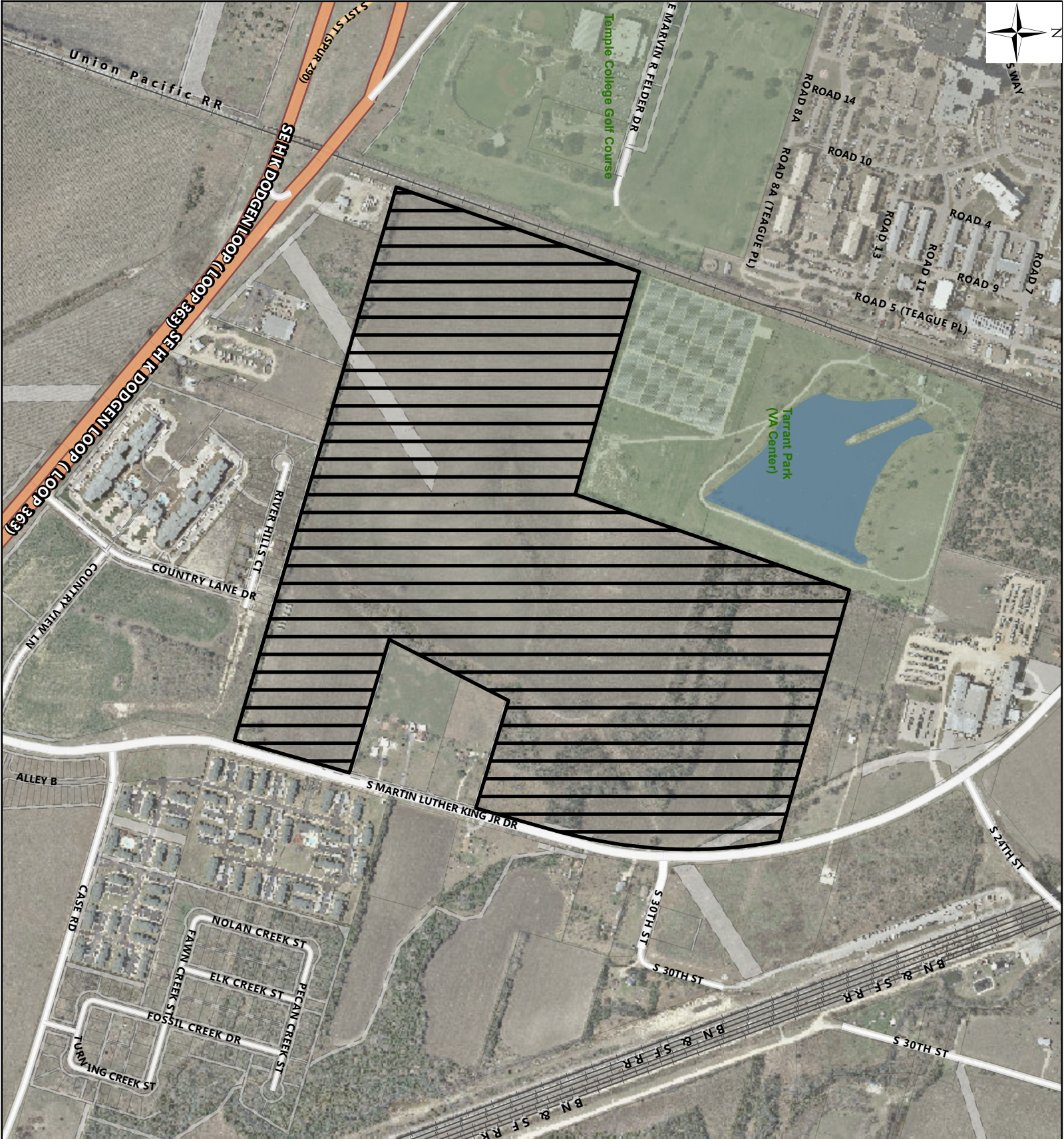
P & Z Excerpts

Ordinance









AG to SF-2,  
2F and MF-3

**AERIAL MAP**

Zoning Case :  
FY-18-4-ZC

Address :  
2610 MLK

**Transportation**

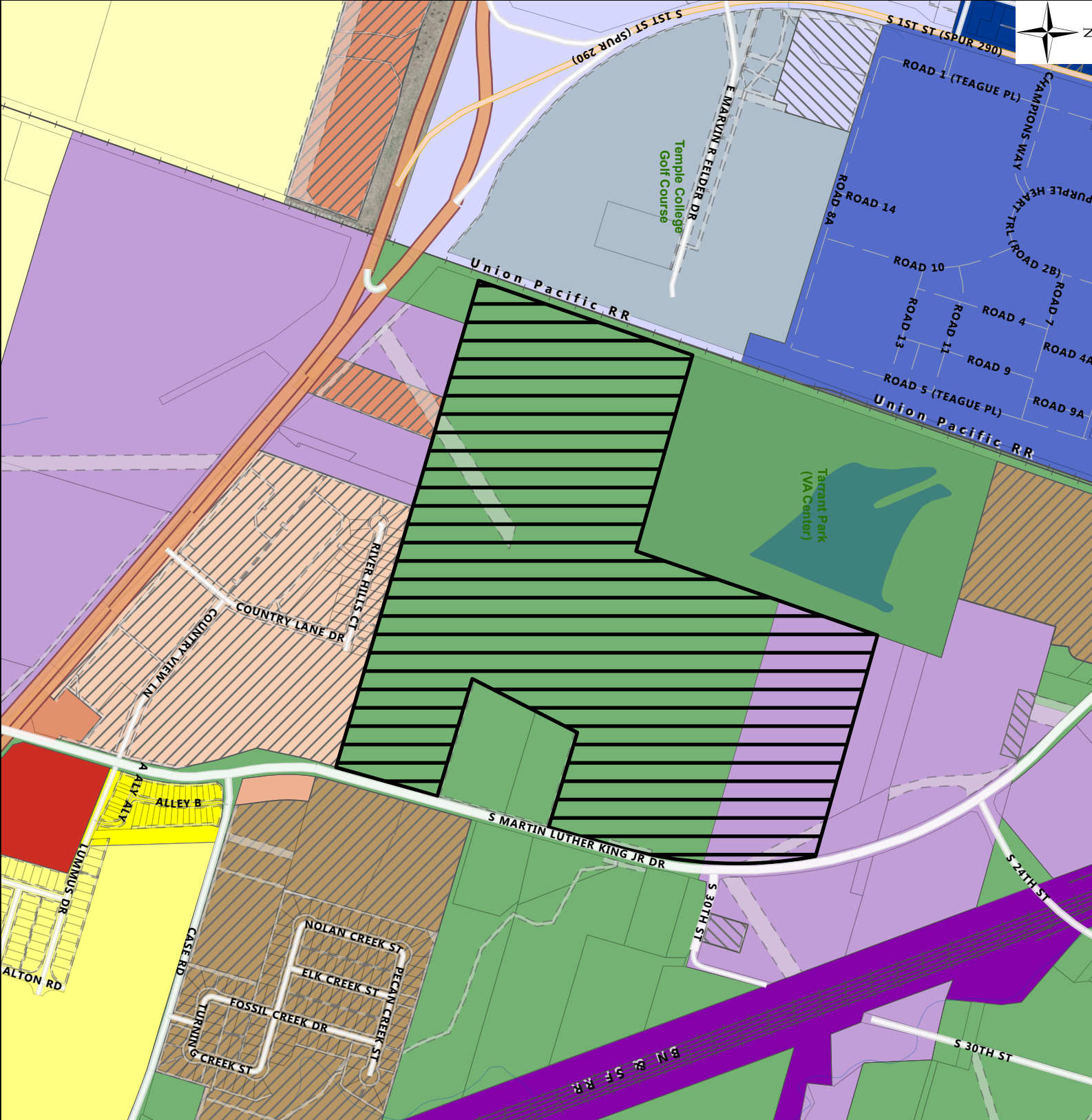
- Streets
  - EXPRESSWAY
  - MAJOR ARTERIAL
  - COLLECTOR
  - LOCAL STREET
  - MINOR ARTERIAL
  - PRIVATE
  - RAMP
- Railroad
- Temple Municipal Boundary
- Parcel Features
  - Parcels
  - Production, SDE, Easement

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: 4/17/2018







Zoning Case :  
FY-18-4-ZC  
Address :  
2610 S MLK Dr

[illegible]

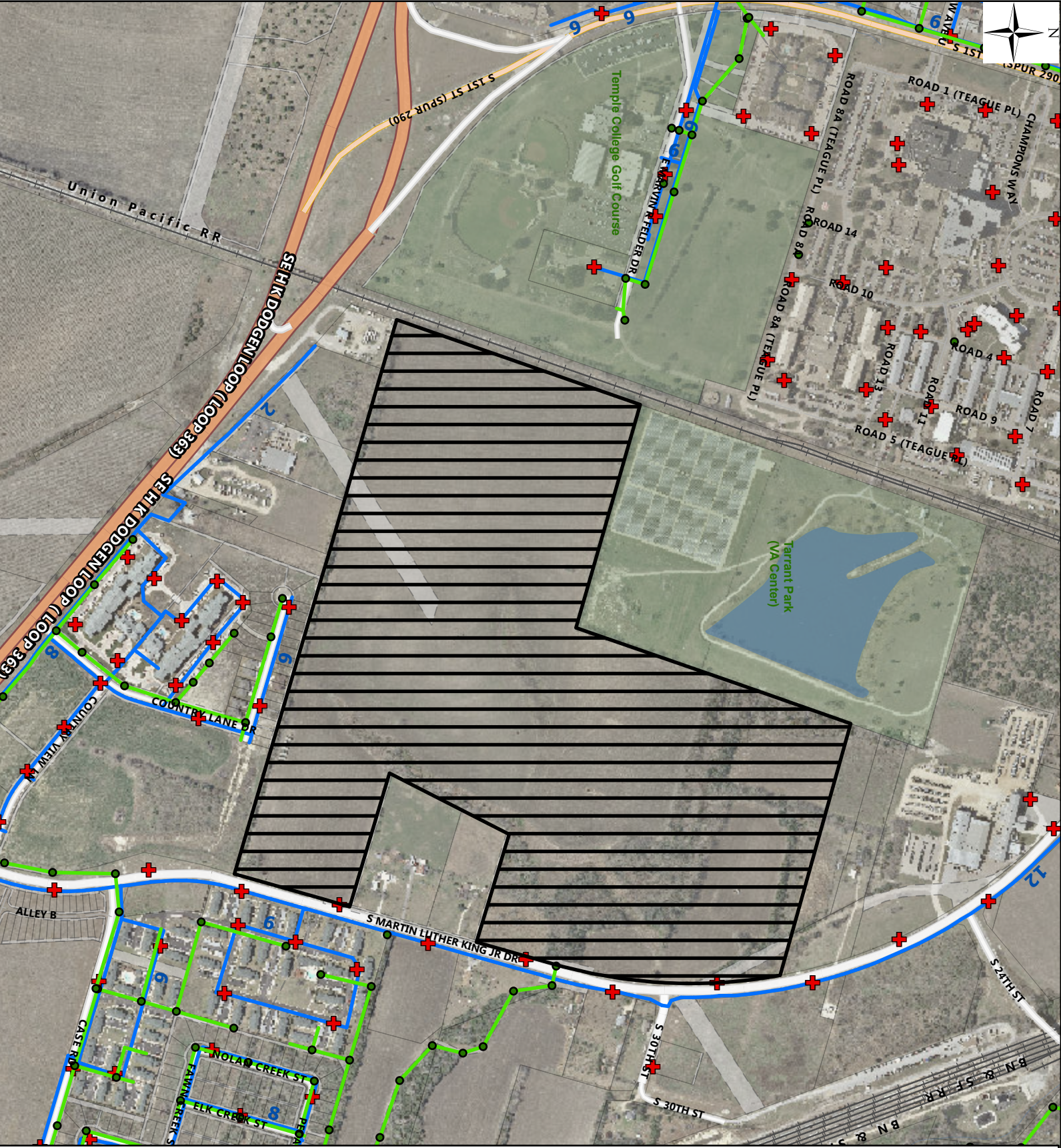
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Irbarrett

Date: 4/17/2018







AG TO SF-2,  
2F and MF-3

UTILITY MAP

Zoning Case :  
FY-18-4-ZC

Address :  
2610 MLK DR

Sewer

● Manhole

— Gravity Main

Water Distribution

✚ Hydrant

— Main

Parcel Features

□ Parcels

□ Production, SDE, Easement

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Irbarrett

Date: 4/17/2018





## Site Photos





Looking North



Across S MLK to S 30<sup>th</sup>



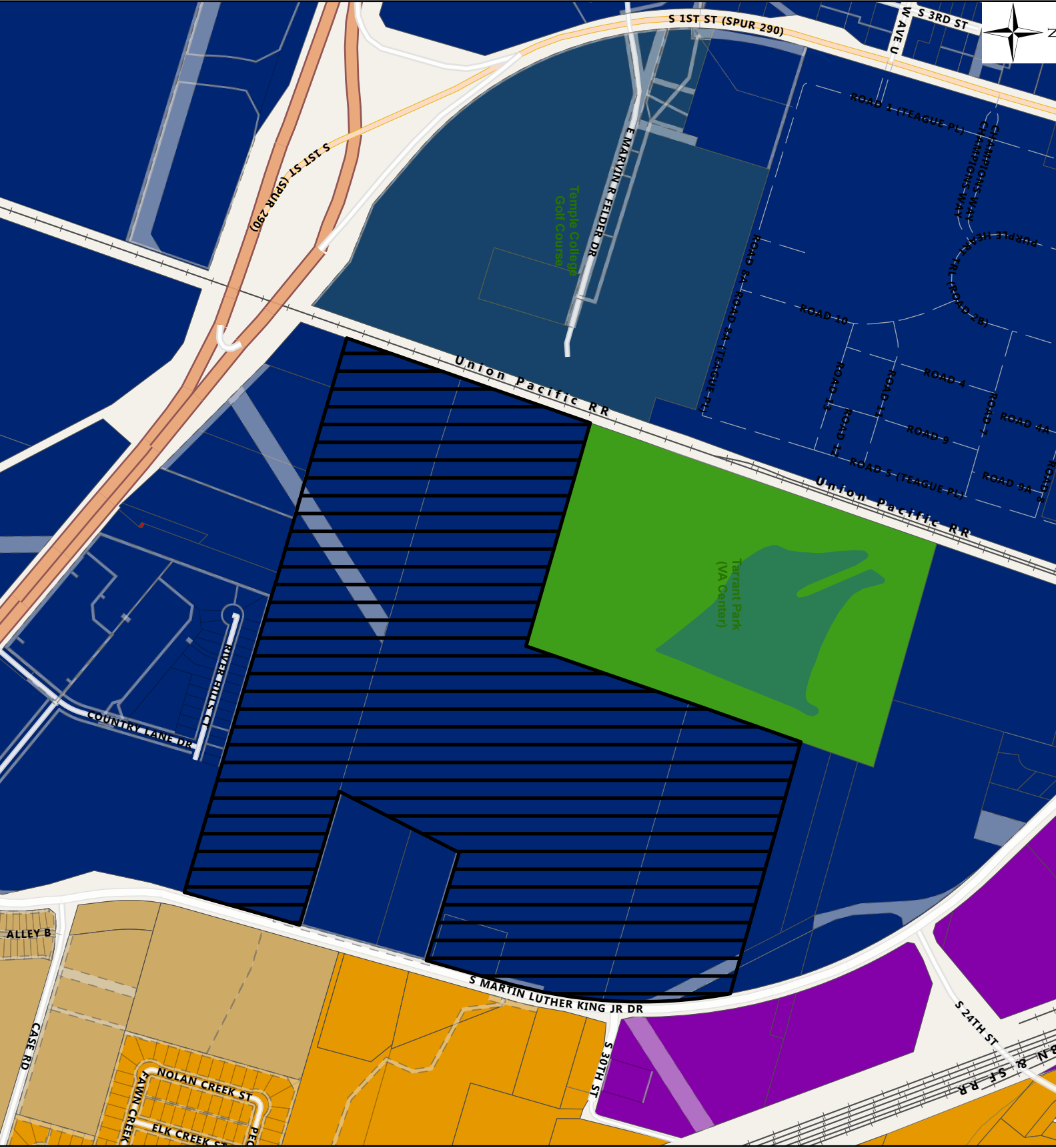


View North along S MLK



View South along S MLK





AG TO SF-2  
MF-3; LI TO 2F  
**FUTURE LAND  
USE MAP**

Zoning Case :  
FY-18-4-ZC

Address :  
2610 MLK

- 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

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Irbarrett  
Date: 4/17/2018





Zoning Case :  
FY-18-4-ZC  
Address :  
2610 MLK

## Parcel Features

- EXISTING,  
COMMUNITY  
WIDE  
CONNECTOR

## Thoroughfare Plan

- |                | EXPRESSWAY | MAJOR ARTERIAL | PROPOSED MAJOR CONNECTOR |
|----------------|------------|----------------|--------------------------|
| Expressway     | Red        |                |                          |
| Major Arterial | Blue       |                |                          |
| Proposed Major | Blue       | Red X          | Red                      |

- |                         | SPINE                    |
|-------------------------|--------------------------|
| Proposed Major Arterial | PROPOSED, COMMUNITY WIDE |
| Minor Arterial          | CONNECTOR                |
| Proposed Minor Arterial | PROPOSED, LOCAL          |
| Collector               | CONNECTOR                |
| Proposed Collector      |                          |
- Production, SDCI

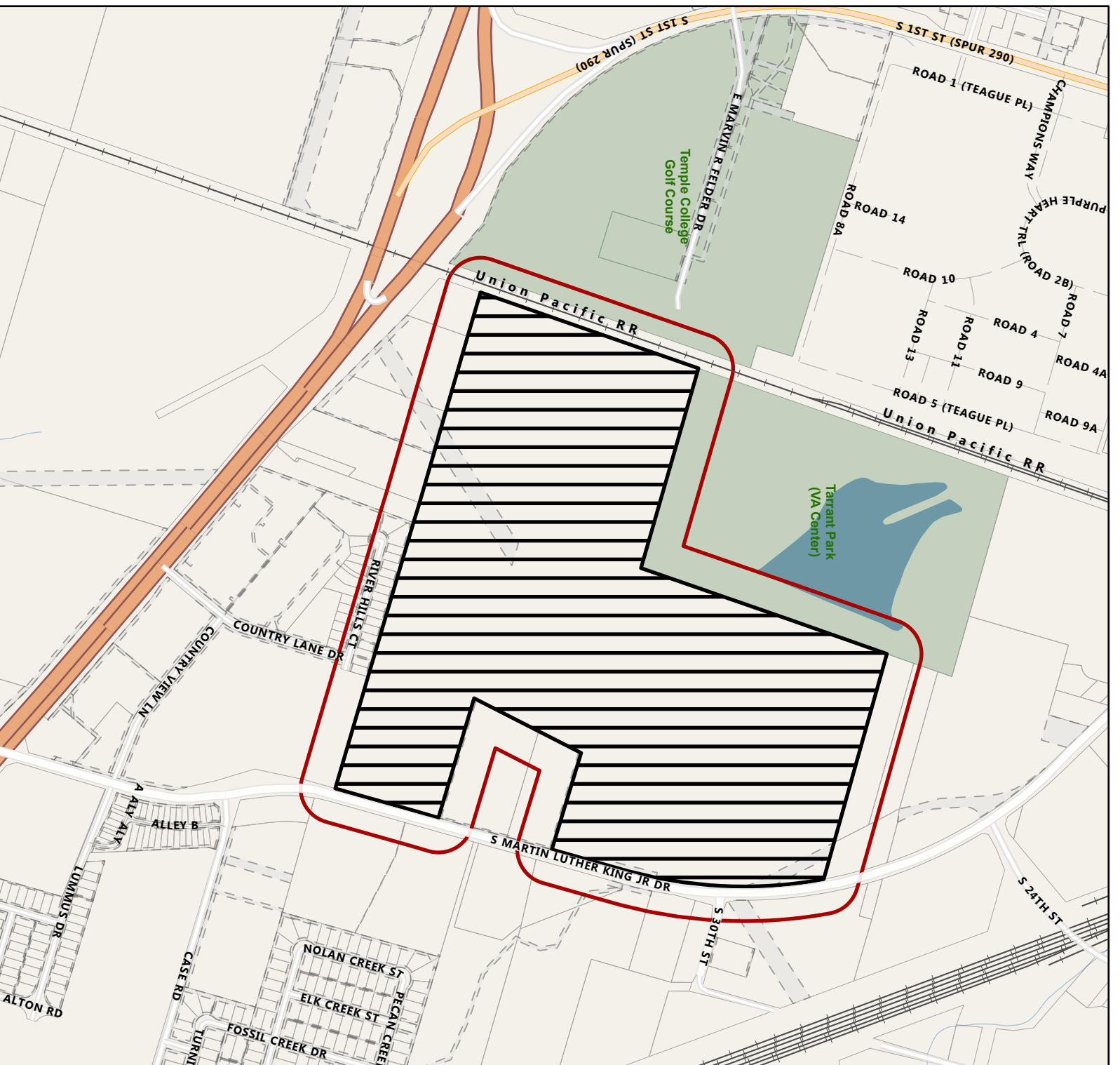
- Trails Master Plan
- X - EXISTING, CITY  
WIDE SPINE

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

Irbarrett

Date: 4/17/2018





AG AND LI TO SF-2, 2F, MF-3

200'

## NOTIFICATION MAP

Zoning Case :  
FY-18-4-ZC  
Address :  
2610 S MLK Dr

### Production SDE Easement

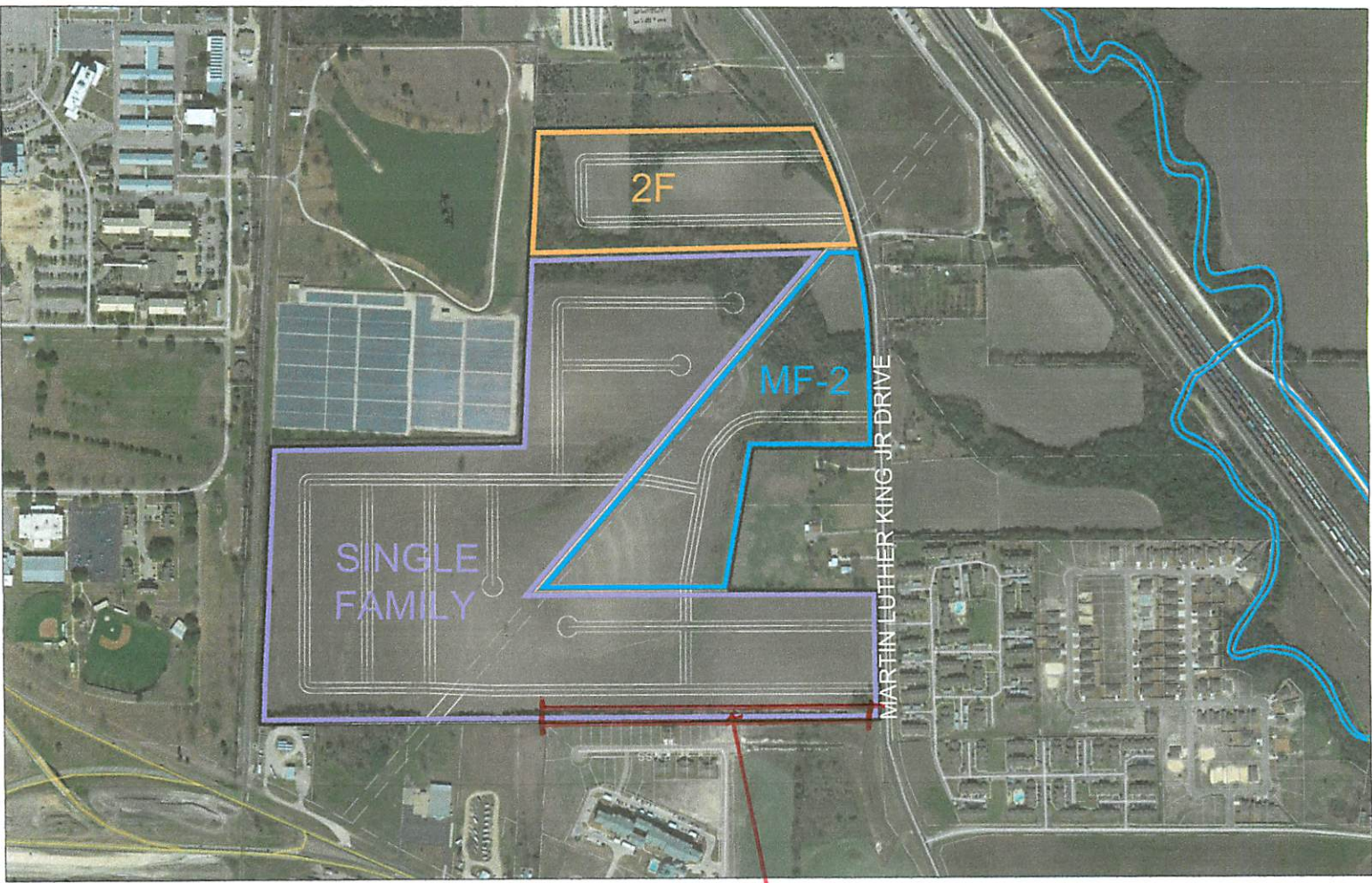
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Irbarrett

Date: 4/17/2018

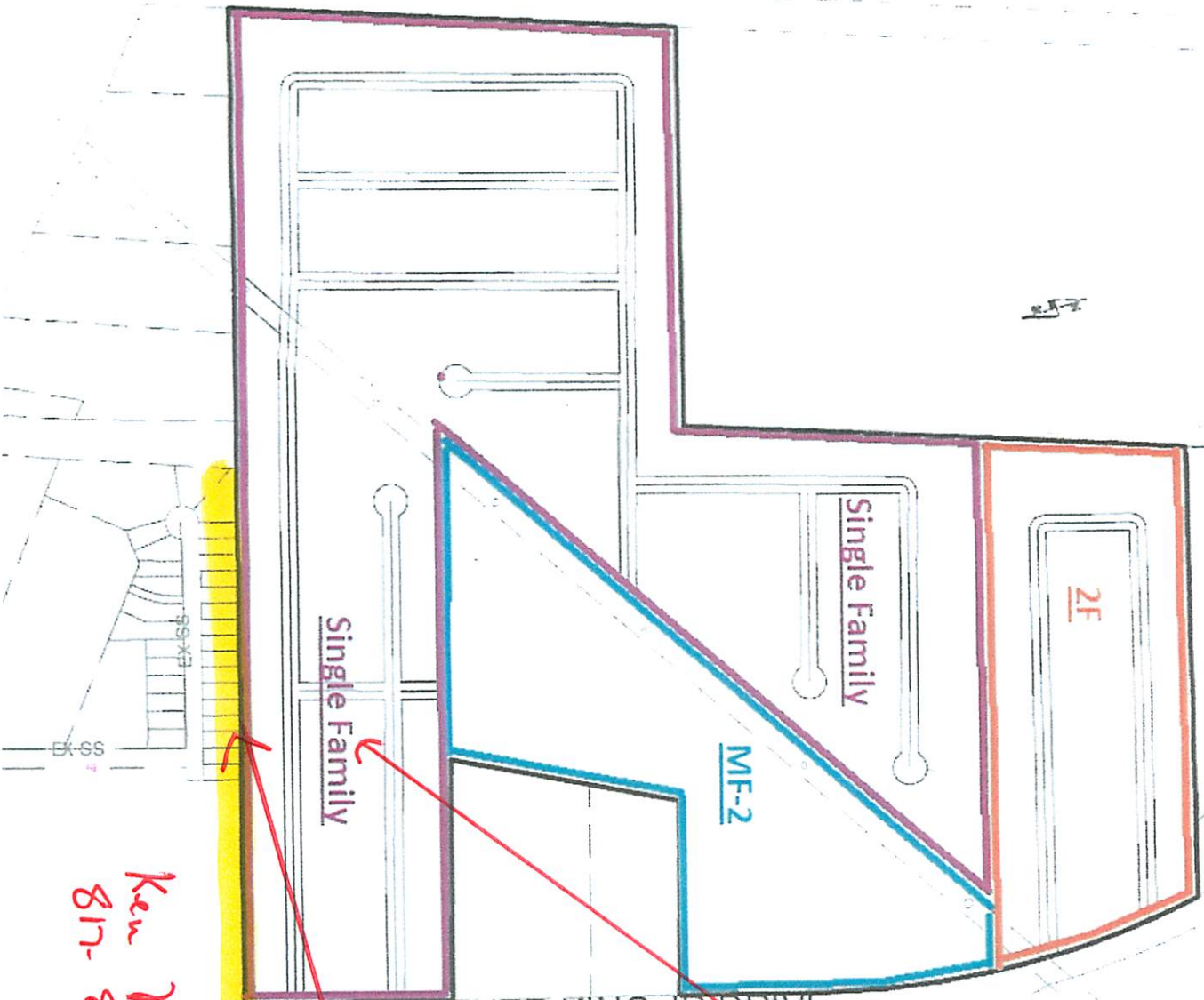






Masonry fence  
needed here which  
borders Seniors Campus





MARTIN LUTHER KING JR DRIVE

Should  
lots  
be  
minimum  
100 foot  
frontage

Need  
Masonry  
fence between  
Project and  
Seniors  
Campus.

Ken Mitchell  
817-832-4296



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

396986  
MITCHELL, KEN SENIOR HOMES LLC  
1005 SHADY RIVER CT N  
BENBROOK, TX 76126-2900

**Zoning Application Number:** FY-18-4-ZC

**Case Manager:** Lynn Barrett

Location: 2610 S Martin Luther King 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:**

① Masonry fence should be required between single family project and Seniors Campus, behind River Hills Court.

② Minimum lots should be 60' rather than 50' to help with parking (front of lot) See attached.

Kenneth H. Mitchell  
Signature

Kenneth H. Mitchell  
Print Name  
817-832-4296

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 **June 4, 2018**.

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

Number of Notices Mailed: 53

Date Mailed: May 24, 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**

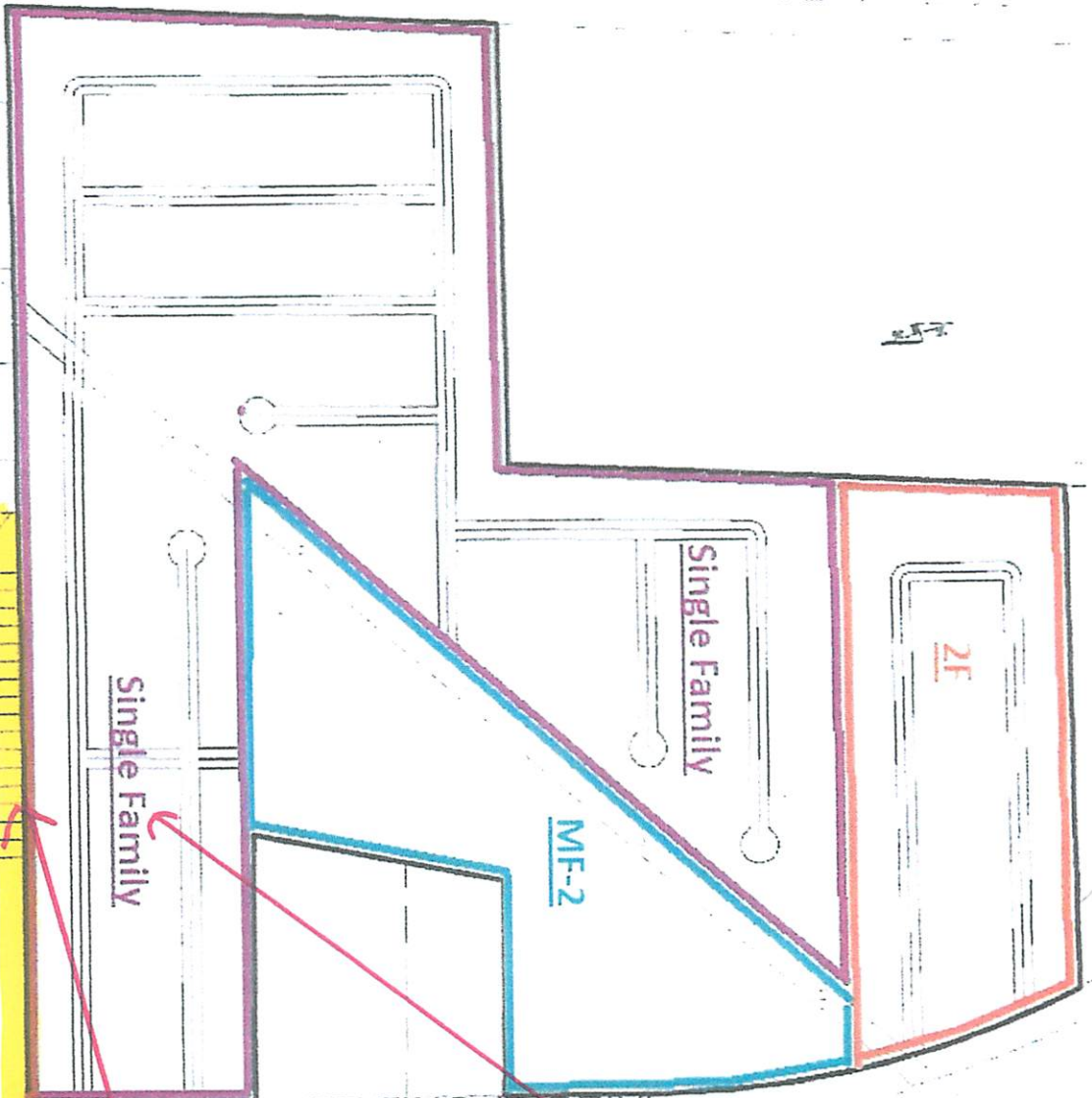
**Zoning Application Number:** FY-18-4-ZC

**Case Manager:** Lynn Barrett

MITCHELL, KEN SENIOR HOMES LLC			
#	Property ID #	Address	City
1	396986	1111 RIVER HILLS CT	Temple, TX
2	396961	1117 RIVER HILLS CT	Temple, TX
3	396962	1113 RIVER HILLS CT	Temple, TX
4	396963	1105 RIVER HILLS CT	Temple, TX
5	396964	1019 RIVER HILLS CT	Temple, TX
6	396965	1017 RIVER HILLS CT	Temple, TX
7	396966	1013 RIVER HILLS CT	Temple, TX
8	396968	1004 RIVER HILLS CT	Temple, TX
9	396969	1008 RIVER HILLS CT	Temple, TX
10	396970	1012 RIVER HILLS CT	Temple, TX
11	396971	1016 RIVER HILLS CT	Temple, TX
12	396972	1020 RIVER HILLS CT	Temple, TX
13	396973	1104 RIVER HILLS CT	Temple, TX
14	396974	1108 RIVER HILLS CT	Temple, TX

MITCHELL, KEN SENIOR HOMES LLC			
#	Property ID #	Address	City
15	396975	1112 RIVER HILLS CT	Temple, TX
16	396976	1116 RIVER HILLS CT	Temple, TX
17	396977	1120 RIVER HILLS CT	Temple, TX
18	396980	1204 RIVER HILLS CT	Temple, TX
19	396981	1208 RIVER HILLS CT	Temple, TX
20	396982	1212 RIVER HILLS CT	Temple, TX
21	396983	1216 RIVER HILLS CT	Temple, TX
22	396984	1220 RIVER HILLS CT	Temple, TX
23	396985	1224 RIVER HILLS CT	Temple, TX
24	398957	1209 RIVER HILLS CT	Temple, TX
25	396958	1205 RIVER HILLS CT	Temple, TX
26	396959	1125 RIVER HILLS CT	Temple, TX
27	396960	1121 RIVER HILLS CT	Temple, TX
28	396978	1124 RIVER HILLS CT	Temple, TX
29	396979	1128 RIVER HILLS CT	Temple, TX





Should  
lots  
be  
minimum  
60 foot  
frontage

Need  
Masonry  
fence between  
Project and  
Seniors  
Campus.

Ken Mitchell  
817-832-4206



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

396967  
MITCHELL, KENNETH H  
1005 SHADY RIVER CT N  
BENBROOK, TX 76126-2900

**Zoning Application Number:** FY-18-4-ZC

**Case Manager:** Lynn Barrett

**Location:** 2610 S Martin Luther King 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:**

- ① Masonry fence should be required between single family project and seniors campus behind River Hills Court. Wood fence permitted now.
- ② Minimum lots should be 60' rather than 50' to help with parking. (front of lot) See attached.

Kenneth H. Mitchell  
Signature

Kenneth H. Mitchell  
Print Name  
817-832-4296

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 **June 4, 2018**.

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

Number of Notices Mailed: 53

Date Mailed: May 24, 2018

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

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C.

FILE NO. 100-100000  
DATE 10-10-1910

REPORT OF THE SURVEYOR

TO THE SECRETARY OF THE INTERIOR  
FROM THE SURVEYOR GENERAL  
SUBJECT: REPORT OF THE SURVEYOR  
ON THE SURVEY OF THE LANDS  
IN THE STATE OF TEXAS

MADE AT THE SURVEY OF THE LANDS

IN THE STATE OF TEXAS

THE SURVEY OF THE LANDS IN THE STATE OF TEXAS  
WAS MADE BY THE SURVEYOR GENERAL  
ON THE 10TH DAY OF OCTOBER 1910  
AND THE RESULTS OF THE SURVEY  
ARE HEREBY REPORTED TO THE SECRETARY OF THE INTERIOR

BY THE SURVEYOR GENERAL

JOHN H. HARRIS

100-100000-100

THE SURVEY OF THE LANDS IN THE STATE OF TEXAS  
WAS MADE BY THE SURVEYOR GENERAL  
ON THE 10TH DAY OF OCTOBER 1910  
AND THE RESULTS OF THE SURVEY  
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SURVEYOR GENERAL  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C.

MADE AT THE SURVEY OF THE LANDS

IN THE STATE OF TEXAS

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AND THE RESULTS OF THE SURVEY  
ARE HEREBY REPORTED TO THE SECRETARY OF THE INTERIOR





## NOTICE OF PUBLIC HEARINGS

### CONSIDERATION OF A REZONING PLANNING AND ZONING COMMISSION MEETING

The Temple Planning and Zoning Commission will hold a public hearing in the City Council Chambers on the 2<sup>nd</sup> floor of the Municipal Building, 2 North Main Street, Temple, Texas 76501, on Monday, the **4th of June, 2018** at 5:30 p.m., for the purpose of *considering the following change* to the City of Temple's Official Zoning District Map:

Hold a public hearing to consider and recommend action on a rezoning from Light Industrial (LI) and Agricultural (AG) zoning districts to Planned Development Multi-Family 2 (PD-MF-2) zoning district with binding conditions and general site plan for 135.24 +/- acres

**Zoning Application No.**      **FY-18-4-ZC**

**Applicant:** Josh Welch of WBW

Maximo Moreno Survey, Abstract No. 14, Bell County, Texas  
A0014BC M MORENO, 319, 320 & 323, OB 1023, 1024, 1025 & 1027, ACRES 135.24  
*(legal description)*

2610 S Martin Luther King Jr. Drive, Temple, Texas  
*(address or physical location)*

This item is tentatively scheduled for a City Council public hearing (first reading) on **July 5, 2018**, in the Council Chambers on the 2<sup>nd</sup> floor of the Municipal Building at 5:00 p.m. The City Council will make its decision on the second reading of this request. The second reading of City Council is tentatively scheduled for **July 19, 2018**. If you plan to attend the public hearings, please call (254) 298-5668 to verify meeting dates.

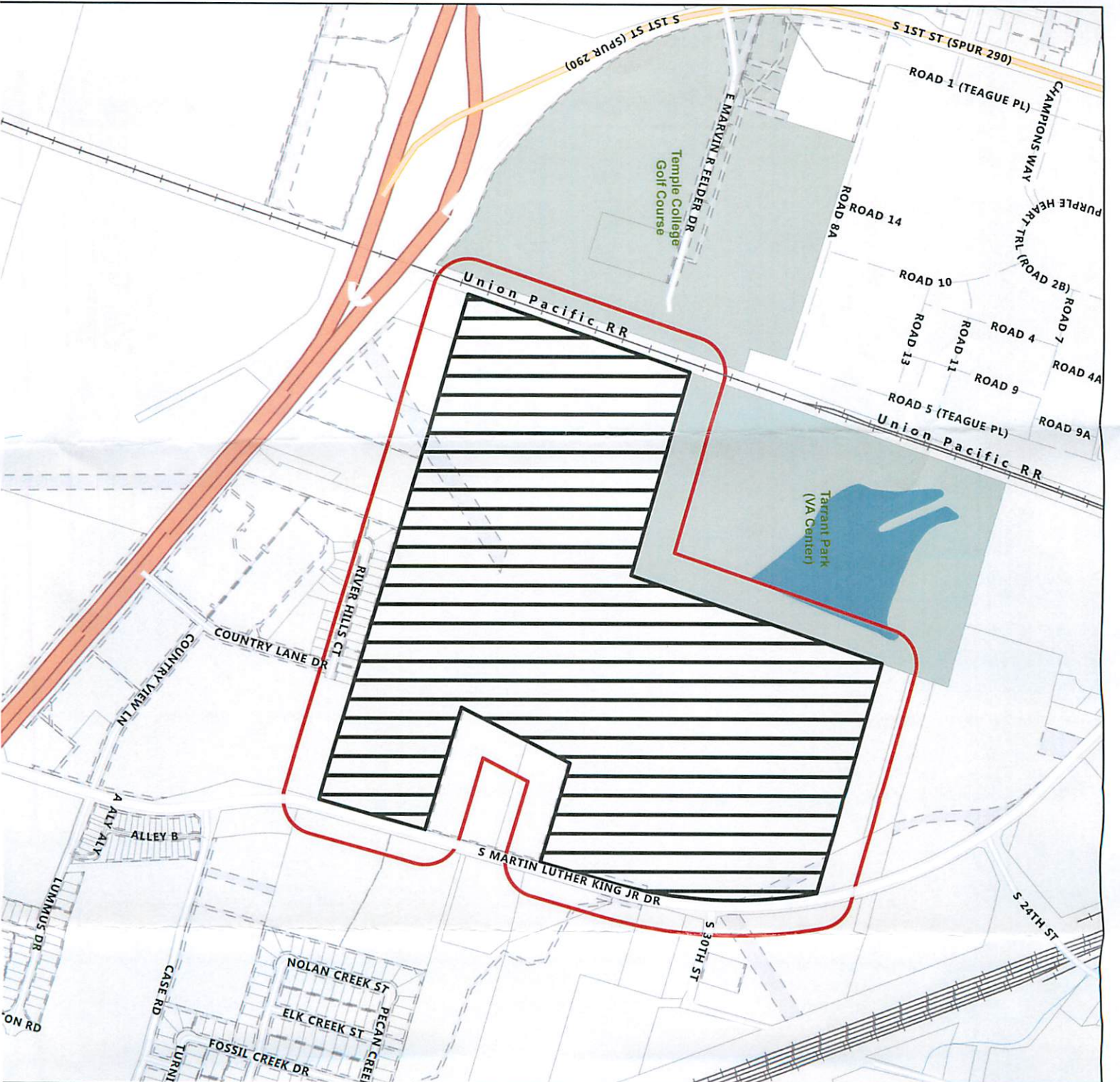
The Planning and Zoning Commission and City Council welcome your comments on this matter and will consider them in their deliberations. If you cannot be present at the public hearings, but desire to comment on this matter, or desire information on the proposed zoning change, please contact the City Planning Department, Suite 102, 1st Floor, Municipal Building, or by calling (254) 298-5668. When calling, please refer to the zoning application number shown above.

***In accordance with the Unified Development Code (UDC), Section 3.3.4, twenty percent (20%) or more of property ownership opposition by area within the 200-foot notification buffer would trigger a 4/5<sup>ths</sup> super majority approval vote at City Council.***

**Special Accommodations:** Persons with disabilities who have special communication or accommodation needs and desire to attend the meetings should notify City Staff by mail or telephone 48 hours prior to the meetings.

For more detailed information on this case, please go to [www.templetx.gov/planning](http://www.templetx.gov/planning), on the left side of the page select Boards, then select Planning and Zoning Commission Packet. The packet is updated on the website the Thursday afternoon prior to the next scheduled P&Z meeting. P&Z Commission meets on the first and third Monday of each month.





AG AND LI TO SF-2, 2F, MF-

200'

## NOTIFICATION MAP

Zoning Case :  
FY-18-4-ZC  
Address :  
2610 S MLK Dr

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: 4/17/2018





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

397012  
TEXVESTMENTS L L C  
1719 W AVENUE M STE C  
TEMPLE, TX 76504-6716

**Zoning Application Number:** FY-18-4-ZC

**Case Manager:** Lynn Barrett

Location: 2610 S Martin Luther King 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:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Ross Vest  
**Signature**

ROSS VEST  
**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 **June 4, 2018**.

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

Number of Notices Mailed: 53

Date Mailed: May 24, 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**

316943  
HETZEL, WALTER EUGENE  
2630 S MARTIN LUTHER KING DR  
TEMPLE, TX 76504-8606

**Zoning Application Number:** FY-18-4-ZC

**Case Manager:** Lynn Barrett

Location: 2610 S Martin Luther King 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:**

I will Redress my Property Value By  
Increasing Congestion

Walter Hetzel  
**Signature**

WALTER HETZEL  
**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 **June 4, 2018**.

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

Number of Notices Mailed: 53

Date Mailed: May 24, 2018

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

**RECEIVED**

MAY 31 2018

City of Temple  
Planning & Development

## Lynn R. Barrett

---

**From:** Ken Mitchell <kenmitchell@kennethmitchellpc.com>  
**Sent:** Wednesday, May 30, 2018 10:57 AM  
**To:** Lynn R. Barrett  
**Subject:** 135.24 Acres Zoning Case # FY-18-4-ZC  
**Attachments:** 135.24 Acres Zoning Temple 5-30-18.pdf

Lynn,

Attached is my form to indicate opposition to the rezoning of the 135.24 acre tract contiguous to the Country Lane Seniors Campus in Temple. My reasons for opposition are as follows:

1. The fencing between the zoning tract and the Country Lane Seniors Campus should be a masonry wall, which should be installed behind the Villas on River Hills Court and extended to MLK. The proposed fencing now is wood fencing which can rot and deteriorate.
2. I prefer 60' frontage on the single family home lots rather than 50' frontage lots as proposed. The wider lots will make this a better community for the residents and help in parking on the streets. Tiny lots have not worked well in the past for cities.

Please confirm that you received my Opposition Form. I appreciate your consideration of my comments.

Thanks,

Ken Mitchell  
817-832-4296



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, JUNE 4, 2018**

**ACTION ITEMS**

**Item 2: FY-18-4-ZC** – Hold a public hearing to consider and recommend action on a rezoning from Light Industrial (LI) and Agricultural (AG) zoning districts to Planned Development Multi-Family 2 (PD-MF-2) zoning district with binding conditions and general site plan for 135.24 +/- acres being out of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive.

Ms. Lynn Barrett, Assistant Director of Planning, stated the subject property is located within the future TMED designated area. The applicant is Mr. Josh Welch on behalf of WBW Development, who represents the owner, Temple 135 MLK LP.

This item is scheduled to go forward to City Council for first reading on June 28, 2018 and second reading on July 19, 2018.

The subject property is bordered by Temple College, the Veterans Administration, and directly north of the Country Lane Senior Community development.

The property lies within Temple Independent School District (TISD).

Applicant proposes a mixed residential planned development with enhanced streetscapes, landscaping, recreation amenities, trails, and architectural standards with three base development types: 2F (to the north), MF-2 (eastern portion along MLK), and SF-2. The multi-family portion would require additional site plan approval prior to construction.

Location map shown.

Site photos shown. Transmission lines transect the property and will be used as a buffer area.

Zoning map shown.

The Future Land Use and Character Map designate the entire subject property as future TMED making the request in partial compliance. The surrounding areas are designated as Auto Urban Residential and Auto Urban Multi-Family.

Water and sewer is available to serve the property.

The UDC, Section 3.4 - Planned Development 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.”

Per UDC, Section 3.4.3 and 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

The Planned Development Site Plan is shown with the three development areas planned:

- Phased for Two-Family (in gold), Multi-Family (blue), and Single Family (purple) development
- With Conditions
- Multi Family would have to come back for Site Plan Approval prior to construction

There are no TxDOT permits required at this stage.

The Thoroughfare Plan designates Martin Luther King Jr. Drive as an arterial.

A future trail will transect the property which will need to meet the requirements for trails and sidewalks.

The PD Conditions include:

1. PD MF-2 on 135 +/- acre property with three general areas of development standards:
  - Base zoning on 50 percent area minimum to be SF-2
  - Base zoning on maximum of 30 percent of area to be 2F on 60-foot wide lots or single family attached or detached
  - Base zoning on maximum of 20 percent of area to be MF-2 with additional site plan approval required prior to development or single family attached or detached
2. HOA maintained improvements on SF-2 and 2F areas to include:
  - Pavilion
  - Playground
  - Minimum ½ mile improved walking trail
  - Natural trails in drainage areas
  - Parkland dedication to the HOA will meet UDC minimum requirements with a minimum of five acres
  - Minimum of two landscaped subdivision entry ways with monument signs
3. SF-2 and 2F Design Criteria:
  - Streets 55-feet in right-of-way, 31-feet back-of-curb, and 12-foot wide public frontage on each side, five-foot sidewalk on one side of non-cul-de-sac-streets with minimum seven-foot landscaped transition behind curb
  - Trees include two-inch diameter breast height (dbh) with one per lot, in public frontage on street side of the sidewalk. The front yards will be sodded. Installed at home construction, maintained by owners. HOA shall also have oversight of public frontage landscape maintenance
  - Landscaping installed prior to Certificate of Occupancy (CO)

- Privacy/decorative fences on perimeters except for South Martin Luther King, installed at time of home construction
  - Fencing along South Martin Luther King Jr. Drive will be decorative fencing to complement landscaped entries built by developer at phases of the subdivision prior to first CO being issued each phase. HOA to maintain and landscape to the curb of the South Martin Luther King roadway
  - Exposed walls of homes adjacent to a street will be 80 percent minimum masonry (walls on first story behind privacy fence are excluded from this provision). Eaves, gables, walls above roof lines, porches, and windows are excluded from this requirement.
  - Minimum setbacks on SF-2 and 2F property to be: 20-feet front, five-feet side, 10-feet side on corner
4. Perimeter sidewalk along South Martin Luther King will be installed as required by City of Temple Ordinance.
  5. Trailhead with a minimum of 10-foot easement to be provided at the southern boundary of property
  6. Sidewalk connectivity to be provided inside subdivision to provide pedestrian access to trails and Martin Luther King sidewalk and will be determined during platting stage
  7. PD must comply with all other UDC code requirements unless exceptions are requested at platting stage

Fifty-three notices were mailed in accordance with all state and local regulations with three responses returned in agreement (one with conditions) and 32 responses returned in disagreement (30 responses from one owner).

Staff recommends approval of the rezoning request to PD-MF-2 in accordance with Site Development Plan and the previously mentioned conditions.

Ms. Barrett confirmed that the masonry wall request from an adjoining property owner has not been included in the conditions nor agreed to by the developer.

Mr. Josh Welch, WBW Development, 3000 Illinois Avenue, Killeen, Texas, agreed there would be five entrances/exits. The landscaped entries would be the MF-2 in the middle, if installed, one on the southern portion and one where the 2F property is located. Potentially, the MF-2 portion will be apartments or townhomes; some type of mixed use.

Mr. Welch stated the developer was not agreeable to the masonry fence/wall requested by an adjoining property owner. However, Mr. Welch is willing to work with the property owner to come to a compromise.

Chair Fettig opened the public hearing.

Mr. Alan Kougl, 2916 Country Lane Drive, Temple, Texas, stated he is the General Manager of Country Lane Seniors Apartments, a planned senior community located directly to the south

of the subject property. Mr. Kougl represents Mr. Ken Mitchell, who owns Country Lane Seniors community and also the duplexes to the north of Country Lane Seniors.

Mr. Kougl explained the apartment community was not screened from the duplexes because the duplexes are part of the entire planned senior community. The people living in the duplexes have full access to all of the apartment amenities.

Mr. Mitchell is proposing another possible development in the future to the east of the duplexes.

Mr. Kougl and Mr. Mitchell are not opposed to SF homes being built; however, with the subject property bordering the back area of the duplexes, their concern is that a wooden fence would deteriorate rapidly and are typically not maintained over time. Therefore, a masonry fence would hold up better and look more presentable.

Mr. Kougl stated Mr. Mitchell is opposed to the 50-foot lot size since it tends to overcrowd the neighborhood and creates parking and neighbor issues which do not occur with 60-foot lots. It is preferred the developer have a 60-foot frontage for the SF to create good quality for the area. Also, this is why the masonry fence is requested from the developer.

Mr. Kougl is unable to respond about the possibility of having donated land instead of a fence and would need to confer with Mr. Mitchell first. Mr. Kougl stated he would get with Mr. Welch to exchange contact information.

Mr. Welch returns to address questions/comments and stated the developer has spent a considerable amount of time working with Staff to come up with a good plan for the subdivision and the conditions involved as previously mentioned.

With the property being located in the future TMED area, the quality and integrity of the subdivision will be long-term. This developer has been building all over the state for many years and has not seen any issues with 50-foot lots.

There being no further questions, the public hearing was closed.

Vice-Chair Langley made a motion to approve Item 2, **FY-18-4-ZC**, per staff recommendation, and Commissioner Alaniz made a second.

*Motion passed: (7:0)*

Commissioners Crisp and Ward absent.



ORDINANCE NO. 2018-4923  
(FY-18-4-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM LIGHT INDUSTRIAL AND AGRICULTURAL ZONING DISTRICTS TO PLANNED DEVELOPMENT MULTI-FAMILY TWO ZONING DISTRICT ON APPROXIMATELY 135.24 ACRES, WITH BINDING CONDITIONS AND GENERAL SITE PLAN, SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, ADDRESSED AS 2610 SOUTH MARTIN LUTHER KING JR. DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicant, WBW Land Investments, proposes development of approximately 135.24 acres in three development standards as follows:

- Single Family 2 – at least 50% of 135.24 acres;
- Two Family – no more than 30% of 135.24 acres; and
- Multi Family 2 – up to 20% of 135.24 acres;

**Whereas**, the property, in the future TMED land use area, has existing trees and is adjacent to the VA property, and the developer is proposing interior natural trails, sidewalks on one side of interior streets, entrance enhancements and decorative fencing along South Martin Luther King Jr. Avenue, along with other recreational amenities;

**Whereas**, a property owner's association would maintain the perimeter fence and landscaped area along South Martin Luther King Jr. Avenue, along with the entrances, signage and recreational amenities and trails;

**Whereas**, the binding conditions for this rezoning are as follows:

1. Planned Development Multi-Family 2 on approximately 135.24 acre property with three general areas of development standards:
  - a. Base zoning on 50% of area minimum to be Single Family 2;
  - b. Base zoning on maximum of 30% of area to be 2 Family on 60-foot wide lots or single family attached or detached;
  - c. Base zoning on maximum of 20% of area to be Multi-Family 2 with additional site plan approval required prior to development or single family attached or detached;
2. HOA maintained improvements on Single Family 2 and 2 Family areas to include:
  - a. Pavilion;
  - b. Playground;
  - c. Minimum ½ mile improved walking trail;
  - d. Natural trails in drainage areas;
  - e. Parkland dedication to the HOA will meet Unified Development Code ("UDC") minimum requirements with a minimum of five acres;
  - f. Minimum of 2 landscaped subdivision entryways with monument signs;

3. Single Family 2 and 2 Family Design Criteria:
  - a. Streets to be 55-feet right of way with 31-feet back of curb to back of curb, including 12-foot wide public frontage on each side with 5-foot sidewalk on one side of non-cul-de-sac-streets and a minimum of 7-foot landscaped transition behind the curb;
  - b. Trees (2-inch in diameter at breast height) planted, one per lot, located in the public frontage on both sides of streets, and on the street side of the sidewalk. Each front yard shall be sodded. Landscaping will be installed when homes are constructed and will be maintained by the homeowners. The HOA shall also have oversight of public frontage landscape maintenance;
  - c. Landscaping on each lot installed prior to Certificate of Occupancy;
  - d. Privacy or decorative fences on all boundary perimeters except South Martin Luther King, Jr. Drive, to be installed no later than at the time of home construction;
  - e. Fencing along South Martin Luther King, Jr. frontage to consist of decorative fencing to complement the aesthetics of landscaped entry ways to be built by the developer with development of the phases of the subdivision. This perimeter fence must be constructed prior to first Certificate of Occupancy being issued in each phase. The HOA shall maintain perimeter fencing and the landscaped area to the curb of the South Martin Luther King, Jr. Drive roadway;
  - f. Exposed walls of homes adjacent to a street will be 80% minimum masonry (walls on first story behind privacy fence are excluded from this provision). Eaves, gables, walls above roof lines, porches, and windows are excluded from this requirement;
  - g. Minimum setbacks on Single Family 2 and 2 Family property to be:
    - i. 20-foot front setbacks;
    - ii. 10-foot side setbacks adjacent to streets;
    - iii. 5-foot side setbacks;
4. Perimeter sidewalk along South Martin Luther King, Jr. Drive will be installed as required by City of Temple Ordinance;
5. Trailhead with a minimum of 10-foot easement to be provided at the southern boundary of property;
6. Sidewalk connectivity to be provided inside subdivision to provide pedestrian access to trails and South Martin Luther King, Jr. Drive sidewalk and will be determined during platting;
7. PD must comply with all other UDC code requirements unless exceptions are requested at platting;

**Whereas**, at the June 4, 2018 Planning and Zoning Commission meeting, and after due consideration of the conditions, the Commission recommended approval of the rezoning from Light Industrial and Agricultural Zoning Districts to Planned Development Multi-Family Two Zoning District on approximately 135.24 acres, with binding conditions and general site plan, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive; 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 the rezoning from Light Industrial and Agricultural Zoning Districts to Planned Development Multi-Family Two Zoning District on approximately 135.24 acres, with binding conditions and general site plan, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive, as more thoroughly described Exhibit 'A,' attached hereto 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 28<sup>th</sup> day of June, 2018.

PASSED AND APPROVED on Second Reading on the 19<sup>th</sup> day of July, 2018.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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