

MEETING OF THE TEMPLE CITY COUNCIL MUNICIPAL BUILDING 2 NORTH MAIN STREET 3rd FLOOR – CONFERENCE ROOM THURSDAY, MARCH 7, 2019 3:30 P.M. AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 7, 2019.
- 2. Discuss possible amendments to the City's Code of Ordinances, Chapter 6, "Animals & Fowl".
- 3. Discuss receipt of the Petition Requesting Recognition of Temple Professional Firefighters Association, Local 846 of the International Association of Fire Fighters as the bargaining agent for all the firefighters employed by the City of Temple.
- 4. Discuss the status of right-of-way acquisitions for the Poison Oak Road and Outer Loop, Phases 1-6, expansion projects.

Pursuant to Texas Government Code Section 551.072, the City Council may meet in closed session to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – 2ND FLOOR TEMPLE, TX

TEMPLE CITY COUNCIL REGULAR MEETING AGENDA

I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. REPORTS

3. Receive the annual Temple Economic Development Corporation report.

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) February 21, 2019 Special & Regular Called Meeting

Contracts, Leases, & Bids

- (B) 2019-9575-R: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple, to perform the Garden District Utility Assessment in an amount of \$219,492.50.
- (C) 2019-9576-R: Consider adopting a resolution authorizing contract amendment #3 with Clark & Fuller, PLLC, of Temple, for additional services required to complete final design of Phase IV of the Knob Creek Trunk Sewer Improvements in the amount of \$36,100.

- (D) 2019-9577-R: Consider adopting a resolution authorizing change order #4 to the construction contract with Archer Western Construction, LLC, of Irving, to construct Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion in the amount of \$91,397.85.
- (E) 2019-9578-R: Consider adopting a resolution authorizing granting an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of the Shallowford Lift Station.
- (F) 2019-9579-R: Consider adopting a resolution authorizing an amendment to Resolution 2018-9445-R for additional funds to purchase properties necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an additional estimated amount of \$35,000.
- (G) 2019-9580-R: Consider adopting a resolution authorizing the purchase of playground equipment for a pocket park within the Alta Vista subdivision from Gametime/Total Recreation Products, Inc. of Cypress in the estimated amount of \$43,867.07.
- (H) 2019-9581-R: Consider adopting a resolution authorizing the purchase of one marked police vehicle from Caldwell Country Ford dba Rockdale Country Ford of Rockdale in the amount of \$52,958.
- (I) 2019-9582-R: Consider adopting a resolution authorizing the purchase of a property necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$171,000.

Ordinances- Second & Final Reading

(J) 2019-4956: SECOND READING – FINAL HEARING – FY-19-5-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Neighborhood Service zoning district on 1.28 +/- acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 4940 State Highway 317.

Misc.

- (K) 2019-9583-R: Consider adopting a resolution ratifying the payment of the annual invoice from Brazos River Authority in the amount of \$130,356.87 which covers the availability of 9,453 acre-feet of water to the City for FY 2019.
- (L) 2019-9584-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

V. REGULAR AGENDA

ORDINANCES

5. 2019-4957: FIRST READING – PUBLIC HEARING – FY-19-4-ZC: Consider adopting an ordinance authorizing the rezoning of 86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, and located at the intersection of FM 93 and Southwood Drive from Agricultural district to Planned Development Agricultural, with a required site/development plan.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 10:30 am, on Friday, March 1, 2019.
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 of2018.

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



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #4(A) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) February 21, 2019 Special & Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

February 21, 2019 Special & Regular Meeting Minutes / Video

TEMPLE CITY COUNCIL

FEBRUARY 21, 2019

The City Council of the City of Temple, Texas conducted a workshop on Thursday, February 21, 2019 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 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, February 21, 2019.

Ms. Myers pointed out to the Council that the Tax Credit resolutions were on the Consent Agenda as item #5(I).

Ms. Myers offered a brief presentation to the Council with regards to agenda item 8, the Chapter 380 Development Agreement with Guillen Partners, Ltd. She noted that a few years ago the City had a program funds through the CDBG Program, to supplement the SIZ Program. The intent of the at supplemental program was to provide an additional \$10,000 per residential until in a mixed-unit development in the downtown. That funding came from CDBG and was additional to the SIZ Program. In that time, we did not have anyone take advantage of the incentive. CDBG is a great program, but has may restrictions and federal obligations. It was not a practical program for a developer.

In 2018, it was recommended that we refocus the CDBG program to a more specific target area; and City Council agreed. The CDBG 5-year Plan and Annual Action Plan were revised and removed that funding. We failed to amend the SIZ Ordinance, by removing the CDBG category from it's options. With that the SIZ Committee didn't realize the funding was no longer in place. The residential supplement program was still authorized, just not the CDBG funds.

Item 8 on the regular agenda is the result of this. The proposed project is exciting, and the Staff supports it. Mrs. Myers offered the Council three options.

- (1) move forward with the project as submitted; and use General Funds for the additional \$30,000 supplement; and not allow further residential supplemental incentives;
- (2) consider the base SIZ program option of \$100,000 and not fund the

additional \$30,000; or

(3) continue offering the residential supplement through the General Fund.

Mayor Pro Tem Morales thought the program was a good option and would like to continue offering it for downtown development.

Councilmember Walker, explained that she did not want fund the supplemental program out of the General Fund for the duration of the program.

Mayor Pro Tem Morales inquired on the balance of the SIZ program.

Mrs. Myers noted if this project is done for the \$130,000, there would be a little less than \$200,000 remaining for future SIZ projects that qualify.

Mayor Davis stated this project is not a budget buster, it's a good project and the City is assisting many other downtown projects. We should not punish the developer by not offering the supplemental funding, because the process fell through the cracks. Mayor Davis said he thought the funding should be allowed.

Mrs. Myers suggested bringing a future item to Council to discuss the SIZ Program and how it's structured.

Mayor Davis noted that Kayla Landeros would abstain from discussions related to both items #8 & #9. One presentation would be offered by Ms. Demirs, but two separate motions are necessary.

2. Receive a presentation regarding the First Quarter Financial results for Fiscal Year 2019.

Traci Barnard, Director of Finance offered a brief presentation to the Council. She noted that we are 25% into the budget. As of December 31, 2018 the City's total revenues collected is \$24 million, the city budgeted \$75 million. Of that is Taxes (Ad Valorem, and Sales) at 42%; Franchise Fees at 25%; Licenses and Permits collected at 26%; Intergovernmental collected at 28%; Charges for Services collected at 24%; Fines collected are at 19%; and Interest and Others collected are at 23%.

Mrs. Barnard noted the number one source of revenue for the City of Temple is its sales tax. At a four month glance, we are ahead at 100.15% of budget. A little less that 4% for year over year growth.

The other source of revenue is property tax ad valorem collections, the levy is October 1st and become delinquent February 1st. As of December 31, 2018, we have collected 76.47% of the levy, this is in line with previous years.

She then discussed the General Fund Expenditures to include, personnel

services at 24%; operations at 25%; capital outlay at 54%; and debt services at 20% of budget. Total budget is \$78million with \$19.9million (26%) since December 31, 2018.

Water & Wastewater revenues are at 21% of the budget. A lot of our water is services in the summer. The expenditures for Water & Wastewater is at 24% of budget.

The total Hotel/Motel Fund Revenues are at 31% of budget. Kevin is doing a great job, as the Mayborn revenues are at 36% due to a lot of events. Mrs. Barnard continued noting there are 32 hotels in Temple, and are at 27% of budget for the taxes collected. Expenditures are at 26%, and pointed out that the Capital Outlay is at 46% exceeding the 25%.

Mayor Davis asked if the increase in Mayborn was attributed to advertising.

Mr. Beavers noted he thought that the near completion of the interstate is helping.

The Drainage Fund Revenues are at 24% of budget, this includes fees for both residential and commercial. Total Expenditures are at 33% with 19% in the personnel services; 12% for operations; and 50% for capital outlay.

The earnings and yields with investments are increasing. As of December 31, 2018, our total investments are at \$188.6 million . 40% invested in CDs; 34% in government pools; and 25% in cash. The benchmark for the City's investments is the average rolling 90-day Treasury Bill Rate at 2.37. The City's portfolio was earning 2.30, which is slightly below the benchmark.

At December 31, 2018 the Strategic Investment Zones (SIZ) remaining funds balance is \$398 million. Since then, we have approved a couple of projects in January and the possible approval of the item on the agenda tonight for City Eats. If Council approves that full \$130,000 from the SIZ it will then bring the balance to just below \$200,000. Since the program began in 2008, the total allocation has been close to \$1.7 million, with the total encumbered/committed being close to \$1.3 million.

Mayor Davis noted it is important to know that in 2012 and 2013, those funds were just being rolled into the next year due to no economic activity on those SIZ corridors. Now we're going through the allocated funds, with new projects, as fast as the money is being made available. This is a great indicators as to where we're going as a City. This is good news.

The Capital Improvement Program is at an all time high of \$234,132,207 in projects. With 51% under construction/in progress; 31% in design; 9% complete; and 8% in planning phase. Mrs. Barnard noted that 37% is funded through the Reinvestment Zone; 22% by the Utility Revenue Bonds; 17% by Combination Tax & Revenue Bonds; and then 6.5% through Parks

GO Bonds.

Councilmember Long asked if any of the categories for revenues were lower than expected or down much from previous years.

Mrs. Barnard noted that the Fines and Fees were down compared to previous years. The interest income is up, as rates are higher. Sales tax we are 4% above budget. Other than that, most appears to be in line with previous years.

3. Discuss a proposed agreement with Citizens for Progress for an Eastside Community Enrichment Center.

Brynn Myers, City Manager offered a brief presentation to the Council. She noted that in April of 2018, the City purchased the property of the former Hornsby-Murcherson Funeral Home (201 South Martin Luther King Drive). This property is directly across from the MLK Festival Fields. We purchased the property when approached by the current property owner who was no longer interested in operating the business, because of its strategic location near the MLK Festival Fields. At the time of the purchase, the City did not have a specific use for it in mind. This is a significant property that we want to preserve and it has a lot of meaning for the east side community.

Approximately four to five months ago, we met with Citizens for Progress. Citizens for Progress brought for a proposal regarding the use of this property as an Enrichment-Community Center. We have a had few meetings and feel that it would be good for Citizens for Progress to present their proposal to Council and discuss the potential next steps.

Sonjanette Crossley, President of Citizens for Progress provided a presentation. She stated that 20-years ago there was a vision while doing outreach within the community. Several meetings were held at Eagles Wings, which was on Martin Luther King Drive. That vision was to empower people through innovative and creative programs, advocacy efforts that positively impacting the economic, housing, educational, and infrastructural issues and needs of the community.

So many great things are happening on MLK Drive, and the Hornsby Murcherson Funeral Home has so much history to offer. Hornsby Murcherson was started in 1939 by a black woman named, B.K. Hornsby. This was the first African American owned funeral home to offer burial insurance in the area. The property and business has been passed down to family heirs for many years. Ms. Crossley noted, we don't want to make it a funeral home but an enrichment center. There are several items that have been left in the building that we'd like to use as exhibits for a to display the historical value. Citizens for Progress would also like to have a Historical Marker placed at the property. This will be used a place of transition that many non-profit organizations will be able to use as meeting

spaces. The vision is to use it for education and learning efforts for those that need job skills as well.

Citizens for Progress have been involved in the community for many years and stand behind what we say we'll do. We are advocates for the City.

Mayor Davis who will be able to use this facility and how to do you see it being used?

Mrs. Crossley, any non-profit group will be able to use it. It can be used for teaching, as a resource center, and training for life skills.

Sue Hamby, Citizens for Progress added it will be used as a facility for the Eastside.

Mrs. Myers noted this is an opportunity to enter into an partnership with Citizens for Progress and transfer the property. Citizens for Progress would be obligated to use the facility as proposed, and if not used in that capacity, the property would be returned back to the City. Citizens for Progress understands the condition of the building and what repairs will be necessary, and are willing to work with others in the community to see that that happens.

Mayor Davis asked if the services in the area could support this project?

Mrs. Myers stated she would check to make sure.

Councilmember Long inquired on the insurance holder.

Mrs. Myers stated that Citizens for Progress would maintain the insurance.

At approximately, 4:23 p.m., Mayor Davis announced the Temple City Council would enter into executive session, with no final action.

4. Pursuant to Texas Government Code § 551.071, the City Council will meet in executive session to seek the advice of the City Attorney on pending and contemplated litigation.

At approximately, 4:52 p.m., Mayor Davis adjourned the executive session and stated the Council would reconvene in the Chambers at 5:00 p.m., for the Regular Meeting.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 21, 2019 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Pastor Paul Alexander, with Church of the Living God voiced the Invocation.

2. Pledge of Allegiance

COL. Pamela Solet, 1st Medical Brigade, Fort Hood lead the Pledge of Allegiance.

II. PUBLIC COMMENTS

Bobbie Thompson, 904 Henderson Street, expressed her gratitude for cleaning up the water around Victory Baptist Church. She also thanked the City for placing the trains around downtown Temple. She asked if Eighth Street Baptist Church, Corinth Baptist Church, and the Waymon Chapple Church receive a Historical Marker. Each of these are over 100 years old.

Sam Garth, IV, 513 North 12th Street, addressed the Council with regards to the theft at the Rose Garden Apartments, as well as gang violence in the area.

III. PROCLAMATIONS AND SPECIAL RECOGNITION

3. Presentation of the Temple flag by the Fort Hood 1st Medical Brigade.

Mr. Rod Henry, President of Temple Chamber of Commerce recognized COL Pamela Solet, 1st Medical Brigade.

COL Solet, expressed her gratitude to the City of Temple and the Temple Chamber of Commerce. She explained that one year ago, the Temple Chamber of Commerce presented a City of Temple flag to the 1st Medical Brigade to take with them on their nine-month deployment overseas to Qatar. The flag was flown over Camp As Sayliyah, and represented the support and encouragement from the City of Temple. COL Solet stated the Team provided care for its war fighters, civilians, and host nations in over ten countries including Iraq, Afghanistan, Kuwait, Yemen, Jordan, and the UAE. While doing so, the Temple flag served as a constant reminder to us. COL Solet then presented the signed flag that was flown in Qatar, to Mayor Davis.

Mayor Davis thanked COL Solet for she and her fellow soldiers do to

protect those of us back in the States. He state that the City of Temple is very appreciative of what our military does for us.

Mr. Henry then presented a framed, signed and numbered print of the Santa Fe Depot. Mr. Henry provided that in 1881, and founded by the Santa Fe Railway, Temple has its beginning as a key intersection of two major railways, the Gulf Colorado Santa Fe and the Missouri Kansas Texas Railway. The historic Santa Fe Depot was built in 1911, and quickly became a center of commerce. The Depot was a major hub for economic activity to and from Bell County. Mr. Henry continued noting that leaders of the early 20th century had no idea how significant the Santa Fe Deport would be in the transformation of Downtown Temple today. The Temple Chamber of Commerce was fortunate to come upon prints of the Troop Train in Temple, by artist Betty Blevins. In this drawing Ms. Blevins depicts the Santa Fe Depot during World War II, and a group of woman army corps soldiers ready to board a passenger train pulled by Santa Fe 3423 steam locomotive.

IV. REPORTS

4. Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2018.

Traci Barnard, Director of Finance introduced the item. She noted that per the City Charter, an independent audit is required. The Council has engaged Brockway, Gersbach, Franklin, & Niemeier, PC to perform these services.

Mr. Steve Niemeier presented the summary for the City's financial records for fiscal year 2018 (ending September 30, 2018). He reviewed both the governmental and proprietary activities as a City. This report has been subjected to a review each year, and the 2017 report was the 37th consecutive year in which the City received an excellence in financial reporting; and the 23rd consecutive year for its distinguished budget presentation. This represents how serious the City is about its financial reporting. Mr. Niemeier stated the City has a great story to tell and is doing a great job in doing so. The findings were that all documents were maintained, and controls were in place and appropriate for the City; therefore the Independent Auditor's report was unmodified.

Mr. Niemeier offered highlights of significant impacts in FY2018. The following indicate a growing/strengthening local economy:

Increases in property values;

Numerous businesses moved to Temple;

Several businesses are planning expansions; and

rehabilitation projects such as Santa Fe Plaza and the Hawn Hotel.

The City's total revenues exceeded \$129 million from property tax revenue; charges for services; and grant revenue. The total revenues exceeded total expenses by \$5.7 million. During the year the City invested \$52.1 million in capital assets, and issued \$51.7 million in bonds including \$17.8 which were refunding bonds to lower interest rates, and \$33.9 million for several Transportation Capital Improvement projects. The City also funded an increase in the portion of retirement liability, TMRS 87.4% and Firemen's Pension 72.7% this indicates both plans are stronger than they were in the prior year.

Mr. Niemeier reviewed several charts for revenues and expenses by component. In 2018 the net assets rose but the unrestricted funds declined. This is primarily due to the OPED liability. The Reinvestment Zone is significant to the growth in Temple. They completed \$25.4 million infrastructure since 2014. Projects within the Zone continue to rise.

Temple has a great story to tell and is financial strong.

- V. CONSENT AGENDA All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.
 - 5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:
 - (A) February 7, 2019 Special & Regular Called Meeting
 - (B) 2019-9562-R: Consider adopting a resolution authorizing a Lease Agreement with Erik Olsen for lease of T-hangar #52 at the Draughon-Miller Central Texas Regional Airport.
 - (C) 2019-9563-R: Consider adopting a resolution authorizing a Lease Agreement with Justin Haun for lease of T-hangar #79 at the Draughon-Miller Central Texas Regional Airport.
 - (D) 2019-9564-R: Consider adopting a resolution authorizing a contract with James Construction Group, LLC, of Temple, to construct drainage improvements in the Fairview and Sunset Additions within central Temple, in an amount not to exceed \$1,393,815.
 - (E) 2019-9565-R: Consider adopting a resolution authorizing change order #6 with R.T. Schneider Construction Company,

- Ltd., of Belton for construction of Prairie View Road Phase 2 from FM 2483 to North Pea Ridge Road, in the amount of \$38,600.
- (F) 2019-9566-R: Consider adopting a resolution ratifying the acceptance of a donation of 3.06-acres of right-of-way from Temple Economic Development Corporation, which is necessary for the construction of the Rail Backage Road and Rail Spur.
- (G) 2019-9567-R: Consider adopting a resolution authorizing an agreement for the purchase and installation of a video surveillance system with Knight Security Systems, LLC of Austin, in the amount of \$27,131.50.
- (H) 2019-9568-R: Consider adopting a resolution authorizing an agreement for the purchase and installation of access control equipment with A-1 Fire & Security Equipment Co. of Waco, in the estimated amount of \$31,000.
- (I) 2019-9569-R: Consider adopting the following:
 - (1) A resolution of support for a housing tax credit general project by Steele Wayman, LLC.
 - (2) A resolution of commitment to local funding through fee reductions not to exceed \$500 for a housing tax credit general project by Steele Wayman, LLC.
- (J) 2019-4954: SECOND READING FINAL HEARING Consider adopting an ordinance amending the Code of Ordinances, Chapter 41, "Credit Access Businesses," to include a general update of the Chapter and two additional provisions for transparency and protection for consumers.
- (K) 2019-9570-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2019.
- (L) 2019-9571-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

Motion by Mayor Pro Tem Judy Morales approve Consent Agenda at presented, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

- 6. 2019-4955: FIRST READING PUBLIC HEARING Consider adopting the following ordinances amending:
 - (A) The Code of Ordinances, Chapter 4, "Alcoholic Beverages," to include a general update of the Chapter, additional clarification of terms used in Chapter, a better alignment of City's regulations with state law, and an addition of an enforcement provision.
 - (B) Temple Unified Development Code Section 5.3.15, "Alcoholic Beverage Sales for On-Premise Consumption," by clarifying Subsection 5.3.15(A)(2) with additional language and removing the reference to City Code, Chapter 4, "Alcoholic Beverages," Subsection 5.3.15(B)(2) to better conform with state law.

Amanda Rice, Deputy City Attorney presented both proposed amendments to the Council. In a continuing effort to review and update the City's Code of Ordinances. Staff is proposing amendments to Chapter 4, "Alcoholic Beverages." The amendments include general clean-up of the language and changes to formatting. Staff suggests changing the formatting of section titles to conform with that of other City Code chapters and capitalizing "City Council." Manager" and "Citv Other proposed amendments to Chapter 4 include: The addition of a definitions section at the top of the Chapter to clarify terms used throughout the Chapter and to consolidate definitions. *Clarification of the term "extended hours." Chapter 4 currently provides that the City is an "extended hours areas" as defined by V.T.C.A., Alcoholic Beverage Code § 105.06 but does not provide additional details. The proposed amendments articulate specifically "extended hours" the City has adopted, i.e. holders of specified Texas Alcoholic Beverage Commission (TABC) licenses or permits may offer for sale mixed drinks or beer between midnight and 2 a.m. on any day. *Incorporating a "grandfathering" provision required by V.T.C.A., Alcoholic Beverage Code § 109.33(d) for a business that held a TABC permit or license on September 1, 1983 for the alternative method in which to measure distance between a business and a public or private school. *Renaming the fees charged by the City to "municipal fees" and "City license" to City "certificate of registration" to avoid confusion with references to licenses and permits issued by the TABC and adding a subsection that requires a person to register with the City by paying municipal fees

and providing a copy their TABC license or permit, which codifies current City practice. In addition, Staff proposes adding a subsection that would make it an offense if a person sells an alcoholic beverage without receiving a City certificate of registration. *Adding an enforcement section that makes it a Class C misdemeanor for a person to violate any provision of this Chapter. Each offense would be punishable by a fine not to exceed \$500. In addition to the amendments to Chapter 4, Staff proposes making two changes to the Temple Unified Development Code (UDC), Section 5.3.15, "Alcoholic Beverage Sales for On-Premise Consumption: *UDC Subsection 5.3.15(A)(2) requires the holder of a City conditional use permit (CUP) to obtain an applicable license or permit from TABC within six months of receiving their CUP. Staff recommends adding a sentence to Subsection 5.3.15(A)(2) that clarifies that the issuance of a CUP to a permittee does not grant authority for the sale of alcoholic beverages prior to the issuance of a license or permit from TABC. *UDC Subsection 5.3.15 (B)(2) references Chapter 4 in relation to how distance must be measured between businesses that sell alcoholic beverages and the protected uses in Chapter 4 (churches, public hospitals. and schools). Staff recommends removing this reference to Chapter 4 in this Subsection to conform with the measuring requirements of V.T.C.A., Code § 109.33. Alcoholic Beverage The UDC amendments were reviewed by the Planning & Zoning Commission at its February 19, 2019 meeting. Staff recommends approval of the proposed amendments to Chapter 4 and the UDC.

Mayor Davis declared the public hearing open with regards to agenda item 6(A)&(B) and asked if anyone wished to address either item.

Alan Lydell, 504B Paseo Del Plata, expressed his concerns for the distance of residential uses in the downtown area and how will this ordinance effect bars in the downtown area. The second item of concern was the 'extended hours'. Mr. Lydell requested that the Council consider removing that that and have all sales stop at midnight.

Ms. Landeros stated Mr. Lydell has valid point, and staff is reviewing the downtown area as it relates to the mixed uses. Planning is reviewing the Downtown Code and will bring amendments to the Council at a later date for consideration that will hopefully address this concern.

Ms. Rice noted that the Council has the authority to grant variances to the distance between protective uses and alcohol sales.

There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Susan Long adopt ordinance as presented on first reading, with second and final reading set for March 7, 2019, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

7. 2019-4956: FIRST READING – PUBLIC HEARING – FY-19-5-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Neighborhood Service zoning district on 1.28 +/- acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 4940 State Highway 317.

Mark Baker, Senior City Planner, presented this case to the Council. He noted the applicant, Central Realty Partners (on behalf of Gary and Charles Cox) has requested a rezoning of 1.28 +/- acres from Agricultural zoning district to Neighborhood Service zoning district. The subject property is currently unplatted and occupied by an existing unoccupied structure that has been used as a single family residence. While no end-user has been identified, the property is proposed to be developed with non-residential uses. There are a number of residential and non-residential uses that are permitted by-right or with a conditional use permit. Mr. Baker addressed some of the traffic impacts. While the property fronts along State Highway 317 (SH 317), the presence of median breaks at Poison Oak Road and Oak Hills Drive may be problematic for some northbound traffic. Turning movements into the property will be limited to right-in and right-out. This may generate some additional traffic concerns and limit certain uses. The subject property takes access from State Highway 317, a major arterial street. TxDOT improvements are substantially complete with direct property access driveways in place. The state was notified of the proposed rezoning and no comments have been received. TxDOT improvements include a 10-foot sidewalk on the east side of SH 317. The subject property is within the Suburban Commercial Future Land Use Map designation. The Suburban Commercial designation is appropriate for office and retail service uses. The FLUM designation supports Office 1, Office 2, and Neighborhood Service zoning designations. The zoning is appropriate for office and retail service uses adjacent to residential neighborhoods as well as high profile corridors. Waste water will be provided by on-site septic, however an eight-inch sewer line is available approximately 1500 feet to the north in SH 317. Water is available from a 12-inch water line in SH 317. Mr. Baker continued, noting a proposed local connector trail is shown on the Trails Master Plan. SH 317, as an arterial requires a 6-foot sidewalk. Compliance with the Trails Master Plan and sidewalks has been addressed by the upsized sidewalk from six-feet to 10-feet, which was put into place by TxDOT widening improvements along east side of SH 317. A subdivision plat will be required for this property prior to any new construction, accessory or otherwise. The plat will address connection to public facilities but since the property frontage has been recently improved by a state highway improvement project, any needed right-of-way is not anticipated. The change of use, however will trigger compliance to parking requirements. Six notices, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Tuesday February 12, 2019 at 9:00 AM, one notice has been received in disagreement but has since been retracted.

Mayor Davis declared the public hearing open with regards to agenda item 7, 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 March 7, 2019, seconded by Councilmember Susan Long.

Motion passed unanimously.

RESOLUTIONS

8. 2019-9572-R: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Guillen Partners Ltd. for an amount not to exceed \$100,000 for Tier III category improvements with up to an additional \$30,000 for the Downtown Residential Component grant funding for 108 North Main Street within the Downtown Strategic Investment Zone corridor.

Brian Chandler, Director of Planning presented this item to the Council. He noted that the proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with Guillen Partners Ltd. for the property at 108

North Main Street. The agreement would provide a SIZ 1:1 matching grant for a maximum amount of \$130,000 of an estimated total project cost of \$700,000 for a proposed vertical mixed use project with a food hall/court (ground floor) and four apartments above. This Tier III project scope consists of interior renovation, including fire suppression, façade improvements, and an elevator installation. Fee reimbursements up to \$2,000 are also requested.

The CDBG funds that were intended to encourage downtown dwelling units or apartments, are not allocated for this program at this time, therefore the request for the \$30,000 (\$10,000 per unit/3 max) would have to come from General Funds if approved. The scope of the project would include exterior rehab and interior finish-out. As part of the exterior rehab, the metal slipcover would be removed from the front of the building to reveal the brick, and restoration of the store front and windows. Mr. Chandler noted the proposed food hall will be called City Eats.

Mr. Chandler noted the total maximum grant match by the City is \$130,000. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City.

This was reviewed by the SIZ Committee on February 8, 2019 and its recommendation is to approve the \$100,000 for the \$700,000 project; as well as fund the additional \$30,000 for the downtown mixed-use residential units. If approved the SIZ balance would be \$198,816 for the remainder of the fiscal year for any future SIZ projects.

Mayor Pro Tem Morales stated she was excited and thought this would boost downtown.

Motion by Mayor Pro Tem Judy Morales adopt resolution as presented, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

9. 2019-9573-R: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings of 185.277 acres of land, which includes a 160.047 acre tract and a 12.541 acre tract out of the Maximo Moreno Survey, Abstract No. 14, and 12.689 acres of right-of-way of Hartrick Bluff Road, directing Staff to develop a municipal services plan, and calling public hearings to consider the petition.

Christina Demirs, Deputy City Attorney presented both items 9 & 10 to the Council. She began stating the Local Government Code Chapter 43 governs the annexation process. It requires that Council grant or deny the voluntary annexation petition within 30-days of receipt; direct the Planning Department to prepare a municipal services plan providing for the extension of full municipal services to the area to be annexed; and hold two public hearings before considering an ordinance to annex.

Section 43.028(a) allows a property owner to voluntarily petition the City for annexation if the property to be annexed is: (1) one-half mile or less in width; (2) contiguous to the annexing city; and (3) is vacant and without residents or on which fewer that three qualified voters reside.

Section 43.028(g) permits the voluntary annexation of a property even if the contiguity requirement in 43.028(a) is not met, as long as public right-of-way of a road or highway designated by the municipality exists that: (1) is located entirely in the extraterritorial jurisdiction (ETJ) of the municipality; and (2) when added to the are would cause the area to be contiguous to the municipality.

Ms. Demirs continues stating that the first petition (item 9) was received on February 7, 2019, from Short Term Lending G.P., Inc.. The petition seeks voluntary annexation of two tracts of land, a 160.047 acre and a 12.541 acre tract in the Maximo Moreno Survey, Abstract No. 14. This include the 12.689 acres of right-of-way of Hartrick Bluff Road, which is a city road located in the ETJ and when added to the tracts, causes the tracts to be contiguous with the city limits.

The second petition (item 10) was received on February 7, 2019, from Short Term Lending G.P., Inc. as well. It seeks voluntary annexation of a 118.56 acre tract of land in the Maximo Moreno Survey, Abstract 14. This petition includes the request to annex 1.267 acres of right-of-way of Haymarket Drive, which is a road designated by the municipality that is in the ETJ, and when added to the tract, causes the tract to be contiguous with the city limits. Ms. Demirs noted that in order for the 118 acre tract to become contiguous with the city limits, the first petition (item 9) would have to be granted and annexed before the second petition (item 10).

Ms. Demirs noted that the two properties noted in the first petition are adjacent to Hartrick Bluff Road and meet the contiguity requirements in Chapter 43 for voluntary annexation once the 12.689 acres of right-of-way is added. Ms. Demirs stressed that only the right-of-way of Hartrick Bluff is being

petitioned for annexation, not any of the properties adjacent to the Hartrick Bluff would be annexed except for the two tracts mentioned in the petition.

Once the 1.267 acres of Haymarket Drive are added in the second petition, the 118.560 acre tract will meet the contiguity requirement.

She then reviewed the schedule for the annexation, noting that the 1st Public Hearing will be held on Thursday, April 4, 2019 at which time Staff will present the Municipal Services Plan. The Council will hold the 2nd public hearing on Friday, April 5, 2019. The first reading and public hearing will be held on Thursday, May 2, 2019; followed by the second and final reading on Thursday, May 16, 2019.

Ms. Myers reiterated that this was a voluntary annexation, and only the property owner's property was being annexed and right-of-way. There are no other tracts being annexed.

Mayor Davis, asked if others north of the subject property could request voluntary annexation at later time since their properties would abut the Hartrick Bluff Road and are contiguous with the city limits.

Ms. Myers replied yes if they wanted to request voluntary annexation, they could.

Ms. Landeros, City Attorney, abstained from all discussions.

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

Motion passed unanimously.

10. 2019-9574-R: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings of 119.827 acres of land, which includes a 118.560 acre tract out of the Maximo Moreno Survey, Abstract No. 14, and 1.267 acres of right-of-way of Haymarket Drive, directing Staff to develop a municipal services plan, and calling public hearings to consider the petition.

Motion by Councilmember Susan Long adopt resolution as presented, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

Page 17 of 17

City Council Meeting

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #4(B) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., CFM, City Engineer James Billeck, P.E., Sr. Project Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple, to perform the Garden District Utility Assessment in an amount of \$219,492.50.

STAFF RECOMMENDATION: Staff recommends approval of the professional services agreement as presented.

ITEM SUMMARY: The sewer collection and water distribution systems in Garden District are aged and require assessment. Water and sewer lines to be evaluated with this project comprises of approximately of 36,000 LF of sewer lines, 125 manholes, and 48,500 LF of water lines. Assessment activities and investigation deliverables will conform to the requirements set forth in the EPA Administrative Order. Recommendations for phased infrastructure rehabilitation and/or reconstruction projects to replace aged and/or deteriorating infrastructure will be developed with OPC's for planning and budgeting. (See project map for reference)

Consultant services recommended under this contract include the following tasks and costs:

CCTV Recording of Sewer Lines	\$ 169,775.00
GPS Topographic Services	\$ 23,687.50
Civil Engineering Assessment w/OPC's	\$ 26,030.00

TOTAL \$ 219,492.50

Time required for this assessment is 7 months from the notice to proceed.

03/07/19 Item #4(B) Consent Agenda Page 2 of 2

FISCAL IMPACT: Funding for the professional services agreement with Clark & Fuller, PLLC to perform the Garden District Utility Assessment in an amount of \$219,492.50 is available in account 561-5200-535-6995, project 101950, as follows:

Project Budget	\$ 300,000
Encumbered/Committed to Date	-
Clark & Fuller, PLLC - Professional Services Agreement	(219,493)
Remaining Project Funds Available	\$ 80,507

ATTACHMENTS:

Engineer's Proposal Project Map Resolution



February 21, 2019

City of Temple Interim Director of Public Works Don Bond, P.E., CFM 3210 E. Ave. H, Bldg. A Temple, TX 76501

Re: Revised Professional Services Proposal for the 2019 City of Temple Garden District Utility Assessment Project

Dear Mr. Bond,

We would like to thank the City of Temple for the opportunity to submit an engineering proposal for the 2019 City of Temple Garden District Utility Assessment Project. (Please refer to attached maps and documents for further information).

This project will consist of the evaluation and preliminary engineering of water and wastewater infrastructure within the City of Temple Garden District. This project will include 36,000 ft of wastewater ranging in diameter from 6" to 12", 125 wastewater manholes, 42,000 ft of waterline ranging in diameter from 2" to 12", and 6,500 ft of waterline ranging in diameter from 16" to 20".

As a part of this evaluation, Clark & Fuller (CF) will assess the current condition of the wastewater infrastructure by utilizing normal light line cleaning and video inspection of the pipelines. In addition, each of the manholes will be surveyed, photographed, and their condition evaluated. A manhole summary sheet, NASSCO color coding and pipeline assessment, and CCTV video will be provided.

Also, as a part of this evaluation, CF will assess the current condition of the water infrastructure. This infrastructure will be assessed related to age, pipe material, condition, adequate sizing, fire protection, and location of existing valves.

CF will provide recommendations for phased infrastructure rehabilitation and/or reconstruction and their associated cost estimates. These findings will be summarized in a utility condition assessment manual with associated DVDs of CCTV pipe inspections included. In addition, CF will prepare Railroad Permit(s) and facilitate coordination with City and Railroad Staff. The proposed timeline for the assessment is 7 months from the authorization of notice to proceed. The City of Temple Garden District area of study is shown within the attached Exhibit B.

Clark & Fuller, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering, Sanitary Sewer Line Cleaning and CCTV Inspection, and Surveying Services for a Lump Sum Amount not to exceed \$219,492.50. Please refer to attached Exhibit B for an itemized breakdown and more detailed scope of services.

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,

Monty L. Clark, P.E., CPESC



EXHIBIT "A"

Professional Services Proposal for 2019 City of Temple Garden District Utility Assessment Project Scope of Professional Services

CCTV Camera and Video Recording of Existing Trunk Sewer Main

\$ 169,775.00

- CCTV Video Inspections of Existing Trunk Sewer Mains (6" 12" Approx. 36,000 ft.)
- Project Mobilization
- Provide Normal Light Line Cleaning of Existing Sanitary Sewer Mains, prior to performing CCTV Video Inspection (Approx. 36,000 ft.)
- Coordinate and Report Areas of Immediate Concern to the City of Temple Utility Department.
- Provide reverse camera set-ups (as needed when pipes are blocked)
- Provide the City of Temple Engineering Department with (2) Copies in DVD Format of Line Camera'ing

Heavy Line Cleaning of Existing Trunk Sewer Main (6" to 18" - If required)

Traffic Control (Major Closures and Detours – If required)

Debris Disposal (If required)

\$ 295.00 per Hr.

\$ 485.00 per Hr.

\$ 250.00 per Ton

Clarifications:

- By-Pass Pumping is not included within this proposal
- Any corrections, repairs, or extractions required due to existing structural defects or failures are excluded from the Work.
- The Proposal is for normal light cleaning only. Normal light cleaning is cleaning requiring three (3) passes or less using high-velocity hydraulic equipment capable of pumping 80 gpm at 2,000 psi. Heavy line cleaning shall be considered all cleaning other than normal light cleaning, but does not include mechanical cleaning with bucket machines and winches. Heavy line cleaning will be charged as an additional service, at the hourly rate stated above, pre-approved by the Client.
- The CCTV inspection will be performed using a robotic camera capable of recording the condition of the pipe. Data will be generated in DVD and physical report format and will provide logged information of pipe condition, calling out defects (such as root intrusions, pipe separations, cracks, decay, and crumbling) as necessary.
- Client will provide free access to the work site.
- *Client will coordinate the Work with all property owners.*
- Client will provide environmentally responsible disposal site.
- Client will provide water for cleaning and access to hydrant and hydrant meter.
- Contractor to provide Traffic Control Cones, if necessary. Within congested traffic areas, Client will provide traffic control barricades and signage, if necessary, for high traffic areas, road closures and detours.
- Any line collapses resulting from line cleaning work shall be repaired by the Client and any damages or restoration, due to collapsed line or line repair, will be the responsibility of the Client.
- All areas within the above scope will be attempted. If any obstructions cannot be cleared by Vactor/Jetter standard nozzle, attempts will be ceased, and the area will be assumed in need of repair and replacement.

- Topographic Survey via GPS of Existing Trunk Sewer Manholes
- Reference topographic points to NAD83 Coordinates

Civil Engineering Assessment:

\$ 26,030.00

- Research Existing Utilities (Water and Sanitary Sewer)
 - Research Existing As-Builts and Record Drawings
 - o Provide Coordination with the City Utility Department
 - o Provide Miscellaneous Site Visits
- Preparation and Submission of Railroad Permits
- Facilitate Coordination with Railroad Representative(s)
- Identification of Construction Issues and Major Obstacles
- Identification of Water System Deficiencies (Fire hydrants, flushes, valves, loops, and line diameters.)
- Provide the City of Temple Engineering Department with Construction Alternatives and Recommendations
- Project Prioritizing List Based upon System Deficiencies, Sanitary Sewer Line Clogging and Deterioration, or Capacity Issues Found during Investigation and Analysis
- Provide Preliminary Design Phasing
- Provide Engineers Opinion of Construction Cost and Probable Days to Complete Project Construction
- Attend and Facilitate Project Coordination with the City Staff and/or City Council
- Provide Final Engineers Report and Project Maps
 - Engineer shall utilize the NASSCO Color Coding Pipeline Assessment Program (PACP) within their assessment.



PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$ 120.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily On-Site Inspection Services	\$ 45.00/hr.
Landscaping Designer	\$ 70.00/hr.
Expenses	Additional Cost Plus 10%

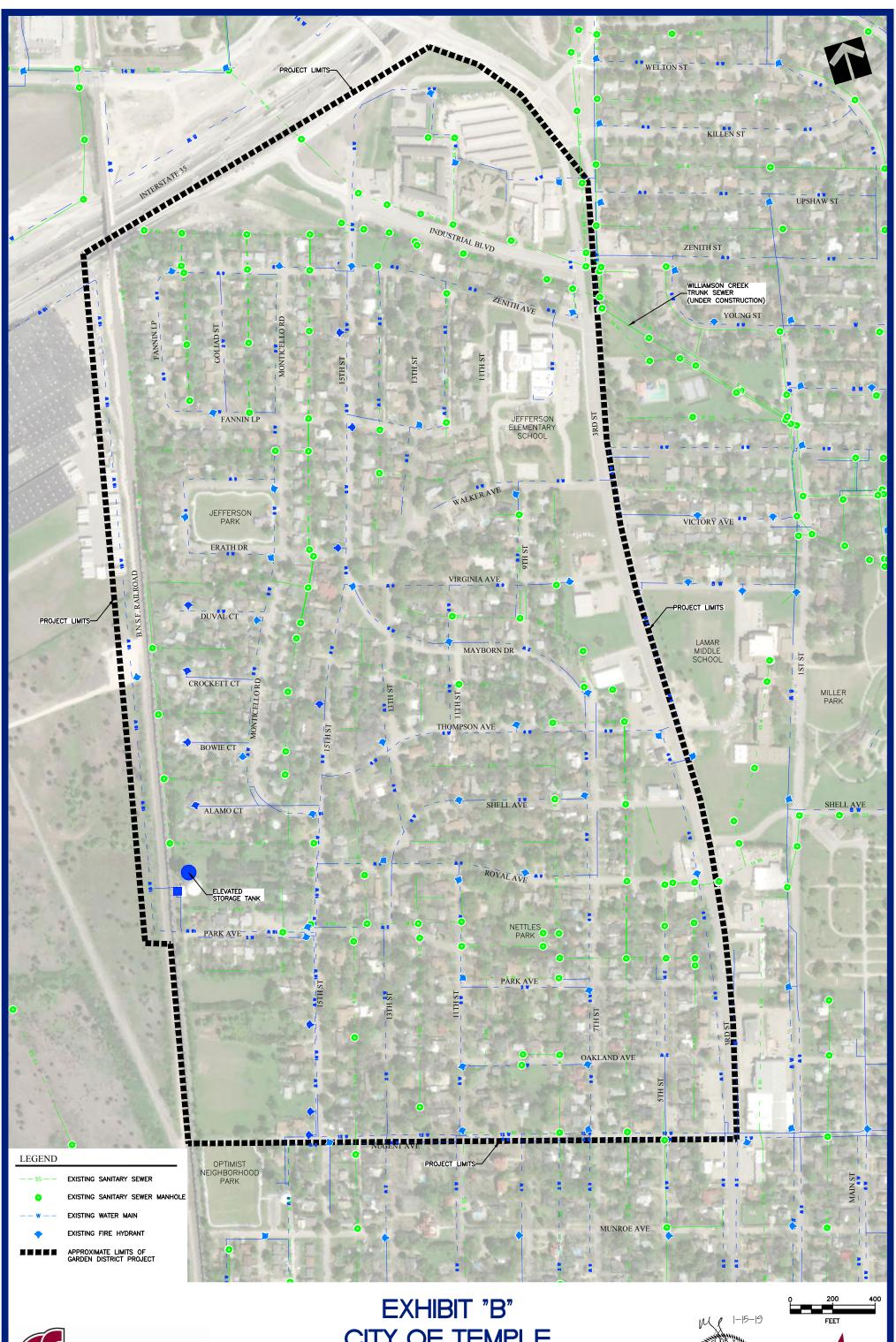




EXHIBIT "B"

CITY OF TEMPLE

2019 GARDEN DISTRICT

UTILITY ASSESSMENT PROJECT





RESOLUTION NO. 2019-9575-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC OF TEMPLE, TEXAS IN THE AMOUNT \$219,492.50, TO PERFORM THE GARDEN DISTRICT UTILITY ASSESSMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the sewer collection and water distribution systems in the Garden District are aged and require assessment;

Whereas, water and sewer lines to be evaluated comprise of approximately of 36,000 linear feet of sewer line, 125 manholes, and 48,500 linear feet of water line;

Whereas, assessment activities and investigation deliverables will conform to the requirements set forth in the Environmental Protective Agency Administrative Order;

Whereas, Staff recommends Council authorize a professional services agreement with Clark & Fuller, PLLC of Temple, Texas in the amount of \$219,492.50, to perform the Garden District Utility Assessment;

Whereas, funding for this project is available in Account No. 561-5200-535-6995, Project No. 101950; 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:

<u>Part 1</u>: 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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Clark & Fuller, PLLC of Temple, Texas in the amount of \$219,492.50, to perform the Garden District Utility Assessment.

<u>Part 3</u>: 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 7th day of March, 2019.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
I D	Warda Landana
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #4(C) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., CFM, City Engineer James Billeck, P.E., Sr. Project Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing contract amendment #3 with Clark & Fuller, PLLC, of Temple, for additional services required to complete final design of Phase IV of the Knob Creek Trunk Sewer Improvements in the amount of \$36,100.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: On April 7, 2016, Council approved the Knob Creek Basin study to assess the condition of an aged primary wastewater interceptor line serving some of the oldest parts of the City. This study was necessitated by failing infrastructure, and a recognition of the need to ensure continued serviceability to both established and future developing areas of Temple. Study results concluded that the trunk sewer has significant aging, failures, and excessive amounts of infiltration with a recommendation to implement necessary upgrades and improvements in five phases with Phase I being the most critical to rehabilitate.

On June 1, 2017, Council approved the Knob Creek Trunk Sewer Improvements to complete 100% design and bidding phase services for Phase I and 30% design for Phases II-V.

On May 31, 2018, the City approved Contract Amendment #1 in the amount of \$19,235.27 for design services to replace a failing siphon line near East Avenue I and South Knob Street. On September 20, 2018, Council approved contract amendment #2 in the amount of \$889,003.14 for final design and bidding phase services for Phases II-V.

Per the attached engineer's proposal, this contract amendment with Clark & Fuller is necessary to complete final design by exploratory excavations to determine alignments and depths of existing sanitary sewer infrastructure in the amount of \$36,100 (see project map for reference). Staff recommends authorizing these additional services under this contract.

03/07/19 Item #4(C) Consent Agenda Page 2 of 2

FISCAL IMPACT: Funding for Contract Amendment #3 with Clark & Fuller, PLLC for additional services required to complete final design of Phase IV of the Knob Creek Trunk Sewer Improvements in the amount of \$36,100.00 is available in account 520-5900-535-6631, project 101629, as follows:

Remaining Project Funds Available	\$ 92,597
Clark & Fuller, PLLC - Contract Amendment #3	(36,100)
Encumbered/Committed to Date	(2,139,429)
Project Budget	\$ 2,268,126

ATTACHMENTS:

Engineer's Proposal Contract Amendment Project Map Resolution



February 5, 2019

City of Temple Don Bond, P.E. 3210 E. Ave. H, Bldg. A Temple, TX 76501

Re: Professional Services Proposal for the 2017 City of Temple Knob Creek Trunk Sewer Improvements Phase IV - Additional Services:

Dear Mr. Bond,

We would like to thank the City of Temple for the opportunity to submit an additional services engineering fee proposal for the 2017 City of Temple Knob Creek Trunk Sewer Improvements Phase IV – Additional Services.

From on-going site visits, City of Temple Camera and Vac Truck investigation, and utilizing the City of Temple GIS maps, some existing sanitary sewer manholes and mains could not be located within the Knob Creek Phase IV project areas. During field exploration, some of the existing sewer mains were found to be heavily clogged and/or collapsed and CCTV investigation was unsuccessful to determine sewer main alignments. In addition, over time some existing manholes have been covered with debris, soil, and vegetation and could not be located or opened.

Therefore, additional services are required for the Knob Creek Trunk Sewer Improvements due to these existing conditions. The additional services shall consist of construction mobilization and field excavation (potholing) to locate existing sanitary sewer manholes and sewer mains, which are currently buried and cannot be accessed. Therefore, we are proposing for exploratory excavation at 4 locations along approximately 2,500 linear feet of sanitary sewer pipelines. Note: all excavation work shall be performed outside of the existing Railroad Rights of Way and railroad permitting is not a part of the project scope. Refer to attached map for areas where existing sewer mains and manholes could not be located. Until there is clear site evidence to determine the locations and the depths of these existing sanitary sewer mains, the Civil Engineers Designs cannot be accurately completed.

Clark & Fuller, PLLC, will utilize Bell Contractors of Belton, Texas as a subconsultant to complete mobilization and field excavation to determine existing sanitary sewer main depths and alignments for a lump sum of \$36,100.00.

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,

Monty L. Clark, P.E., CPESC

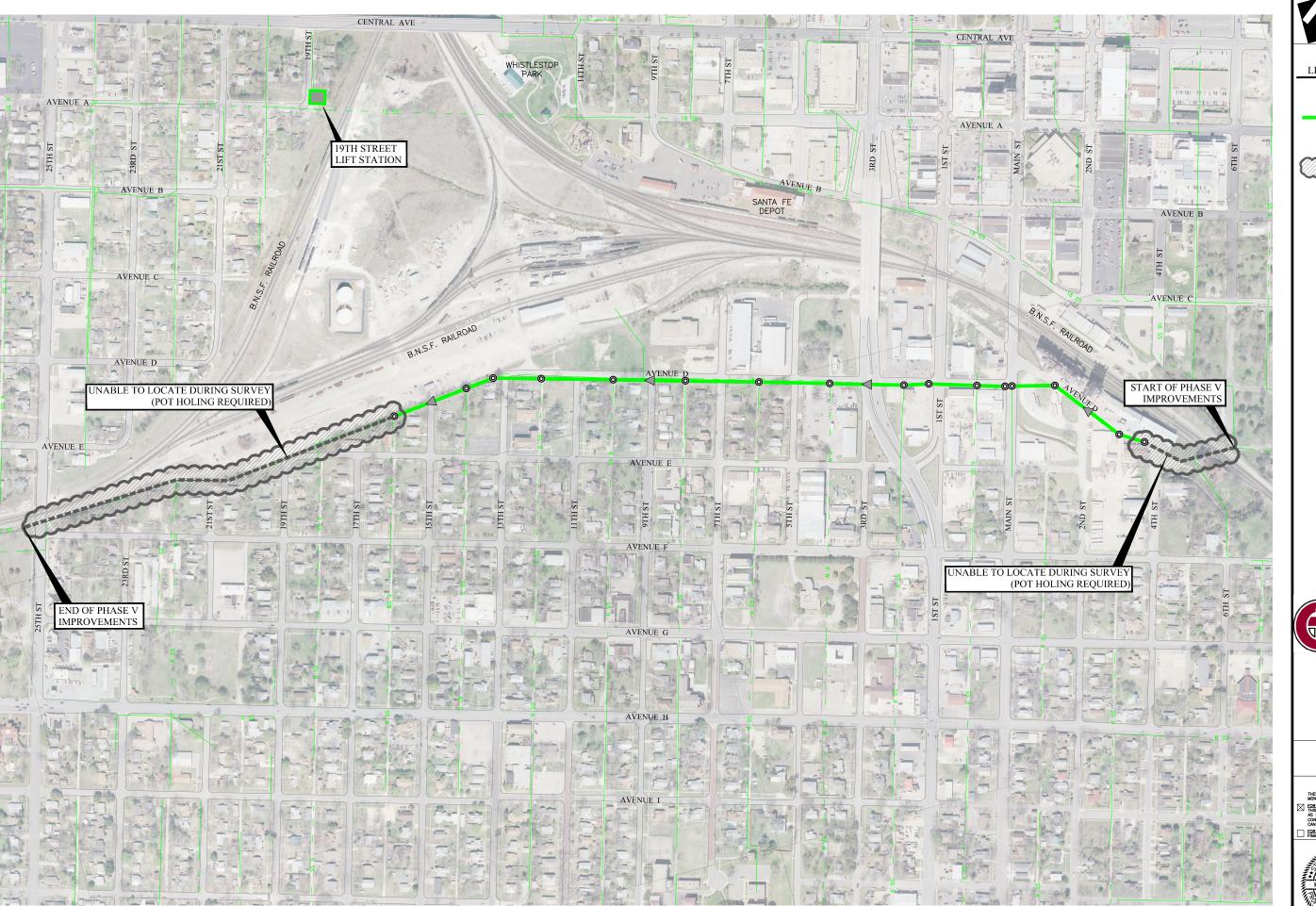


PROFESSIONAL FEE SCHEDULE Provided for Informational Purposes

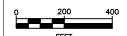
Licensed Professional Engineer	\$ 120.00/hr.
Licensed Professional Architect	\$ 125.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily On-Site Inspection Services	\$ 40.00/hr.
Landscape Designer	\$ 80.00/hr.

CONTRACT AMENDMENT (Professional Service Agreements)

PROJECT: Knob Creek Trunk & OWNER: City of Temple ARCHITECT/ENGINEER: Clark AMENDMENT #: 3		
Make the following additions, no Contract Documents:	nodifications or deletions to the work	described in the
Additional Services - Exploratory sewer lines is required for comple	y excavations of alignment and depth of tion of final design.	existing sanitary
	Total Addition Services: \$36,	100.00
payment for all costs the Archite amendment whether said costs a including without limitation, any	n this Contract Amendment is the full, co ct or Engineer may incur as a result of o re known, unknown, foreseen or unfores cost for delay (for which only revised to pact cost, or any other effect on change Amendment.	or relating to this seen at this time, ime is available),
Original Contract Amount: Previous Net Change in Contract Amount This Amendment: Revised Contract Amount: Original Contract Completion Dat Revised Contract Completion Date	Amount: \$\frac{908}{36}\$, \$\frac{36}{2,172}\$, te: \$\frac{Octobe}{0}\$	090.42 238.41 100.00 428.83 er 7, 2018 y 29, 2020
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 Depa	rtment:
	Finance	Date







LEGEND

SANITARY SEWER DIRECTIONAL FLOW ARROW

NEW SANITARY SEWER MANHOLE



ADDITIONAL INFORMATION NEEDED



PHASE V POT HOLING MAP

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF MONTY. CLARK P.E. 30894, CLARK & TULLER, RILD FIRM NO: F-10389.

SOFT REPORT HE PURPOSES OF INTERM REVIEW OF AS PER DATE ON DRAWING, IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.

FOR CONSTRUCTION
FINAL DRAWINGS

9	Designed	MLC
	Drafted	ECB
c.	Project No	171784.00
	Plot Date	2-12-19
		1

RESOLUTION NO. 2019-9576-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTRACT AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$36,100, FOR ADDITIONAL SERVICES REQUIRED TO COMPLETE THE FINAL DESIGN OF PHASE 4 OF THE KNOB CREEK TRUNK SEWER IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 7, 2016, Council approved the Knob Creek Basin study to assess the condition of an aged primary wastewater interceptor line serving some of the oldest parts of the City, which was necessitated by failing infrastructure, and a recognition of the need to ensure continued serviceability to both established and future developing areas of Temple;

Whereas, the study results concluded that the trunk sewer has significant aging, failures, and excessive amounts of infiltration with a recommendation to implement necessary upgrades and improvements in five phases - Phase 1 being the most critical to rehabilitate;

Whereas, on June 1, 2017, Council approved the Knob Creek Trunk Sewer Improvements to complete 100% design and for bidding phase services for Phase 1, and 30% design for Phases 2-5;

Whereas, on May 31, 2018, Council approved Contract Amendment No. 1 for design services to replace a failing siphon line near East Avenue I and South Knob Street – on September 20, 2018, Council then approved Contract Amendment No. 2 for final design and bidding phase services for Phases 2-5;

Whereas, Staff recommends Council authorize Contract Amendment No. 3 to the professional services agreement with Clark & Fuller, PLLC, of Temple, Texas in the amount of \$36,100 to complete final design by exploratory excavation to determine alignments and depths of existing sanitary sewer infrastructure;

Whereas, funding for Contract Amendment No. 3 is available in Account No. 520-5900-535-6331, Project No. 101629; 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:

<u>Part 1</u>: 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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute Contract Amendment No. 3 to the professional services agreement with Clark & Fuller, PLLC, of Temple, Texas in the amount of \$36,100 for additional services required to complete the final design of Phase 4 of the Knob Creek Trunk Sewer Improvements.

<u>Part 3</u>: 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 7th day of March, 2019.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #4(D) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., CFM, City Engineer James Billeck, P.E., Sr. Project Engineer

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing change order #4 to the construction contract with Archer Western Construction, LLC, of Irving, to construct Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion in the amount of \$91,397.85.

STAFF RECOMMENDATION: Adopt resolution as presented in item summary.

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

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

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

On September 7, 2017, Council authorized a construction contract with Archer Western for the base bid and deductive change order #1 totaling \$12,122,418 with Temple's 75% portion being \$9,091,813.50. On April 5 and October 18, 2018, Council authorized change orders #2 and #3 for the total amount of \$523,772.50 (\$392,829.38 is Temple's 75% portion).

As indicated in the attached change order and engineer's letter of recommendation, this is a necessary change order including additive items including miscellaneous pipe fittings/supports and lightning protection as well as a deductive item to replace masonry wall with chain link fence and totals \$91,397.85 (\$68,548.39 is Temple's 75% portion). This and the previous change orders would result in a total contract of \$12,737,588.35, a net decrease of 2.84% to the original amount. Time allotted for the additional construction activities is 25 calendar days (project map attached for reference).

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for Change Order #4 to the construction contract with Archer Western Construction, LLC for the construction of Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion. Funding in the amount of \$68,548.39 is available in account 561-5500-535-6938, project 101774, as follows:

Project Budget	\$ 10,135,869
Budget Adjustment	66,430
Encumbered/Committed to Date	(10,133,751)
Archer Western Construction, LLC. Change Order #4	(68,548)
Remaining Project Funds Available	\$

ATTACHMENTS:

Engineer's Letter of Recommendation Change Order Project Map Budget Amendment Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

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

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

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

February 22, 2019

Ms. Angellia Points, P.E.

City Engineer

City of Belton

P. O. Box 120

Belton, Texas 76513

Mr. James Billeck, P.E.

Project Manager

City of Temple

3210 E. Avenue H, Building A

Temple, Texas 76501

Re:

Cities of Temple and Belton, Texas

TBWWTP Phase 1 -- Headworks and Flow Equalization Improvements

Change Order No. 4

Dear Mrs. Points and Mr. Billeck:

Please find attached Change Order No. 4 for the referenced project. Change Order 4 includes an increase in the construction cost of \$91,397.85 and 25 days in construction time. This Change Order consists of modifications/additions noted during the construction phase. These modifications and/or additions are necessary for the final operation of the project.

The following is a breakdown/explanation of each item included in Change Order No. 3:

- 1. CO4-1 Mechanical Modifications at Headworks. Add \$36,743.39.
 - a. During the shop drawing process, the size of several stainless steel cover plates were increased. Additionally, flexible connections were added to the influent piping at each of the three (3) fine screens.
- 2. CO4-2 Lightening Protection at Headworks. Add \$29,993.76.
 - a. The proposed MCC Buildings were designed with lightening protection and the costs were included in the original project cost. However, the headworks structure itself did not have lightening protection included. In the past, this has been common practice. However, we have observed several facilities in the past year that have had issues without lightening protection. With the height of the structure and the number of panels, the design team recommended this addition be included into the contract.
- 3. CO4-3 Effluent Trough Supports. Add \$74,230.10.
 - The construction plans did not show intermediate supports for the effluent overflow trough in the downstream portion of the Headworks structure. The trough manufacturer recommended intermediate supports at 10 foot intervals. The design team reviewed the recommendation and sized stainless steel support members to be incorporated into the contract through change order.
- 4. CO4-4 Force Main Fittings & Pipe Supports. Add \$21,430.60
 - a. During the construction process, it was noted that four additional pipe supports were required (to provide support for the process piping attached to the flexible connection in item CO4-1. Additionally, it was noted that it would be much easier to install internal bends for the "future" force main connections within the influent box prior to placing the Headworks online. As such, it was recommended these fittings be included.

Ms. Angellia Points, P.E. Mr. James Billeck, P.E February 22, 2019 Page Two

- 5. CO4-5 Fence Modifications. Deduct \$71,000.
 - a. The design team and contractor met to discuss possible cost savings within the project. It was noted that the proposed concrete wall could be deleted and a chainlink fence be installed in its place. A portion of the wall/fence would be behind the current berm and not observable from the roadway. City Staff noted that we could also modify the alignment to allow a future berm (on the west end) and shorten the total length of new fence. Both of these modifications resulted in a significant cost savings.

We have reviewed each of the CPRs and recommend approval of an addition of \$91,397.85 and 25 days to the construction contract. This increases the total Contract Amount to \$12,737,588.35 and extends the construction time until April 30, 2019. The following table shows the contract additions and summaries for both the City of Belton and City of Temple (Net Change is the current Change Order Amount):

	Total Contract	City of Belton	City of Temple
Original Contract Amount	\$ 13,110,000.00	\$ 3,277,500	\$ 9,832,500
Previous Net Change	\$ (463,809.50)	\$ (115,952.38)	\$ (347,857.13)
Net Change (Current)	\$ 91,397.85	\$ 22,849.46	\$ 68,548.39
Revised Contract Amount	\$ 12,737,588.35	\$ 3,184,397.09	\$ 9,553,191.26

The net result of Change Orders 1-4 is a decrease in the overall project cost of \$372,411.65. When only the additive Change Orders (CO2 – CO 4) are considered, the contract has increased \$615,170.35 which is an increase of approximately 4.7% of the original contract amount. We are available to discuss any questions you may have concerning this change order.

Sincerely,

Thomas D. Valle

TDV/

xc: Mr. Gil Gregory, MRB Group (by email)

Mr. Luke Hill, Archer Western (by email)

2015-140-40

CHANGE ORDER

PROJECT: Temple-Belton Wastewater Treatment Plant - Phase I, Headworks &

Flow Equalization Improvements

OWNER: Cities of Temple and Belton, Texas

CONTRACTOR: Archer Western

ENGINEER: Kasberg, Patrick & Associates, LP

CHANGE ORDER #: 4

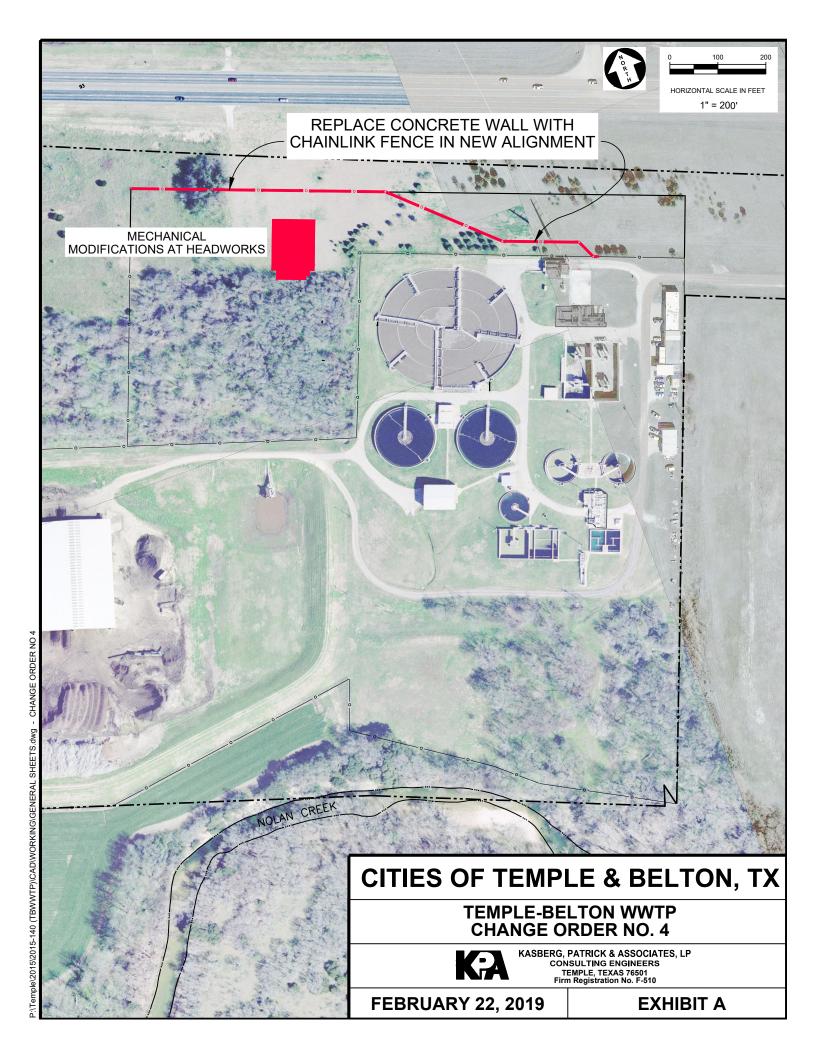
Make the following additions, modifications or deletions to the work described in the Contract Documents:

Item	Description	Quantity	Unit	Cost	Total
CO4-1	Mechanical Modifications at Headworks (addition of cover plate and flex connection at Fine Screens)	100%	LS	\$ 36,743.39	\$ 36,743.39
CO4-2	Lighhtening Protection at Headworks	100%	LS	\$ 29,993.76	\$ 29,993.76
CO4-3	Effluent Trough Support (Fabrication and Installation)	100%	LS	\$ 74,230.10	\$ 74,230.10
CO4-4	Addition of Force Main Fittings in Headworks for future connections and addition of 30" Pipe Supports	100%	LS	\$ 21,430.60	\$ 21,430.60
CO4-5	Fence Modification (change from concrete to chainlink including new alignment and addition of gate)	100%	LS	\$ (71,000.00)	\$ (71,000.00)
				Total Add	\$ 91,397.85

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

	Total Contract	City of Belton	City of Temple
Original Contract Amount	\$ 13,110,000.00	\$ 3,277,500.00	\$ 9,832,500.00
Previous Net Change in Contract Amount	\$ (463,809.50)	\$ (115,952.38)	\$ (347,857.13)
Net Change in Contract Amount	\$ 91,397.85	\$ 22,849.46	\$ 68,548.39
Revised Contract Amount	\$ 12,737,588.35	\$ 3,184,397.09	\$ 9,553,191.26
Original Contract Time	400 days		
Previous Net Change in Contract Time	120 days		
Net Change in Contract Time	25 days		
Revised Contract Time	545 days		
Original Final Completion Date	December 6, 2018		
Revised Final Completion Date	April 30, 2019		

Recommended By:		Recommended by:			
Project Manager (Temple)	Date	Engineer Date			
Recommended By:		Approved by City of Belton:			
Project Manager (Belton)	 Date	City Manager Belton Date			
Agreed to:		Approved by City of Temple:			
Contractor	D <i>a</i> te	City Manager Temple Date			
Approved as to form:		Approved by Finance Department			
Temple City Attorney's Office	e Date	Temple Finance Date			
Approved as to form:		Approved by Finance Department			
Belton City Attorney's Office	Date	Belton Finance Date			



CHANGE ORDER

PROJECT: Temple-Belton Wastewater Treatment Plant - Phase I, Headworks &

Flow Equalization Improvements

OWNER: Cities of Temple and Belton, Texas

CONTRACTOR: Archer Western

ENGINEER: Kasberg, Patrick & Associates, LP

CHANGE ORDER #: 4

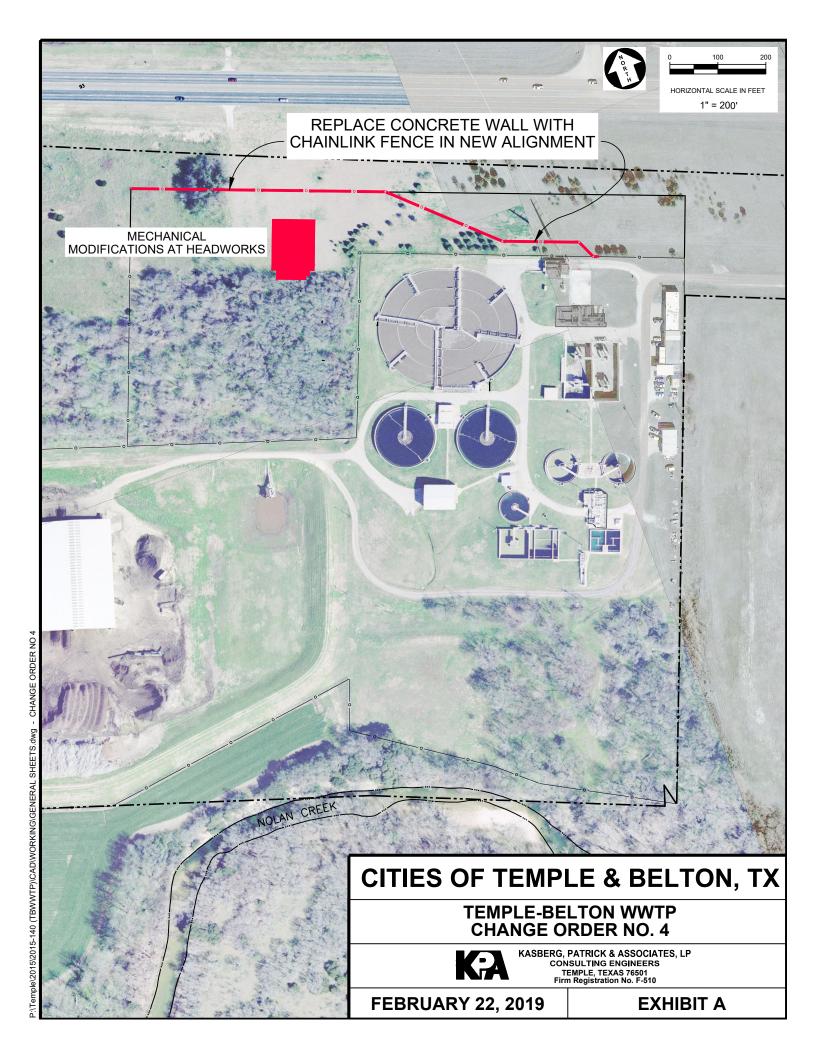
Make the following additions, modifications or deletions to the work described in the Contract Documents:

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CO4-2	Lighhtening Protection at Headworks	100%	LS	\$ 29,993.76	\$ 29,993.76
CO4-3	Effluent Trough Support (Fabrication and Installation)	100%	LS	\$ 74,230.10	\$ 74,230.10
CO4-4	Addition of Force Main Fittings in Headworks for future connections and addition of 30" Pipe Supports	100%	LS	\$ 21,430.60	\$ 21,430.60
CO4-5	Fence Modification (change from concrete to chainlink including new alignment and addition of gate)	100%	LS	\$ (71,000.00)	\$ (71,000.00)
				Total Add	\$ 91,397.85

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

	Total Contract	City of Belton	City of Temple
Original Contract Amount	\$ 13,110,000.00	\$ 3,277,500.00	\$ 9,832,500.00
Previous Net Change in Contract Amount	\$ (463,809.50)	\$ (115,952.38)	\$ (347,857.13)
Net Change in Contract Amount	\$ 91,397.85	\$ 22,849.46	\$ 68,548.39
Revised Contract Amount	\$ 12,737,588.35	\$ 3,184,397.09	\$ 9,553,191.26
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Net Change in Contract Time	25 days		
Revised Contract Time	545 days		
Original Final Completion Date	December 6, 2018		
Revised Final Completion Date	April 30, 2019		

Recommended By:		Recommended by:			
Project Manager (Temple)	Date	Engineer Date			
Recommended By:		Approved by City of Belton:			
Project Manager (Belton)	 Date	City Manager Belton Date			
Agreed to:		Approved by City of Temple:			
Contractor	D <i>a</i> te	City Manager Temple Date			
Approved as to form:		Approved by Finance Department			
Temple City Attorney's Office	e Date	Temple Finance Date			
Approved as to form:		Approved by Finance Department			
Belton City Attorney's Office	Date	Belton Finance Date			



FY	201	9
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BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

			+	-
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
561-5500-535-69-38	101774	Capital - Bonds / TBRSS Expansion	\$ 66,430	
561-5200-535-69-83	100952	Capital - Bonds / Hogan RD Waterline Impr		66,430
TOTAL			\$ 66,430	\$ 66,430
To reappropriate funding for C Belton Wastewater Treatment the amount of \$91,397.85.	Change Order t Plant (TBP)	REQUEST- Include justification for increases AND reason where #4 to the construction contract with Archer Western Construction Expansion, project 101774, with Temple's 75% portion being \$60 dogan Road project, #100952, as the construction bid came in su	n, LLC to construct F 8,548.39 and the tota	Phase 1 of the Temple- al Change Order being in
DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN		CIL APPROVAL? X 03/07/19	Yes	No
WITH AGENDA ITEM?		X	Yes	No
Department Head/Division	n Director	Date		Approved Disapproved
Finance		Date		Approved Disapproved
City Manager		Date		Approved Disapproved

RESOLUTION NO. 2019-9577-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 4 TO THE CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONSTRUCTION, LLC OF IRVING, TEXAS IN THE AMOUNT OF \$91,397.85, FOR CONSTRUCTION OF PHASE 1 OF THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT EXPANSION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

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

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

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

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

Whereas, on April 5, 2018 and October 18, 2018, Council authorized Change Order Nos. 2 and 3 for a total amount of \$523,772.50 with \$392,829.38 being Temple's 75% portion;

Whereas, Change Order No. 4 is necessary to accommodate miscellaneous pipe fittings/supports and lightning protection, as well as a deductive item to replace masonry wall with chain link fence;

Whereas, funds are available for Change Order No. 4, but an amendment to the fiscal year 2019 budget needs to be approved to transfer the funds to Account No. 561-5500-535-6938, Project No. 101774; and

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

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

<u>Part 1</u>: 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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute Change Order No. 4 to the construction contract with Archer Western Construction, LLC, of Irving, Texas in the amount of \$91,397.85, for construction of Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion Project.

<u>Part 3</u>: The City Council authorizes an amendment to the fiscal year 2019 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

<u>Part 4</u>: 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 7th day of March, 2019.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson City Secretary	Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #4(E) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing granting an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of the Shallowford Lift Station.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY</u>: The City of Temple is currently relocating and expanding the Shallowford Lift Station in order to adequately convey wastewater discharge from the Bird Creek Interceptor to the TBP. The upgraded lift station will require an extension of electricity delivery system facilities. Oncor Electric Delivery Company, LLC (Oncor) is the local electric delivery provider. In order to deliver the needed electricity to Shallowford Lift Station, Oncor is seeking an easement from the City to construct, operate, maintain, replace, operate, repair, upgrade, and remove electrical facilities (the Facilities). Improvement and maintenance of the Facilities will be at the sole expense of Oncor.

At this time, Staff is asking for authorization to grant an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of Shallowford Lift Station.

FISCAL IMPACT: There is no request for reimbursement related to this easement since the sole purpose of the extension by Oncor is to provide needed service for the Shallowford Lift Station.

ATTACHMENTS:

Proposed Easement Resolution

PT #: <u>2018-4497</u>
District: <u>KRT – Temple</u>
WR #: <u>3357466</u>
ER #:

EASEMENT AND RIGHT OF WAY

STATE OF TEXAS \$ \$ KNOW ALL MEN BY THESE PRESENTS: COUNTY OF BELL

That **City of Temple, Texas,** hereinafter called "Grantor", whether one or more, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202-1234, hereinafter referred to as "Grantee", has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described as follows:

SEE EXHIBIT "A" (ATTACHED)

Grantor recognizes that the general course of said lines, or the metes and bounds as described above, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Together with the right of ingress and egress along and upon said easement and right-ofway and over and across Grantor's adjoining properties for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of said facilities; the right to relocate said facilities in the same relative direction of said facilities; the right to relocate said facilities in the same relative position to any adjacent road if and as such is widened in the future; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to, said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said facilities or to remove possible hazard thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement area as described above without prior written consent of Grantee.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee's use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said Grantee, its successors and assigns, until all of said electric lines and facilities shall be abandoned, and in that event said easement and right-of-way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's heirs, successors or assigns, and legal representatives, to warrant and forever defend the above described easement and right-of-way unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

	EXECUTED this	day of __			, 2018.
			City of	Temple, Texas	
			Ву:	Brynn Myers, Temple	
				Brynn Myers, Temple	City Manager
QT A TE	E OF TEXAS	۶			
		& & &			
COUN	TY OF BELL	§			
the Te foregoing	BEFORE ME, the undersignment City Manager, knowing instrument and acknown eration therein expressed,	wn to me to ledged to me	be the pethethe	erson whose name executed the same	is subscribed to the for the purposes and
	GIVEN UNDER MY HAI		AL OF	OFFICE this	day of
		Nice		· · · · · · · · · · · · · · · · · · ·	
		Notai	ry Public	in and for the State	or rexas

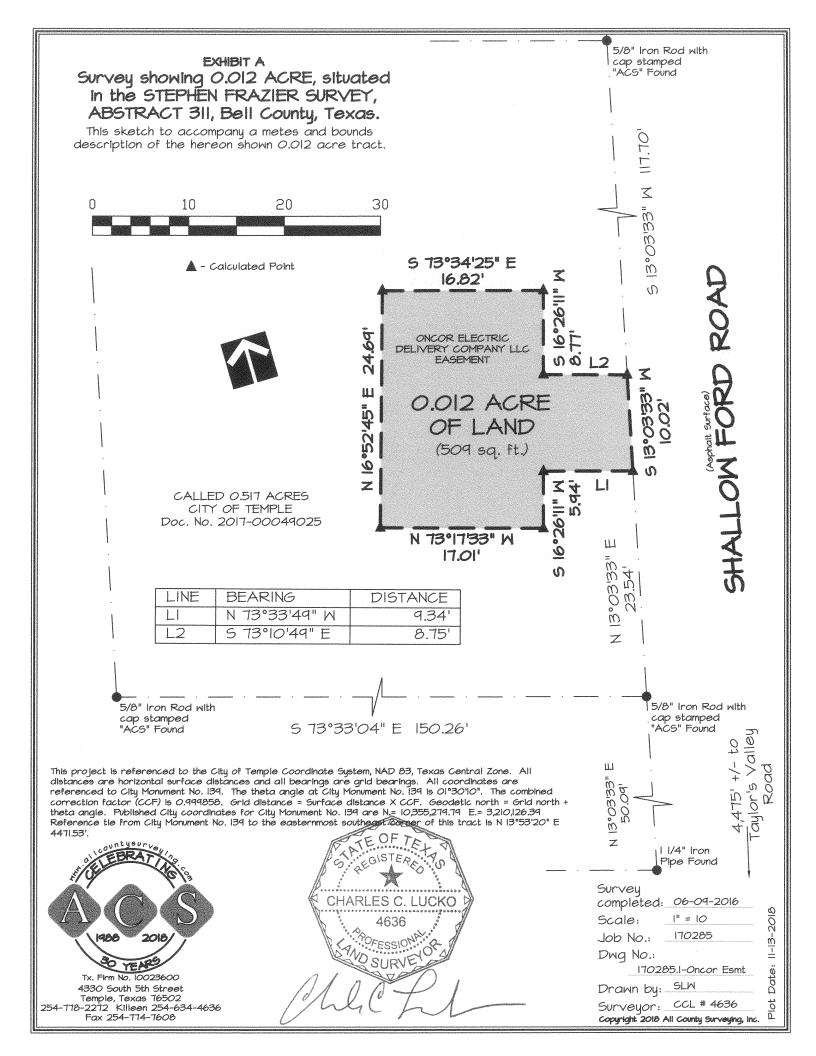


EXHIBIT A 1

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

October 29, 2018 Surveyor's Field Notes for:

0.012 ACRE (509 sq. ft.), situated in the **STEPHEN FRAZIER SURVEY, ABSTRACT 311**, Bell County, Texas, embracing a portion of a called 0.517 Acre tract conveyed to the City of Temple in Document No. 2017-00049025, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point on the east line of said 0.517 Acre tract, being the west line of Shallowford Road, which said calculated point bears N 13° 03' 33" E - 23.54' from a 5/8" iron rod with cap stamped "ACS" found at the southeast corner of said 0.517 Acre tract, for the easternmost southeast corner of the herein described tract;

THENCE, in a westerly direction, severing said 0.517 Acre tract, N 73° 33' 49" W - 9.34', a calculated point, S 16° 26' 11" W - 5.94', and N 73° 17' 33" W - 17.01', to a calculated point, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, **N 16° 52' 45" E – 24.69'**, to a calculated point, for the northwest corner of the herein described tract:

THENCE, in an easterly direction, **S 73° 34' 25" E – 16.82'**, **S 16° 26' 11" W – 8.77'**, and **S 73° 10' 49" E – 8.75'**, to a calculated point on the east line of said 0.517 Acre tract, same being the west line of said Shallowford Road, which said calculated point bears S 13° 03' 33" W – 117.70' from a 5/8" iron rod with cap stamped "ACS" found at the northeast corner of said 0.517 Acre tract, for the easternmost northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Shallowford Road, **S 13° 03' 33" W – 10.02'**, to the **POINT OF BEGINNING** and containing 0.012 Acre of Land.

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 139. The theta angle at City Monument No. 139 is 01°30'10". The combined correction factor (CCF) is 0.999858. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 139 are N.= 10,355,279.79 E.= 3,210,126.39 Reference tie from City Monument No. 139 to the easternmost southeast corner of this tract is N 13°53'20" E 4471.53'.

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 0.012 Acre tract.

Surveyed June 9, 2016

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

Tx. Firm Lic. No. 10023600

server/projects/pro170000/170200/170285/170285.1.doc

Charles C. Lucko
Registered Professional Land Surveyor

CHARLES C. LUCKO

Registration No. 4636

RESOLUTION NO. 2019-9578-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING AN EASEMENT TO ONCOR ELECTRIC DELIVERY COMPANY, LLC FOR ELECTRIC UTILITIES NECESSARY FOR THE CONSTRUCTION OF THE SHALLOWFORD LIFT STATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is currently relocating and expanding the Shallowford Lift Station to adequately convey wastewater discharge from the Bird Creek Interceptor to the Temple-Belton Wastewater Treatment Plant;

Whereas, the upgraded lift station will require an extension of electricity delivery system facilities and Oncor Electric Delivery Company, LLC (Oncor) is the local electric delivery provider;

Whereas, in order to deliver the needed electricity to Shallowford Lift Station, Oncor is seeking an easement from the City to construct, operate, maintain, replace, repair, upgrade, and remove electrical facilities (the Facilities) - improvement and maintenance of the Facilities will be at the sole expense of Oncor;

Whereas, Staff recommends Council grant an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of Shallowford Lift Station:

Whereas, there is no request for reimbursement related to this easement since the sole purpose of the extension is to provide needed service for the Shallowford Lift Station; 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:

- <u>Part 1</u>: 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.
- <u>Part 2</u>: The City Council grants an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of the Shallowford Lift Station, and authorizes the Mayor, after approval as to form by the City Attorney, to execute an Easement Agreement with Oncor Electric Delivery Company, LLC.
- <u>Part 3</u>: 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 7th day of March, 2019.

THE CITY OF TEMPLE, TEXAS		
TIMOTHY A. DAVIS, Mayor		
APPROVED AS TO FORM:		
Kayla Landeros		
City Attorney		



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #4(F) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing an amendment to Resolution 2018-9445-R for additional funds to purchase properties necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an additional estimated amount of \$35,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road. Improvements include expanding the current two-lane pavement section to a new four lane roadway, extending to connect to Old Waco Road, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping.

The design requires the acquisition of right of way from thirty-two properties. Twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities. One right-of-way has been donated by Belton Independent School District. The City and the State of Texas (TxDOT) own the two remaining properties.

Appraisals have been conducted on all the properties and offers have been made to those property owners based on the appraisals. For those properties that will require relocation, Stateside Right of Way Services, Inc. (Stateside) has prepared and presented the necessary relocation studies. The City has acquired six rights-of-way and is coordinating closing on five rights-of-way. Council authorized eminent domain for one property at its January 17, 2019 meeting.

At its November 15, 2018 meeting, Council authorized Resolution 2018-9445-R for the purchase of four properties and the associated closing costs and relocation benefits for those properties in estimated amount of \$675,000. Closings and relocations for those four properties have begun. However, actual closing costs and actual relocation benefits have been higher than estimated.

Therefore, Staff is asking for authorization to amend Resolution 2018-9445-R for additional funds to purchase properties necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an additional estimated amount of \$35,000.

03/07/19 Item #4(F) Consent Agenda Page 2 of 2

The addresses and Bell County Appraisal District ID Numbers of the properties are:

8911 Poison Oak Road, #125431 8905 Poison Oak Road, #19373 8711 Poison Oak Road, #39749 8621 Poison Oak Road, #10703

FISCAL IMPACT: Funding for the amendment to Resolution 2018-9445-R for an additional estimated amount of \$35,000 to purchase properties necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchases is available in account 365-3400-531-6886, project 101715.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2019-9579-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO RESOLUTION NO. 2018-9445-R FOR ADDITIONAL FUNDS TO PURCHASE PROPERTIES NECESSARY FOR THE POISON OAK ROAD EXPANSION PROJECT; AUTHORIZING CLOSING COSTS AND RELOCATION BENEFITS ASSOCIATED WITH THESE PURCHASES IN AN ADDITIONAL ESTIMATED AMOUNT OF \$35,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road - improvements include expanding the current two-lane pavement section to a new four-lane roadway, extending to connect to Old Waco Road, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping;

Whereas, the design requires the acquisition of right of way from thirty-two properties - twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities with one right of way being donated by Belton Independent School District and the City and the State of Texas (TxDOT) owning the two remaining properties;

Whereas, appraisals have been conducted on all the properties and offers have been made to those property owners based on the appraisals - for those properties that will require relocation, Stateside Right of Way Services, Inc. (Stateside) has prepared the necessary relocation studies:

Whereas, the City has acquired six rights of way and is coordinating closings on five properties – Council authorized eminent domain for one property at its January 17, 2019 City Council meeting;

Whereas, at its November 15, 2018 meeting, Council authorized Resolution No. 2018-9445-R for the purchase of four properties and the associated closing costs and relocation benefits for those properties in estimated amount of \$675,000;

Whereas, closings and relocations for those four properties have begun, however, actual closing costs and relocation benefits have been higher than estimated;

Whereas, Staff recommends Council authorize an amendment to Resolution 2018-9445-R for additional funds to purchase properties necessary for the Poison Oak Road Expansion Project as well as authorize closing costs and relocation benefits associated with the purchases in an additional estimated amount of \$35,000;

Whereas, the addresses of the four properties are:

- 8911 Poison Oak Road (Bell CAD No. 125431);
- 8905 Poison Oak Road (Bell CAD No. 19373);
- 8711 Poison Oak Road (Bell CAD No. 39749); and

Whereas, funding for the amendment to Resolution No. 2018-9445-R is available in Account No. 365-3400-531-6886, Project No. 101715;

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:

<u>Part 1</u>: 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.

<u>Part 2</u>: The City Council authorizes an amendment to Resolution No. 2018-9445-R for additional funds to purchase properties necessary for the Poison Oak Road Expansion Project, which includes additional closing costs and relocation benefits in an estimated amount of \$35,000.

<u>Part 3</u>: 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 7th day of March, 2019.

	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

03/07/19 Item #4(G) Consent Agenda Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks & Recreation Director, CPRP

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of playground equipment for a pocket park within the Alta Vista subdivision from Gametime/Total Recreation Products, Inc. of Cypress in the estimated amount of \$43,867.07.

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

ITEM SUMMARY: Authorization of this purchase will allow for the development of a new pocket park that will be located in the Alta Vista Subdivision at 5530 Stonehaven Drive. The park development is a small three phase project that includes a pavilion and flatwork in phase I, playground installation in phase II, and landscaping as the final phase.

In order to maximize the park fees being utilized to purchase these amenities, Parks Staff will perform the installation of the playground equipment. There will be three separate nature themed nodes and play areas to include tree style swings, along with a fabricated log, mushrooms, tree climbers and a frog themed climbing net.

Gametime/Total Recreation Products, Inc. has been awarded BuyBoard Contract #512-16. Staff is recommending using this BuyBoard contract for this purchase. Contracts awarded by BuyBoard have been competitively procured and comply with the statutory procurements requirements for Texas municipalities.

Funds for this project are coming from parkland dedication fees from development within a walking distance of the park. It is expected that installation of the playground equipment will be complete by May 31, 2019.

FISCAL IMPACT: Funding for the purchase of playground equipment for the Alta Vista pocket park from Gametime/Total Recreation Products, Inc. in the estimated amount of \$43,867.07 is available in account 110-3500-552-6332, project #101996, as follows:

Remaining Project Funds Available	e \$	33,083
Gametime/Total Recreation Projects, Inc Playground Equipmer	nt	(43,867)
Encumbered/Committed to Dat	е	-
Project Budge	et \$	76,950

ATTACHMENTS:

Resolution

RESOLUTION NO. 2019-9580-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT IN THE AMOUNT OF \$43,867.07, FROM GAMETIME/TOTAL RECREATION PRODUCTS, INC. OF CYPRESS, TEXAS, FOR A POCKET PARK WITHIN THE ALTA VISTA SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the development of a new pocket park located in the Alta Vista Subdivision at 5530 Stonehaven Drive, will be a small three phase project that includes a pavilion and flatwork in Phase I, playground installation in Phase II, and landscaping as the final phase;

Whereas, there will be three separate nature themed nodes and play areas, to include tree style swings, along with a fabricated log, mushrooms, tree climbers and a frog themed climbing net;

Whereas, in order to maximize the park fees being utilized to purchase these amenities, Staff will perform the installation of the playground equipment;

Whereas, Gametime/Total Recreation Products, Inc. has been awarded BuyBoard Contract No. 512-16 and Staff recommends using this BuyBoard contract for this purchase - contracts awarded by BuyBoard have been competitively procured and comply with the statutory requirements for Texas municipalities;

Whereas, funds for this project are coming from parkland dedication fees from developments within walking distance of the park, and it is expected that installation of the playground equipment will be complete by May 31, 2019;

Whereas, Staff recommends Council authorize the purchase of playground equipment in the estimated amount of \$43,867.07, from Gametime/Total Recreation Products, Inc. of Cypress, Texas, for a pocket park within the Alta Vista subdivision;

Whereas, funding for this purchase is available in Account No. 110-3500-552-6332, Project No. 101996; 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:

<u>Part 1</u>: 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.

<u>Part 2</u>: The City Council authorizes the purchase of playground equipment in the estimated amount of \$43,867.07, from Gametime/Total Recreation Products, Inc. of Cypress, Texas, for a pocket park within the Alta Vista subdivision, and 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.

<u>Part 3</u>: 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 7th day of March, 2019.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	 Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #4(H) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police Department

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of one marked police vehicle from Caldwell Country Ford dba Rockdale Country Ford of Rockdale in the amount of \$52,958.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department seeks approval to purchase one 2020 3.3L flex fuel V6 Ford Explorer Police Interceptor AWD Utility vehicle to replace Asset #13718, which was totaled on November 20, 2018. The proposed purchase includes the vehicle along with the up fitting required to make it ready for use by the Police Department.

This purchase is being recommended utilizing BuyBoard cooperative contract #521-16. All contracts available through the Buyboard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: The City received insurance proceeds in the amount of \$5,976.50 from Texas Municipal League (TML). The remaining amount needed to fund the purchase the replacement vehicle of \$46,981 was reallocated from a FY 2019 deferred capital replacement. Funding for the unit is appropriated for project 102013 as follows:

	110-2011-521-6213		110-5900-521-6213		Total	
Project Budget	\$	5,977	\$	46,981	\$	52,958
Encumbered/Committed to Date		-		-		-
Rockdale Country Ford		(5,977)		(46,981)		(52,958)
Remaining Project Funds	\$	-	\$	-	\$	-

ATTACHMENTS:

Resolution

RESOLUTION NO. 2019-9581-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE MARKED POLICE VEHICLE FROM CALDWELL COUNTRY FORD dba ROCKDALE COUNTRY FORD, OF ROCKDALE, TEXAS IN THE AMOUNT OF \$52,958; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 20, 2018, Police Asset 13718 was totaled in an accident and Staff recommends Council authorize the purchase of a 2020 3.3L Flex Fuel V6 Ford Explorer Police Interceptor AWD Utility vehicle as replacement - the purchase price includes the vehicle as well as the upfitting required to make it ready for use;

Whereas, Staff recommends this purchase utilizing BuyBoard Cooperative Contract No. 521-16 - all contracts available through the Buyboard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, the City received insurance proceeds in the amount of \$5,976.50 from Texas Municipal League and the remaining amount needed to fund this purchase was reallocated from a fiscal year 2019 Deferred Capital Replacement Fund which makes it available in Account Nos. 110-2011-521-6213 and 110-5900-521-6213, Project No. 102013;

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:

- <u>Part 1</u>: 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.
- <u>Part 2</u>: The City Council authorizes the purchase of one marked police vehicle from Rockdale Country Ford, of Rockdale, Texas in the amount of \$52,958, and 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.
- <u>Part 3</u>: 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 7th day of March, 2019.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #4(I) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of a property necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$171,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road. Improvements include expanding the current two-lane pavement section to a new four-lane roadway, extending to connect to Old Waco Road, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping.

The design requires the acquisition of right of way from thirty-two properties. Twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities. One right-of-way has been donated by Belton Independent School District. The City and the State of Texas (TxDOT) own the two remaining properties.

Appraisals have been conducted on all the properties and offers have been made to those property owners based on the appraisals. For those properties that will require relocation, Stateside Right of Way Services, Inc. (Stateside) has prepared and presented the necessary relocation studies. The City has acquired six rights of way and is coordinating closing on five rights of way. Council authorized eminent domain for one property at its January 17, 2019 meeting.

With the assistance of Stateside, the City has reached an agreement with a property owner. The property is a whole taking and requires the relocation of the owner-occupant. Stateside conducted a relocation study to determine relocation benefits due to the owner-occupant.

At this time, Staff is asking for authorization to purchase the property necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$171,000.

The address and Bell County Appraisal District ID Number of the property is 8821 Poison Oak Road, #118274.

03/07/19 Item #(I) Consent Agenda Page 2 of 2

<u>FISCAL IMPACT:</u> Funding for the purchase of a property necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$171,000 is available in account 365-3400-531-6886, project 101715.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2019-9582-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A PROPERTY NECESSARY FOR THE POISON OAK ROAD EXPANSION PROJECT; AUTHORIZING CLOSING COSTS AND RELOCATION BENEFITS ASSOCIATED WITH THE PURCHASE IN A TOTAL ESTIMATED AMOUNT OF \$171,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road - improvements include expanding the current two-lane pavement section to a new four-lane roadway, extending to connect to Old Waco Road, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping;

Whereas, the design requires the acquisition of right of way from thirty-two properties - twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities with one right of way being donated by Belton Independent School District and the City and the State of Texas (TxDOT) owning the two remaining properties;

Whereas, appraisals have been conducted on all the properties and offers have been made to those property owners based on the appraisals - for those properties that will require relocation, Stateside Right of Way Services, Inc. (Stateside) has prepared the necessary relocation studies;

Whereas, the City has acquired six rights of way and is coordinating closings on five properties – Council authorized eminent domain for one property at its January 17, 2019 City Council meeting;

Whereas, with the assistance of Stateside, the City has reached an agreement with one property owner - the property is a whole taking and requires the relocation of the owner-occupant and Stateside has conducted a relocation study to determine relocation benefits due the owner-occupant;

Whereas, Staff recommends Council authorize the purchase of the property located at 8821 Poison Oak Road, Temple, Texas, Bell CAD ID No. 118274, for the Poison Oak Road Expansion Project and recommends Council authorize closing costs and relocation benefits in an estimated amount of \$171,000;

Whereas, funding for the purchase of this property is available in Account No. 365-3400-531-6886, Project No. 101715; 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:

<u>Part 1</u>: 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 the property located at 8821 Poison Oak Road, Temple, Texas, Bell CAD ID No. 118274, which is necessary for the Poison Oak Road expansion project, authorizes closing costs and relocation benefits in a total estimated amount of \$171,000, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the purchase of this property.

<u>Part 3</u>: 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 7th day of March, 2019.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #4(J) Consent Agenda Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Mark Baker, Principal Planner

<u>ITEM DESCRIPTION:</u> SECOND READING – FINAL HEARING – FY-19-5-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Neighborhood Service zoning district on 1.28 +/- acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 4940 State Highway 317.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from AG to NS district for the following reasons:

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

<u>PLANNING & ZONING COMMISSION RECOMMENDATION</u>: At their January 22, 2019 meeting, The Planning & Zoning Commission voted 9 to 0 to recommend approval per staff's recommendation.

ITEM SUMMARY: The applicant, Central Realty Partners (on behalf of Gary and Charles Cox) request rezoning of 1.28 +/- acres from Agricultural (AG) zoning district to Neighborhood Service (NS) zoning district. The subject property is currently unplatted and occupied by an existing unoccupied structure that has been used as a single family residence.

While no end-user has been identified, the property is proposed to be developed with non-residential uses. There are a number of residential and non-residential uses that are permitted by-right or with a conditional use permit (CUP). A comparison between the existing and proposed zoning districts, is shown in the attached table.

TRAFFIC IMPACTS: While the property fronts along State Highway 317 (SH 317), the presence of median breaks at Poison Oak Road and Oak Hills Drive may be problematic for some northbound traffic. Turning movements into the property will be limited to right-in and right-out. This may generate some additional traffic concerns and limit certain uses. A table showing some of the higher tripgenerating uses allowed in NS has been attached.

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

Future Land Use Map (CP Map 3.1)

The subject property is within the Suburban Commercial Future Land Use Map (FLUM) designation. The Suburban Commercial designation is appropriate for office and retail service uses. The FLUM designation supports Office 1 (O-1), Office 2 (O-2) and Neighborhood Service (NS) zoning designations. The zoning is appropriate for office and retail service uses adjacent to residential neighborhoods as well as high profile corridors.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from State Highway 317 (SH 317), a major arterial street. TxDOT improvements are substantially complete with direct property access driveways in place. The state was notified of the proposed rezoning and no comments have been received. TxDOT improvements include a 10-foot sidewalk on the east side of SH 317.

Availability of Public Facilities (CP Goal 4.1)

Waste water will be provided by on-site septic, however an eight-inch sewer line is available approximately 1500 feet to the north in SH 317. Water is available from a 12-inch water line in SH 317.

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed local connector trail is shown on the Trails Master Plan. SH 317, as an arterial requires a 6-foot sidewalk. Compliance with the Trails Master Plan and sidewalks has been addressed by the upsized sidewalk from six-feet to 10-feet, which was put into place by TxDOT widening improvements along east side of SH 317.

<u>SUBDIVISION PLAT:</u> A subdivision plat will be required for this property prior to any new construction, accessory or otherwise. The plat will address connection to public facilities but since the property frontage has been recently improved by a state highway improvement project, any needed right-of-way is not anticipated. The change of use, however will trigger compliance to parking requirements.

<u>DEVELOPMENT REGULATIONS:</u> The attached tables compare and contrast, the current development standards for AG with the proposed NS standards as provided for in UDC Sections 4.2, 4.5 and 4.5.1

<u>PUBLIC NOTICE:</u> Six notices, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Tuesday February 12, 2019 at 9:00 AM, one notice has been received in disagreement but was later retracted per the attached email. Both are being included for the public record.

The newspaper printed notice of the public hearing on January 9, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

03/07/19 Item #4(J) Consent Agenda Page 3 of 3

ATTACHMENTS:
Boundary Map (Exhibit A) **Photos** Tables

Maps

Returned Property Notice PZ Excerpts (January 22, 2019)

Ordinance

Surveyor's Sketch showing 1.284 acre tract, being part of the J. J. SIMMONS SURVEY, ABSTRACT NO. 737, in Bell County, Texas, and embracing that called 1.0 acre tract conveyed to Doyle Cox and wife, Oleta Cox in Volume 950 Page 126, Official Public Records of Bell County, Texas (OPRBCT) along with that called 0.50 acre tract conveyed to Doyle Cox and wife, Oleta Cox in Volume 999 Page 600, OPRBCT, Save and Except that called 0.213 acre tract conveyed to The State of Texas in Document No. 2010-3338, OPRBCT. (27.73 Acres) Vol 3008 Pg 506 N 18°28'26" E 138.52 (Rec Call N 19° E 92.92') (Rec Call N 19° E 46.31') 1.284 Acres Lyn Cox & Charles Wayne Cox Doc. 2016-5986 Probate (1.0 Acre) (0.50 Acre) Doyle Cox Doyle Cox and wife, and wife, Oleta Cox Oleta Cox Vol 999 Vol 950 (3.00 Acre) Cindy Risen Doc. 2007-9775 Pg 126 Pg 600 (1.07 Acre) Roy Wayne Hosch Doc. 2010-39453 70°55'34" (Rec Call N 71" Chainlink Fence (typ) Original \$ 402. . 51, .84 STORY BRICK FRAME HOUSE NO. 4940 10.79 CONC **LEGEND** () DEED RECORD CALL AZ AIR CONDITIONING 1/2" IRON ROD FOUND TXDOT DISK FOUND O 1" METAL PIPE FOUND T TELEPHONE PEDESTAL POINT OF W WATER METER BEGINNING 139.04 7'16" W 13 N 19°01'17" E 115.62' S 19'01'19" W (TXDOT Deed Rec Call S 17'17'16" W 157.57') (0.346 Acre) The State of Texas Doc. 2009—6237 (0.213 Acre) The State of Texas Doc. 2010-3338 (0.18 Acre) The State of Texas Doc. 2009—4180 State Highway 317
PUBLIC MAINTAINED ROADWAY KENNEDY Survey completed in coordination with that title commitment provided by Monteith Abstract & Title Company, GF#18-6132, Effective date: Dec. 10, 2018 Advanced Surveying NOTE: The following documents may affect the subject property, but cannot be shown based on the description given: (Vol/Pg) * 955/5 & Mapping, LLC 01-5-19 Survey 1610 South 31st St., Ste. 102-299 completed 12-28-18 I, Timothy Lane Kennedy, Registered Professional Land Surveyor No. 6119 in the State of Texas, do hereby certify to the title agency, underwriter, lender, mortgage company and/or purchaser that this drawing represents a survey performed on the ground. To the best of my knowledge the drawing correctly represents the facts found at the time of the survey. Temple, Texas 76504 Scale: 254-760-1894 254-760-4633 Job No. www.asm-tx.com Firm Reg. #10193722 TLK #6119 Surveyor Copyright 2019 Advanced Surveying & Mapping, LLC Plot Date: _ 01-14-19

Site & Surrounding Property Photos



Site (Front): Unoccupied Single-Family Residential Uses on Acreage (AG)



Site (Rear): Unoccupied Single-Family Residential Uses on Acreage (AG)



South - Single-Family Residential Uses on Acreage (AG)



West – Aerial Image (Google Maps) (AG)
Property Boundary in RED is approximate
Primarily Undeveloped with Scattered Single-Family Residential Uses on Acreage



East – Undeveloped & Scattered Single-Family Residential Uses on Acreage (AG)



North - Single-Family Residential Uses on Acreage (AG)

Tables

Permitted & Conditional Uses Table Comparison between AG & NS

Use Type	Agricultural (AG)	Neighborhood Service (NS)
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)	Single Family Detached & Attached Only Industrialized Housing Townhouse (1) No Apartment No Triplex No Duplex (2) Family /Group Home (CUP)
Retail & Service Uses	None	Most Retail & Service Uses Beer & Wine Sales, off-premise consumption (CUP)
Office Uses	None	Offices
Commercial Uses	None	None
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP)	Same as AG
Recreational Uses	None	Alcoholic Beverage Sales, beer & wine only ≤ 75% (CUP) All Alcoholic sales - ≥50% - ≤ 75%
Educational & Institutional Uses	Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Child Care (CUP)	Art Gallery or Museum Cemetery (CUP) Child Care Place of Worship
Vehicle Service Uses	None	Fuel Sales
Restaurant Uses	None	Restaurant - No Drive-In
Overnight Accommodations	RV Park (CUP)	None
Transportation Uses	Emergency Vehicle Service (CUP) Helistop (CUP)	Helistop (CUP)

- (1) A Townhouse is a structure on an individual lot, that is one of a series of three or more dwelling units designed for single-family occupancy structurally connected or immediately adjacent to and abutting each other between individual dwelling units
- (2) A Duplex is a detached building designed and constructed within two separate living units under a single roof for occupancy of two families.

Surrounding Property Uses

	Surrounding Property & Uses			
<u>Direction</u>	<u>FLUP</u>	Zoning	Current Land Use	
Site	Suburban Commercial	AG	Scattered SF Residential Uses	
North	Suburban Commercial	GR	Scattered SF Residential Uses	
South	Suburban Commercial	AG	Scattered SF Residential Uses	
East	Suburban Commercial	AG	Scattered SF Residential Uses	
West	Suburban Commercial	AG	Undeveloped	

Comprehensive Plan Compliance

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

Dimensional Standards

	<u>Current</u> <u>(AG)</u> <u>Residential</u>	<u>Proposed</u> (NS) Non-Res
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	2 ½ Stories

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

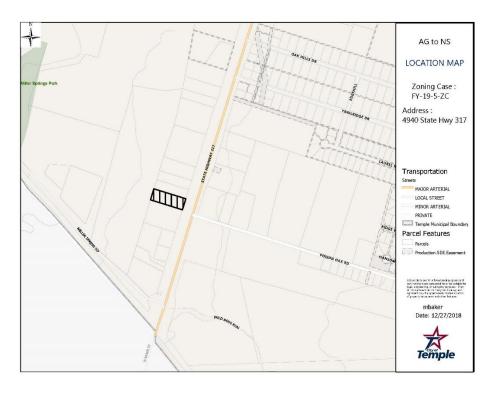
General provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include but not limited to:

- * Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
- * Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- * Screened outdoor storage (UDC Section 7.7.8.B1)

Traffic Count Information
Select - NS Permitted & Conditional Uses

Peak Hour Trip Rates Table (9th Ed. ITE Manual)				
<u>Use</u>	Peak Hour Trip Rate			
Single Family (Detached) Residence	1.00 (per Dwelling Unit)			
Townhouse	0.52 (per Dwelling Unit)			
Assisted Living Facility	0.22 (per Bed)			
General Office Building	1.49 (per 1,000 S.F.)			
Hair Salon	1.93 (per 1,000 S.F.)			
Gasoline Service Station / with Convenience Store & Fuel Pumps	13.51 (per Fueling Station)			
Arts & Crafts Store	6.21 (per 1,000 S.F.)			
Fast Food Restaurant (No Drive-Thru)	26.15 (per 1,000 S.F.)			
Restaurant (Sit Down)	11.15 (per 1,000 S.F.)			
Bank	12.13 (per 1,000 S.F.)			
Variety Store	6.82 (per 1,000 S.F.)			
Free Standing Discount Store	4.98 (per 1,000 S.F.)			

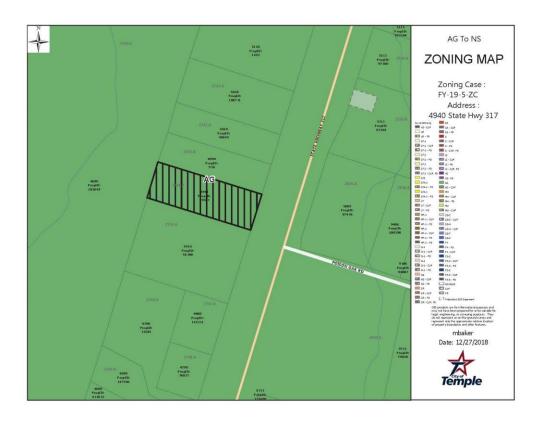
Maps



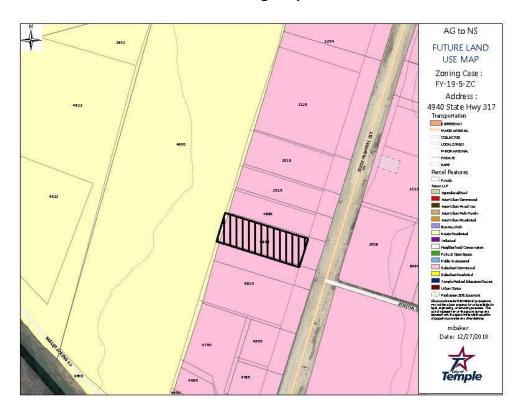
Location Map



Aerial Map



Zoning Map



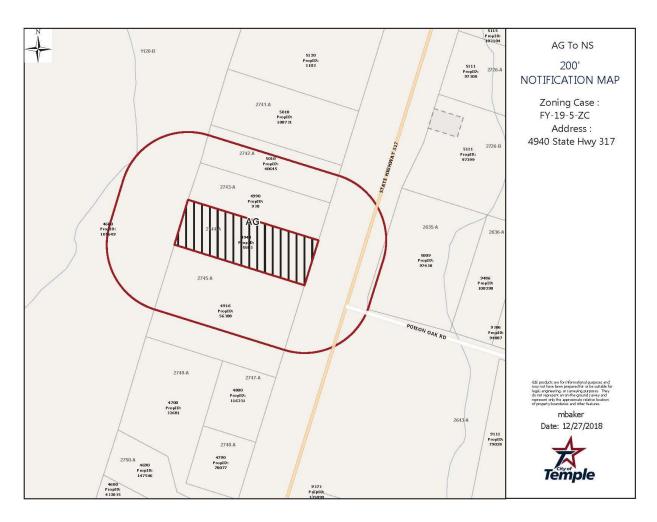
Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

105649 SHEPPERD, JOE 4622 STATE HWY 317 BELTON, TX 76513

us at 254.298.5668.

Zoning Application Number: FY-19-5-ZC Case I	<u>Manager</u> : Mark Baker
Location: 4940 State Highway 317	
The proposed rezoning is the area shown in hatched marking o own property within 200 feet of the requested change, your op this form to indicate whether you are in favor of the <u>possible</u> rez the attached notice, and provide any additional comments you remainded to the property of the property of the possible of the possible results attached notice.	inions are welcomed. Please use
() agree (✓ disagree with	this request
This tyree only because I' wind with on this request. also to better understanting of the a	ld like more would like a regulars
Signature Toe Sh Print Name	experd
Provide email and/or phone number if you want Staff to con	fact you
If you would like to submit a response, please email a scanned the Case Manager referenced above, mbaker@templetx.gov or form to the address below, no later than January 22, 2019 .	version of this completed form to
City of Temple Planning Department 2 North Main Street, St Temple, Texas 76501	JAN 1 - 2019
Number of Notices Mailed: 6 Date Mail	ed: January 9, 2019
OPTIONAL: Please feel free to email questions or comments di	rectly to the Case Manager or call

Mark Baker

From:

Joe Shepperd <joeshep@hri-tor.com>

Sent:

Monday, January 14, 2019 4:00 PM

To:

Mark Baker

Subject:

RE: Neighborhood Service District

Mark

After our conversation I am withdrawing my objection to this rezoning request.

Thank You Joe Shepperd

Joe Shepperd

Heartland Resources, Inc.

TOR Energy, LLC

6 South 1st Street

Temple, TX 76501

office: 254.774.9992 cell: 254.718.1032

fax: 254.774.9999

----Original Message----

From: Mark Baker <mbaker@templetx.gov> Sent: Monday, January 14, 2019 1:03 PM To: Joe Shepperd <joeshep@hri-tor.com> Subject: Neighborhood Service District

Good afternoon Joe:

Thank you again for your email in response to the public notification-portion for the rezoning of the property along SH 317. Your returned notice will become part of the public record for this case and will be forwarded to the Planning & Zoning Commission for consideration. As I mentioned in my phone message, I am forwarding a listing of uses from UDC Section 5.1, permitted and conditional uses as well as a district description of what the Neighborhood Service district is.

When reading the table, be sure find the NS column and those uses listed as "P" are permitted by-right, "C" require a Conditional Use Permit (a separate application process) and blank are not allowed at all.

I hope you find this information helpful, however should you require additional information or wish to discuss, please do not hesitate to contact me directly.

Thank you again for your participation in the process

Mark Baker, Principal Planner

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

Phone: 254-298-5274 Fax: 254-298-5624 Email: mbaker@templetx.gov

Please feel free to visit the following link to our helpful interactive Development Review Guide:

https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Ftempletx.gov%2FDocumentCenter%2FView%2F13924&data=02%7C01%7C%7Ca690ff62532a43bf7afd08d67a6ba788%7Cee3d9e9828544904b232c48ef91c48cc%7C0%7C1%7C636831000139917826&sdata=ywsrlHVA5VBCrhtJR%2BNVQg1HUt%2BEU3UUFxFRNSJ%2BmHc%3D&reserved=0

Integrity. Excellence. Dedication.

Please login often to the MyGovernmentOnline website to see status of your project(s)

https://na01.safe links.protection.outlook.com/?url=https%3A%2F%2Fwww.mypermitnow.org%2Flogin.aspx&data=02%7C01%7C%7Ca690ff62532a43bf7afd08d67a6ba788%7Cee3d9e9828544904b232c48ef91c48cc%7C0%7C1%7C636831000139927831&sdata=ycW70PN5JeWylerdzPxEn3vviiUQLeW1pBkMYaN6f4s%3D&reserved=0

https://na01.safelinks.protection.outlook.com/?url=www.templetx.gov%2Fplanning&data=02%7C01%7C%7Ca690ff62532a43bf7afd08d67a6ba788%7Cee3d9e9828544904b232c48ef91c48cc%7C0%7C1%7C636831000139927831&sdata=NwyURM3mU9ZNO9TDAp8Y7IYxLiu2ORZuDaq5D0AngWc%3D&reserved=0

----Original Message----

From: Joe Shepperd [mailto:joeshep@hri-tor.com]

Sent: Monday, January 14, 2019 10:33 AM To: Mark Baker <mbaker@templetx.gov>

Subject: FW:

Mark

I would like a description of what the neighborhood services zoning encompasses. Thanks

Joe

Joe Shepperd Heartland Resources, Inc. TOR Energy, LLC 6 South 1st Street Temple, TX 76501 office: 254.774.9992

cell: 254.718.1032 fax: 254.774.9999

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

TUESDAY, JAN 22, 2019

ACTION ITEMS

Item 2: <u>FY-19-5-ZC</u> - Hold a public hearing to discuss and recommend action for a rezoning from Agricultural (AG) zoning district to Neighborhood Service (NS) zoning district on 1.28 +/- acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 4940 State Highway 317.

Mr. Mark Baker, Principal Planner, stated this rezoning is scheduled to go forward to City Council for first reading on February 21, 2019 and second reading on March 7, 2019.

Subject property aerial map shown.

No use has been identified by the developer and a subdivision plat is required for any new construction on subject property. A change of use does trigger compliance to parking requirements, consequently, a remodel permit.

Zoning map is shown. The subject property is found in compliance and compatible with the surrounding Neighborhood Services (NS) and retail along this section of State Highway (SH) 317. NS is supported by existing residential uses along this corridor.

The Future Land Use Map is shown. The subject property is found in compliance with the Suburban Commercial zoning district and supports NS zoning and uses at subject location.

The existing water and sewer map is shown and found in compliance with 12-inch water lines along SH 317 and eight-inch sewer lines available approximately 1500 feet north of subject property. Any water or sewer service extension requirements will be addressed at the time of platting.

The Thoroughfare and Trails Plan is shown and is found in compliance. Texas Department of Transportation (TxDOT) improvements along major arterial, SH 317, are complete and include a ten-foot sidewalk on the east side of SH 317. Existing local connector trail was addressed by TxDOT improvements.

On-site and surrounding property photos are shown.

Aerial property boundary map shown exhibiting primarily undeveloped and scattered Single-Family Residential uses on acreage.

On-site property access photo shown.

Agricultural (AG) and NS comparison development standards and use tables are shown outlining buffering and screening standards that apply and retail and office use differences.

Per Unified Development Code (UDC), Section 7.7.4:

- Buffering may consist of evergreen hedges composed of five-gallon plants or larger, with a planted height of six-feet on 36-inch centers. Buffering may also consist of a sixfoot to eight-foot high fence or wall, constructed by any number of allowed materials per UDC Section 7.7.5. such as: wood, masonry, stone or pre-cast concrete.
- Along the common boundary continuous buffer and screening is required between nonresidential and an agricultural or residential zoning district or use.

Six notices were mailed in accordance with all state and local regulations with one notice returned in agreement (originally disagree received then retracted per email) and zero notices returned in disagreement.

Compliance Summary chart is shown, and all criteria are found to be in compliance.

Staff recommends approval of the request for a rezoning from Agricultural District (AG) to Neighborhood Service (NS) District.

Chair Langley opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Fettig made a motion to approve Item 2, **FY-19-5-ZC**, per staff recommendation, and Vice-Chair Ward made a second.

Motion passed: (9:0) All commissioners present.

ORDINANCE NO. <u>2019-4956</u> (FY-19-5-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO NEIGHBORHOOD SERVICE ZONING DISTRICT ON APPROXIMATELY 1.28 ACRES, SITUATED IN THE J.J. SIMMONS SURVEY, ABSTRACT NO. 737, BELL COUNTY, TEXAS, ADDRESSED AS 4940 STATE HIGHWAY 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicants, Central Realty Partners, on behalf of Gary and Charles Cox, request rezoning of approximately 1.28 acres from Agricultural (AG) zoning district to Neighborhood Service (NS) zoning district - the subject property is currently unplatted and occupied by an existing unoccupied structure that has been used as a single-family residence;

Whereas, while no end-user has been identified, the property is proposed to be developed with non-residential uses;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning from Agricultural zoning district to Neighborhood Service zoning district, located at 4940 State Highway 317; 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:

- <u>Part 1</u>: 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.
- <u>Part 2</u>: The City Council approves a rezoning from Agricultural zoning district to Neighborhood Service zoning district at 4940 State Highway 317, as more thoroughly described and depicted in Exhibit 'A,' and made a part hereof for all purposes.
- <u>Part 3</u>: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>Part 4</u>: 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.

<u>Part 5</u>: 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.

<u>Part 6</u>: 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 21st day of February, 2019.

PASSED AND APPROVED on Second Reading on the 7th day of March, 2019.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #4(K) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., Interim Public Works Director Carrie Weir, Interim Utility Director

ITEM DESCRIPTION: Consider adopting a resolution ratifying the payment of the annual invoice from Brazos River Authority in the amount of \$130,356.87 which covers the availability of 9,453 acre-feet of water to the City for 2019.

STAFF RECOMMENDATION: Adopt resolution as discussed in item description.

<u>ITEM SUMMARY:</u> Pursuant to the Replacement Water Supply Agreement 7801-01 between the Brazos River Authority (BRA) and the City, dated July 1, 1992, the City is allocated 9,453 acre-feet of option water per year. The City is required to make an annual payment to BRA for this water. BRA has requested payment in the amount of \$130,356.87 for 2019. Staff is seeking authorization to make this payment to BRA.

The invoice required payment by February 28, 2019, to avoid a late fee. Accordingly, Staff proceeded with payment of the invoice prior to Council's authorization of payment.

FISCAL IMPACT: Funding is appropriated in the FY 2019 Operating Budget to fund payment of the invoice to Brazos River Authority in the amount of \$130,356.87 as shown below:

Account Description		Amount .vailable
520-5100-535-2651	BRA - Water Services	\$ 130,357
	Total Funding Available	\$ 130,357

<u>ATTACHMENTS:</u>

Resolution

RESOLUTION NO. 2019-9583-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING PAYMENT OF THE ANNUAL INVOICE FROM BRAZOS RIVER AUTHORITY IN THE AMOUNT OF \$130,356.87, WHICH COVERS THE AVAILABILITY OF 9,453 ACRE-FEET OF WATER TO THE CITY OF TEMPLE FOR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, pursuant to Replacement Water Supply Agreement 7801-01 between the Brazos River Authority ("BRA") and the City, dated July 1, 1992, the City is allocated 9,453 acre-feet of option water per year;

Whereas, the City is required to make an annual payment to BRA for this water and BRA has requested payment in the amount of \$130,356.87 for 2019;

Whereas, funding is appropriated for this annual invoice payment in the fiscal year 2019 Operating Budget in Account No. 520-5100-535-2651; 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:

- <u>Part 1</u>: 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.
- <u>Part 2</u>: The City Council ratifies payment of the annual invoice from the Brazos River Authority in the amount of \$130,356.87, which covers the availability of 9,453 acre-feet of water to the City of Temple for 2019.
- <u>Part 3</u>: 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 7th day of March, 2019.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
I agy Dawassan	Vavla Landanas
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/07/19 Item #(L) 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 2018-2019.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2018-2019 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$45,329.

ATTACHMENTS:

Budget Amendments Resolution

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2019 BUDGET March 7, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPI Debit	RIAT	IONS Credit
110-2011-521-2514		Other Services / Travel & Training	\$ 9,196		
110-0000-442-0720		Police Revenue / Police Revenue	 	\$	9,196
		To appropriate payment from the Law Enforcement Officer and Education (LEOSE) for expenditures related to continuing education for officers.			
110-2041-521-6213	102012	Capital Equipment / Automotive - 2019 Nissan Cargo Van	\$ 24,000		
110-0000-313-0330		Reserved for Drug Enforcement / Reserve for Seized Funds		\$	24,000
		To appropriate state seized funds for the purchase of a 2019 Nissan NV200 Compact Cargo Van for the crime scene technicians to transport equipment to crime scenes for collection of evidence.			
110-2222-522-1119		Salaries / Overtime	\$ 300		
110-2223-522-1119		Salaries / Overtime	\$ 1,003		
110-2230-522-1119		Salaries / Overtime	\$ 8,724		
110-2222-522-1220		Personnel Benefits / Retirement/Pension	\$ 55		
110-2223-522-1220		Personnel Benefits / Retirement/Pension	\$ 182		
110-2230-522-1220		Personnel Benefits / Retirement/Pension	\$ 1,583		
110-2222-522-1221		Personnel Benefits / Social Security	\$ 5		
110-2223-522-1221		Personnel Benefits / Social Security	\$ 18		
110-2230-522-1221		Personnel Benefits / Social Security	\$ 153		
110-2222-522-1223		Personnel Benefits / Worker Compensation	\$ 3		
110-2223-522-1223		Personnel Benefits / Worker Compensation	\$ 11		
110-2230-522-1223		Personnel Benefits / Worker Compensation	\$ 96		
110-0000-431-0163		Federal Grants / Federal Grants		\$	12,133
		To appropriate TEEX reimbursement for Hurricane Michael deployment.			
		TOTAL AMENDMENTS	\$ 45,329	\$	45,329
		GENERAL FUND			
		Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account		\$	100,000
		Reginning Judgments & Damages Contingency		¢.	270 725
		Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency		\$	279,725
		Taken From Judgments & Damages Taken From Judgments & Damages			(6,801
		Net Balance of Judgments & Damages Contingency Account		\$	272,924
		The Salaries of Gaugineric a Salarages Serial general from the Control of the Con		Ψ	2.2,02
		Beginning Compensation Contingency		\$	285,000
		Added to Compensation Contingency			
		Taken From Compensation Contingency			(285,000
		Net Balance of Compensation Contingency Account		\$	<u> </u>
		Net Balance Council Contingency		\$	372,924
		Beginning Balance Budget Sweep Contingency Added to Budget Sweep Contingency		\$	-
		Taken From Budget Sweep		_	
		Net Balance of Budget Sweep Contingency Account		\$	-
		WATER & WASTEWATER FUND Beginning Contingency Balance		C	240 440
		Added to Contingency Sweep Account		\$	219,446
		Taken From Contingency			(3,076
		Net Balance of Contingency Account		\$	216,370
		• •			
		Beginning Compensation Contingency		\$	54,000
		Added to Compensation Contingency			-
		Taken From Compensation Contingency			(54,000
		Net Balance of Compensation Contingency Account		\$	-
		Net Balance Water & Wastewater Fund Contingency		\$	216,370

1

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2019 BUDGET March 7, 2019

				PRIATIONS		
ACCOUNT #	PROJECT #	DESCRIPTION De	bit	Credit		
		HOTEL/MOTEL TAX FUND				
		Beginning Contingency Balance	(\$		
		Added to Contingency Sweep Account				
		Carry forward from Prior Year				
		Taken From Contingency	_	•		
		Net Balance of Contingency Account		\$		
		Beginning Compensation Contingency	3	\$ 16,500		
		Added to Compensation Contingency				
		Taken From Compensation Contingency		(13,279		
		Net Balance of Compensation Contingency Account	3	\$ 3,221		
		Net Balance Hotel/Motel Tax Fund Contingency	<u>:</u>	\$ 3,221		
		DRAINAGE FUND				
		Beginning Contingency Balance	(336,406		
		Added to Contingency Sweep Account				
		Carry forward from Prior Year				
		Taken From Contingency	_			
		Net Balance of Contingency Account	-	336,406		
		Beginning Compensation Contingency	9	\$ 10,500		
		Added to Compensation Contingency		-		
		Taken From Compensation Contingency		(9,520		
		Net Balance of Compensation Contingency Account		\$ 980		
		Net Balance Drainage Fund Contingency		\$ 337,386		
		FED/STATE GRANT FUND				
		Beginning Contingency Balance	9			
		Carry forward from Prior Year		34,641		
		Added to Contingency Sweep Account		9,024		
		Taken From Contingency	_	(43,665		
		Net Balance Fed/State Grant Fund Contingency	9	\$		

RESOLUTION NO. 2019-9584-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2018-2019 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 24th day of August, 2018, the City Council approved a budget for the 2018-2019 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2018-2019 City Budget.

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

- <u>Part 1</u>: 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.
- <u>Part 2</u>: The City Council approves amending the 2018-2019 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.
- <u>Part 3</u>: 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 7th day of March, 2019.

	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

03/07/19 Item #5 Regular Agenda Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING – FY-19-4-ZC: Consider adopting an ordinance authorizing the rezoning of 86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, and located at the intersection of FM 93 and Southwood Drive from Agricultural district to Planned Development Agricultural, with a required site/development plan.

<u>PLANNING AND ZONING COMMISSION RECOMMENDATION:</u> At its February 4, 2019, meeting the Planning and Zoning Commission voted 4/1(Commissioner Jeanes) to recommend approval of the requested rezoning from Agricultural (AG) district to Planned Development Agricultural (PD-AG) district and its site/development plan, per Staff's recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the requested rezoning from Agricultural (AG) District to Planned Development Agricultural (PD-AG) District for the following reasons:

- 1. Compliance with the Future Land Use Plan:
- 2. Compliance with surrounding zoning and land uses; and
- 3. Compliance with the Thoroughfare Plan

And with the following conditions:

- 1. Development will be subject to the Planned Development Site Plan;
- 2. Development will also be subject to all Unified Development Code (UDC) platting requirements during the platting process;
- 3. Single Family Residential House Development Only
- 4. Minimum lot size is 0.75 acre;
- 5. Minimum front yard setback is 25 feet;
- 6. Side street building line is 15 feet;
- 7. Side building line is 7.5 feet;
- 8. Rear building line is 10 feet;
- 9. Sewer will be provided by on-site sewage facilities;
- One 2-inch caliper (Diameter at Breast Height) canopy tree to be planted in the front yard of every lot. Species shall conform to the approved City of Temple Tree list, per the Unified Development Code (UDC);
- 11. A fence along FM 93 shall be a wood fence with masonry columns; and
- 12. No on-street parking is allowed due to the proposed 22-foot wide streets

<u>ITEM SUMMARY:</u> The applicant requests a rezoning from Agricultural District (AG) to Planned Development Agricultural District (PD-AG) to allow a 78-lot single family residential development consisting of lot sizes with a minimum lot area of 0.75 acres. Larger residential lots range from one acre to 2.89 acres along the property's south and east boundaries. In addition to detached single-family homes, the current AG zoning would allow manufactured housing with screening per Sec. 5.3.2 of the UDC on minimum lot sizes of one acre.

Development will be according to the proposed accompanying site/development plan. The development site plan reflects the creation of new local streets, as well as detention tracts for drainage.

The property to the west in Valley Ranch along Sun Valley Drive is subdivided into half-acre lots, and zoned PD Urban Estates. And to the east on Boutwell Drive, in the ETJ, homes are located on larger lots. A creek and a vegetation buffer separates the subject property from the homes along Boutwell Drive. An existing home to the south along Forrester Road, and south of the electrical sub-station is also on a large property.

Several property owners spoke out against the applicant's requested rezoning during the public hearing at the Planning and Zoning Commission on February 4, 2019. Due to overwhelming opposition to the 25-foot trail easement along the property's east boundary along Friar's Creek and the small likelihood that the City would ever build a trail at that location, staff has withdrawn the trail easement on the site/development plan from the recommended conditions for the proposed Planned Development. And the applicant has submitted the attached revised site/development plan without the trail easement, but with a second entrance along West FM 93.

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

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

As a Planned Development, a site/development plan is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The applicant has provided a site/development plan with this rezoning request.

Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance.

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

The proposed Planned Development's "base" AG zoning district permits single-family detached residences and related accessory uses and accommodates large lot single-family residential developments.

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

Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The north portion of the subject property along FM 93 is within the Suburban Residential character district of the *Choices '08* City of Temple Comprehensive Plan. The Suburban Residential land use classification is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways than more dense subdivisions of urban character. The applicant's requested Planned Development Agricultural District (PD-AG) complies with the Suburban Residential character district.

The **south portion** of the subject property is within the **Agricultural / Rural character district** of the *Choices '08* City of Temple Comprehensive Plan. **The applicant's requested Planned Development Agricultural District (PD-AG) is compatible with the existing residential developments adjacent to the subject property. The Agricultural / Rural character district designation** applies to all areas outside the city limits.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance
The subject property fronts FM 93, a major arterial. Southwood Drive bisects the subject property at
FM 93 and runs south to a cul-de-sac for the existing electrical substation at the south property line.

FM 93 is only appropriate as a subdivision entrance. Future homes will be prohibited from backing into FM 93 or accessing it directly. The proposed local streets within the subject property, shown on the attached Planned Development Site Plan, are ideal for residential dwellings. The proposed Planned Development Site Plan reflects two new ingress/egress points into the development along FM 93 from new proposed roads. The applicant proposes removing the existing Southwood Drive to allow the creation of larger residential lots along the property's western border along the Valley Ranch development.

The Temple Trails Master Plan recommends a trail along the subject property's eastern boundary along the creek. City staff will evaluate other options to provide trail connectivity in this area in the future.

Availability of Public Facilities (CP Goal 4.1)

Existing water lines are located along the property's frontage along the south right-of-way of FM and within the Valley Ranch subdivision to the west. Existing sewer facilities are located to the west, within the adjacent Valley Ranch subdivision.

Proposed water and on-site sewerage facilities, as well as proposed drainage will be addressed during the platting process.

<u>PUBLIC NOTICE:</u> Twenty notices of the Planning and Zoning Commission public hearing were sent out to all City of Temple property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Monday, February 25, 2019, no notices were returned in favor of the proposed rezoning and two notices were received in opposition to the proposed rezoning.

03/07/19 Item #5 Regular Agenda Page 4 of 4

Five courtesy notices of the Planning and Zoning Commission public hearing were sent to property owners in the extra-territorial jurisdiction within 200-feet of the subject property.

The newspaper printed notice of the public hearing on January 24, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

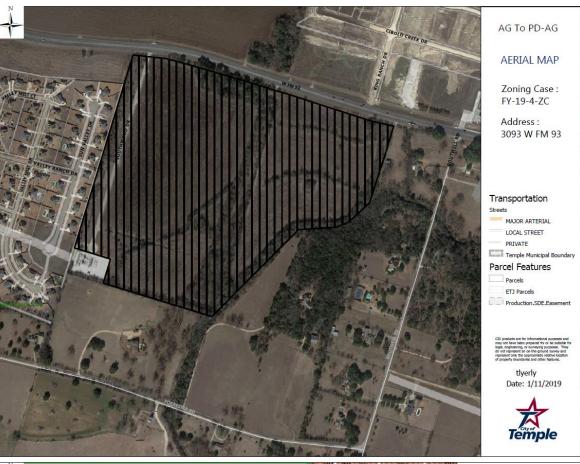
Site and Surrounding Property Photos Maps Development Regulation Tables Notification Response Letters P&Z Commission Minutes Excerpts Site/Development Plan Ordinance

<u>SURROUNDING PROPERTY AND USES:</u>
The following table shows the subject property, existing zoning and current land uses:

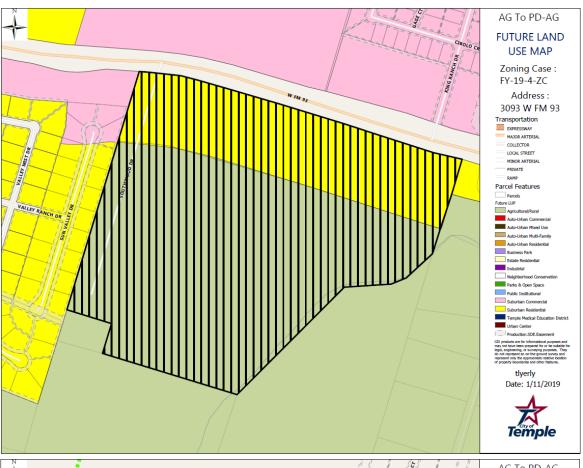
Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Property	PROPOSED ARRIUS GAS FOR INFORMATION CAN FOR INFORMATION CAN FOR INFORMATION CAN ARRIVE GAS ARRIV
East	No Zoning (ETJ)	Agricultural / Rural Residential/ Estate Homes	FM 93 Creek – Boutwell Road View

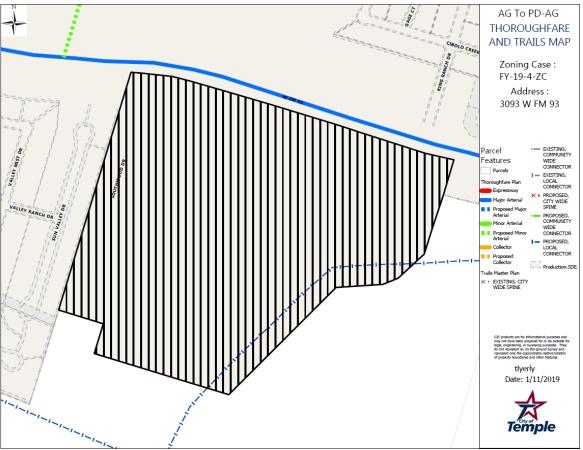
Direction	Zoning	Current Land Use	Photo
East			Boutwell Road
West	PD-UE	Single Family Residential	FM 93

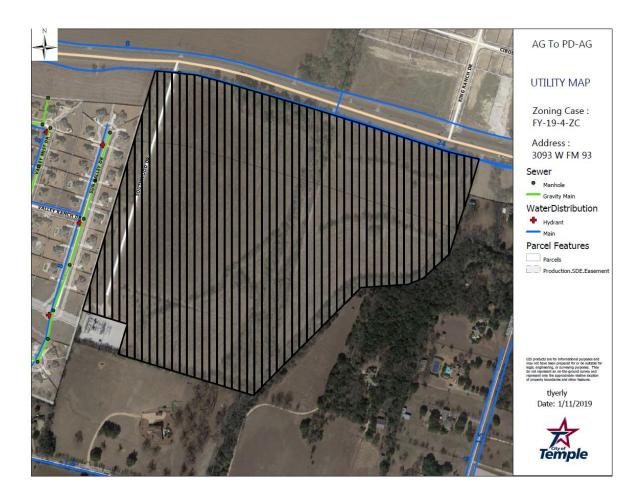
Direction	Zoning	Current Land Use	Photo
South	No Zoning (ETJ)	Agricultural/ Rural Residential	Southwood Drive Cul-De-Sac
North	AG & PD-GR	Agricultural and Undeveloped Land (future apartments)	FM 93











<u>DEVELOPMENT REGULATIONS:</u> Standards for the AG district are:

	AG
Minimum Lot Size	1 Acre
Minimum Lot Width	100 Feet
Minimum Lot Depth	150 Feet
Front Setback	50 Feet
Side Setback	15 Feet
Side Setback (corner)	15 Feet
Rear Setback	10 Feet
Max Building Height	3 Stories

Although the property is anticipated for development of detached single family residential dwellings, there are a number of other uses allowed in the AG district which, include but are not limited to:

Permitted & Conditional Use Table – Agricultural (AG)				
Agricultural Uses	* Farm, Ranch or Orchard			
Residential Uses	* Single Family Residence (Detached Only) * Industrialized Housing * HUD-Code Manufactured Home			
Retail & Service Uses	* None			
Commercial Uses	* None			
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)			
Recreational Uses	* Park or Playground			
Educational & Institutional Uses	* Cemetery, Crematorium or Mausoleum (CUP) * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Center (CUP)			
Restaurant Uses	* None			
Overnight Accommodations	* None			
Transportation Uses	* Railroad Track Right-of-Way			

Prohibited uses include most commercial uses and industrial uses.

1	Surrounding Property & Uses		
<u>Direction</u>	Future Land Use Map	Zoning	Current Land Use
Site	Suburban Residential And Agricultural/Rural Residential	AG	Undeveloped Land
North	Suburban Commercial	PD-GR	Planned Development for Convenience Store, Single Family Residential, and Apartments
South	Agricultural/Rural Residential (ETJ)	No Zoning (ETJ)	Agricultural / Rural Residential / Estate Homes
East	Agricultural/Rural Residential (ETJ)	No Zoning (ETJ)	Agricultural / Rural Residential / Estate Homes
West	Suburban Residential	PD-UE	Single-Family Residential

<u>COMPREHENSIVE PLAN (CP) COMPLIANCE:</u> The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

397478 HAMM, JAMES R ETUX KELLEY L 6907 SUN VALLEY DR TEMPLE, TX 76502



Zoning Application Number: FY-19-4-ZC Case Manager: Tammy Lyerly

Location: At the intersection of FM 93 and Southwood Drive, Temple, Texas

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

l () agree	disagree with this request	
Comments: While this housing plan is	much better than the old	ens in the past.
this will still lead to major	congestion on 93. I. gr	eatly disagree
Should be lett alone for t	both additions if the new	ve. The frees
Kelley & Hamm	_ Kelley L. H	amm approved
Signature ()	Print Name	
	1.com	(Optional)
Duastida ana il du dia u ula ana un della uniferia		

Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>tlyerly@templetx.gov</u> or mail or hand-deliver this comment form to the address below, no later than **February 4, 2019.**

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

Number of Notices Mailed: 20

Date Mailed:

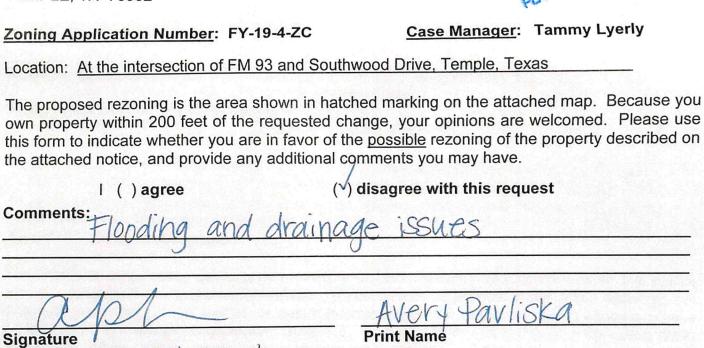
January 23, 2019

<u>OPTIONAL</u>: 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

397480
PAVLISKA, STEVEN E ETUX AVERY D
6931 SUN VALLEY DR
TEMPLE, TX 76502



Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, the class of the complete of the complete of the scanned version of this complete form to the address below, no later than February 4, 2019.

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

Number of Notices Mailed: 20

Date Mailed: January 23, 2019

(Optional)

RECEIVED

<u>OPTIONAL</u>: 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, FEBRUARY 4, 2019

ACTION ITEMS

Item 2: <u>FY-19-4-ZC</u> – Hold a public hearing to consider and recommend action on a rezoning with a site/development plan from Agricultural (AG) district to Planned Development Agricultural (PD-AG) district, on 86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located at the intersection of FM 93 and Southwood Drive.

Ms. Tammy Lyerly, Senior Planner, stated this rezoning is scheduled to go forward to City Council for first reading on March 7, 2019 and second reading on March 21, 2019.

Subject property aerial map shown.

Applicant requests rezoning to allow for a 78-lot single-family residential development with septic system. Developer proposes to build a fence with stone columns along the FM 93 frontage on the property line to the south of the tree line which is in the Texas Department of Transportation (TXDOT) right of way (ROW).

Zoning map is shown and is found in compliance.

The Future Land Use Map is shown and is found in compliance. The Suburban Residential zoning district is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space. The Agricultural Rural zoning district is characterized by rural properties, zoning of newly annexed tracts.

The Thoroughfare Map and Trails Plan is shown and is found in compliance.

The existing water and sewer map is shown and found in partial compliance. Water exists along South FM 93 ROW and applicant proposes a septic system as no sewer exists on site.

On-site and surrounding property photos are shown.

Development regulations and standards for the Agricultural (AG) District are shown. Applicant proposes minimum lot size of 0.75 acres with larger residential lots ranging from one acre to 2.89 acres along the east and south boundaries.

Agricultural permitted and conditional use table is shown.

Planned Development (PD) site plan is shown.

A larger version of the PD site plan is shown exhibiting the alternate entrance and a 25-foot trail easement. Ms. Lyerly stated that applicant proposes the rural local street size with the condition that no parking in the streets is allowed with posted signage.

Compliance Summary chart is shown, and all criteria are found to be in compliance with the exception of public facilities available in partial compliance.

Twenty notices were mailed in accordance withal state and local regulations with zero notices returned in agreement and two notices returned in disagreement. Five courtesy notices were mailed to the extra-territorial jurisdiction (ETJ) properties within 200 feet.

Staff recommends approval of a rezoning from AG to PD-AG and the site/development plan with the following conditions:

- 1. Development will be subject to the PD site plan;
- 2. Development will also be subject to all Unified Development Code (UDC) platting requirements during the platting process;
- 3. Single Family Residential House Development only
- 4. Minimum lot size is 0.75 acre:
- 5. Minimum front yard setback is 25-feet;
- 6. Side street building line is 15-feet;
- 7. Side building line is 7.5-feet;
- 8. Rear building line is 10 feet;
- 9. Sewer will be provided by on-site sewage facilities:
- 10. One two-inch caliper (diameter at breast height) canopy tree to be planted in the front yard of every lot. Species shall conform to the approved City of Temple Tree list, per the UDC;
- 11. A fence along FM 93 shall be a wood fence with masonry columns;
- 12. No on-street parking is allowed due to the proposed 22-foot wide streets; and
- 13. A 25-foot wide trail easement along the creek is on the site-development plan for compliance with the Temple Trails Master Plan.

Chair Langley opened the public hearing.

Ms. Laurissa Dodson, 6917 Sun Valley Drive, Temple, Texas, requested to add her response as in disagreement to this rezoning. Ms. Dodson questioned the removal of the tree row that provides a barrier to Valley Ranch and also the tree barrier on Boutwell Street. Ms. Dodson requested the tree lines remain due to the power poles in the neighborhood's back yards to allow access for the power trucks to work on these power lines.

Ms. Dodson stated there is a "big, old hole" at the main entrance of the Valley Ranch water system because they have problems with the water flow and added that during heavy downpours of rain, the creek floods and destroys residents' yards. Ms. Dodson feels this is due

to the excess housing developments being built with the water runoff not being properly distributed.

Ms. Dodson commented this proposed development will disturb Mother Nature and the natural wildlife that lives there.

Ms. Dodson stated that Temple School District is landlocked from building any new schools, so additional children from this proposed subdivision would be required to go to Belton, Rogers, Academy, or Holland schools.

Ms. Dodson stated Temple is not building any new businesses and is not bringing in any new jobs, so she cannot see building 200 houses when there are no jobs for people to pay for these houses.

Ms. Lyerly clarified that this development only proposes 78 lots.

Mr. Bill DiGaetano, 2715 Forrester, Temple, Texas, stated he appreciated Mr. Wall's changes from the 200-plus lots to what is proposed today; however, he still feels there are critical issues regardless of the number of lots.

Mr. DiGaetano is concerned about the traffic congestion, drainage issues, and the environmental impact on this beautiful creek. The intersection of 31st Street and Highway 93 remains a critical safety issue that is dangerous and includes gravel trucks coming through their neighborhood from Interstate Highway 35.

As Mr. DiGaetano previously reported in April 11, 2017, after one day of rain (2.9 inches) the creek came out of the banks from 12 to 20 feet high which would flood these proposed septic systems. In his opinion it is a location that should remain something else.

Mr. Scott Thomas, 3352 Forrester, Temple, Texas asked for clarification regarding setbacks and easements and appreciated the lesser density for this proposed subdivision.

Mr. Thomas discussed the Oncor easement and flood plain on the map.

The no parking on the street would be difficult to enforce.

Mr. Thomas echoed the same concerns regarding safety, drainage, and runoff and would also like to see the trees preserved for a visual sound and light buffer.

Ms. Lyerly stated in response that the rural street size width is 22-feet and a local street in the City of Temple is 31-feet. Mr. Thomas asked if the Valley Ranch subdivision has 31-foot width streets. Ms. Lyerly stated she would have to check but believes it is rural street size.

Mr. Thomas stated that he feels there should be continuity between subdivisions, so there is not a market reduction or market change.

Mr. Brian Chandler, Director of Planning, stated the rural local street classification is normally addressed during the platting process. This street design is also a lay-down curb, not a raised curb, and the rural local street classification is consistent with other local areas allowed in recent years.

Oncor representative, Mr. Casey Simpson, 308 South 7th Street, Temple, Texas, stated that Oncor has no objections with the zoning change, but has some issues with the PD site plan as submitted. Oncor is currently working with the developer and his civil engineer on these issues.

Mr. Chandler clarified that the site plan is part of the zoning request because it is a PD; however, conditions can be added. Examples of conditions that could be added are working with Oncor to ensure it meets specific needs or specific dimensions for the access that recommend the site plan is adjusted accordingly.

Ms. Dodson pointed out areas on the site plan she would like to see left undeveloped and suggested building in the center area only to meet Oncor needs and also provide a buffer. Ms. Dodson asked Mr. Wall if there would be a Home Owners Association for this subdivision.

Mr. Lee Hubbard, 6920 Boutwell Drive, Temple, Texas, stated the 25-foot wide walkway is ridiculous and asked Planning and Zoning not to approve this request. Mr. Hubbard is concerned about drug paraphernalia that has already been found in this area and this will result in a "Drug Addict Super Bowl" in the timber. Mr. Hubbard requested the walkway be stricken from the proposed development, and if not removed, he is totally against this proposed subdivision.

Mr. Hubbard is also concerned about the septic system and feels 78-lots will eat up 35.8 acres of land for sewer under the 78 houses. He feels this will be a problem and would prefer using the sewer system from Taylor's Valley.

Ms. Lyerly clarified the 25-foot width is for a trail easement, not a 25-foot wide sidewalk.

Mr. Hubbard stated that a 25-foot walkway could be put in anywhere in that easement.

Mr. Chandler explained this trail easement was a staff recommendation and the developer does not plan to build a trail. It was included to meet the City's Trail Master Plan and is consistent to the trail masterplan in other developments. There are no funds allotted to build a trail at this time and, if built in the future, it would be a City-funded trail that would include public input. At this time, it is only a public trail easement that the City has requested. The Planning and Zoning Commission could recommend that the 25-foot trail easement condition be removed.

Mr. Chandler added that a public easement could be used by anyone, but it would not be labeled and unless following the plat the public would be unaware of it. He also stated this condition is for the P&Z Commission and City Council to consider. The staff has a responsibility to implement the City's Trail Master Plan.

Mr. Hubbard stated he hoped the P&Z Commission and City Council would throw this easement out due to the drug issues in our country at this time. Ms. Debbie Shine, 3018 Forrester Road, is concerned about the flooding and erosion already being experiencing in the area. Ms. Shine looks to the P&Z Commission for the City's future and as more developments are built, residents will experience more flooding. She stated the creek has at times become a rushing river and has washed out the bridge and water line. The bridge was recently repaired as it pulled away from the road.

The residents are currently losing acreage and heritage trees every time it rains. Ms. Shine asked the Commissioner to please consider how this is affecting the residents downstream.

The traffic issue is a problem and difficult to prevent head-on-collisions.

Ms. Shine also expressed her opposition to the trail easement due to safety reasons and asked the P&Z to please consider the "bigger picture" for those in South Temple.

Ms. Shine thanked Mr. Wall for adjusting the density.

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

Commissioner Fettig asked Mr. Simpson, Oncor representative, to return to the podium and asked for clarification regarding solutions for the Oncor issues.

Mr. Simpson stated Oncor officials have met with the developer and his civil engineer and worked out agreements that Oncor can move forward with. These agreements involve access to the station and preferred a straighter route into the substation property.

Commissioner Fettig asked Mr. Simpson if there were issues with pole accessibility to that area.

Mr. Simpson stated that they have methods other than the use of large trucks to repair those lines and poles.

Chair Langley reopened the public hearing.

Ms. Dodson commented Oncor will damage her yard and fence to order to repair the poles.

Ms. Dodson would like the tree line access to remain, to have the easement access condition removed, and the number of houses to be reduced further.

Ms. Lyerly confirmed the Valley Ranch plat was approved with a utility easement in her backyard for access. Ms. Dodson responded that she was aware of that, but does not want Mr. Wall to build houses up to her fence. There being no further speakers, the public hearing was closed.

Commissioner Castillo made a motion to approve Item 2, **FY-19-4-ZC**, per Staff recommendation.

Chair Langley requested an alternative motion since the motion of the floor did not receive a second.

Ms. Kayla Landeros, City Attorney, stated the motion can be amended. If a motion is made to amend the motion, then a vote on the amendment to adopt it is made and then start over.

Commissioner Fettig asked if there is no second to the motion on the floor, what is the alternative?

Ms. Landeros stated then the motion fails. If there is not another motion made, there is no recommendation from the P&Z Commission to send to City Council.

Ms. Landeros explained that the trail easement is Staff's due diligence to try to implement the Trails Master Plan to make sure there is connectivity. However, the Commission may remove that condition if desired.

Ms. Landeros stated the AG zoning district allows minimum one-acre lots and allows single-family housing; but also allows HUD code manufactured housing. The property owner/developer could plat this property tomorrow with the AG zoning in placed and build single-family housing as well as manufactured housing with septic. If the property owner/developer does not request exceptions, that plat may never be seen by City Council.

Ms. Landeros understands there are concerns with this proposal, but with the current zoning it can be platted with several lots and several homes with septic. This proposal reduces the number of lots than previously seen and provides favorable conditions, such as fencing. The overall point is there could be less desirable developments on this property than what is being proposed today. This proposal is compatible with Valley Ranch with larger lots than the subdivision proposed across the street. The developer and staff have worked together to get the lot sizes as large as possible. There is a motion on the floor, but someone can move to amend the motion to change any of the conditions.

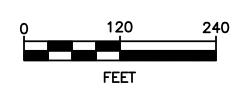
Commissioner Alaniz seconded the motion on the floor.

Motion passed: (4:1)

Vice-Chair Ward, Commissioners Armstrong, Wright, and Marshall absent.







LEGEND



FEMA SPECIAL FLOOD HAZARD FLOODWAY



FEMA SPECIAL FLOOD HAZARD ZONE AE



NEW DETENTION AREA

DEVELOPMENT STATISTICS

TOTAL NUMBER OF LOTS = 78

MINIMUM LOT SIZE = 0.75 ACRE

EASEMENTS AND BUILDING LINES (UNLESS OTHERWISE NOTED)

FRONT BUILDING LINE

SIDE STREET BUILDING LINE = 15

SIDE BUILDING LINES = 7.5'

REAR BUILDING LINE = 10'

20' PUE & DE ALONG ALL ROAD FRONTAGE

ADDITIONAL REQUIREMENTS:

1. SINGLE FAMILY RESIDENTIAL HOUSE DEVELOPMENT ONLY.

2. ONE 2" CALIPER (AT BREAST HEIGHT)
CANOPY TREE TO BE PLANTED IN THE FRONT
YARD OF EVERY LOT. SPECIES SHALL CONFORM
TO THE APPROVED CITY OF TEMPLE TREE LIST.

3. FENCE ALONG FM 93 SHALL BE A WOOD FENCE WITH MASONRY COLUMNS.

4. NO PARKING ON STREETS



VALOR ESTATES NEW RESIDENTIAL DEVELOPMENT

TEMPLE, TEXAS

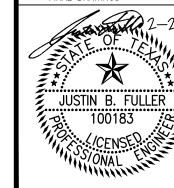
CONCEPTUAL SITE PLAN

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER P.E. 100183, CLARK & FULLER, PLLC FIRM NO: F-10384.

FOR REVIEW
THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ON

FOR REVIEW
THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONL'
AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR
CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION"
CAN BE CONSIDERED COMPLETE.



Doolgilloa	001		
Drafted	ECB		
Project No	171724.01		
Plot Date	2-25-19		
	1		

ORDINANCE NO. <u>2019-4957</u> (FY-19-4-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT AGRICULTURAL ZONING DISTRICT ON APPROXIMATELY 86.91 ACRES SITUATED IN THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED SOUTHEAST OF FM 93 AND SOUTHWOOD DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant requests rezoning from Agricultural zoning district to Planned Development-Agricultural zoning district to allow a 78-lot, single family residential development consisting of lot sizes with minimum lot area of 0.75 acres, and larger residential lots ranging from one acre to 2.89 acres along the property's south and east boundaries;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning from Agricultural zoning district to Planned Development-Agricultural zoning district, on approximately 86.91 acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, with the following conditions:

- 1. Development will be subject to the Planned Development Site Plan;
- 2. Development will also be subject to all Unified Development Code (UDC) platting requirements during the platting process;
- 3. Single Family Residential House Development only;
- 4. Minimum lot size is 0.75 acre;
- 5. Minimum front yard setback is 25 feet;
- 6. Side street building line is 15 feet;
- 7. Side building line is 7.5 feet;
- 8. Rear building line is 10 feet;
- 9. Sewer will be provided by on-site sewage facilities;
- 10. One 2-inch caliper (diameter at breast height) canopy tree to be planted in the front yard of every lot and the species shall conform to the approved City of Temple Tree list, per the UDC:
- 11. A fence along FM 93 shall be a wood fence with masonry columns;
- 12. No on-street parking is allowed due to the proposed 22-foot wide streets; and

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

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

<u>Part 1</u>: 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.

- <u>Part 2:</u> The City Council approves a rezoning from Agricultural zoning district to Planned Development-Agricultural zoning district, on approximately 86.91 acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:
 - 1. Development will be subject to the Planned Development Site Plan;
 - 2. Development will also be subject to all Unified Development Code (UDC) platting requirements during the platting process;
 - 3. Single Family Residential House Development only;
 - 4. Minimum lot size is 0.75 acre;
 - 5. Minimum front yard setback is 25 feet;
 - 6. Side street building line is 15 feet;
 - 7. Side building line is 7.5 feet;
 - 8. Rear building line is 10 feet;
 - 9. Sewer will be provided by on-site sewage facilities;
 - 10. One 2-inch caliper (diameter at breast height) canopy tree to be planted in the front yard of every lot and the species shall conform to the approved City of Temple Tree list, per the UDC;
 - 11. A fence along FM 93 shall be a wood fence with masonry columns; and
 - 12. No on-street parking is allowed due to the proposed 22-foot wide streets.
- <u>Part 3:</u> The City Council approves the Site Development Plan attached hereto as Exhibit 'B,' and made a part hereof for all purposes.
- <u>Part 4:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.
- <u>Part 5</u>: 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.
- <u>Part 6</u>: 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.
- <u>Part 7</u>: 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 **7**th day of **March**, 2019.

PASSED AND APPROVED on Second Reading on the 21st day of March, 2019. THE CITY OF TEMPLE, TEXAS TIMOTHY A. DAVIS, Mayor ATTEST: APPROVED AS TO FORM:

Kayla Landeros

City Attorney

Lacy Borgeson

City Secretary