

MUNICIPAL BUILDING 2 NORTH MAIN STREET 3rd FLOOR – CONFERENCE ROOM

THURSDAY, JANUARY 16, 2020

2:00 P.M.

AGENDA

CITY COUNCIL WORKSHOP AGENDA:

I. PUBLIC COMMENTS

Citizens who desire to address the Council on any matter <u>listed on the Workshop Agenda</u> 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.

II. WORK SESSION

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 16, 2020.
- 2. Discuss proposed 2020 Bond Election.
- 3. Receive an update on potential economic development prospects which are interested in locating and/or expanding within the City of Temple.

Executive Session – Texas Government Code Section 551.087, Deliberation Regarding Economic Development Negotiations – The Project Committee may meet in executive session to discuss or deliberate regarding commercial or financial information that the Committee has received from a business prospect that the Committee seeks to have locate, stay or expand in or near the City and with which the City is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to a business prospect who seeks to locate, stay, or expand in or near the City.

- 4. Discuss the employment, duties, and work plans of the City Attorney, City Secretary, Finance Director, City Judge, and the City Manager.
 - Texas Government Code § 551.074 The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of the City Attorney, City Secretary, Finance Director, City Judge, and the City Manager. No final action will be taken.
- 5. The City Council will enter into executive session to seek the advice of its attorney on pending or contemplated litigation or a settlement offer regarding two anticipated claims pursuant to Texas Government Code Section 551.071 and will conduct a private consultation with its attorney on a matter in which the duty of the attorney to the Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Local Government Code Chapter 551.

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

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. AWARDS & SPECIAL RECOGNITIONS

3. Recognition of City Manager Brynn Myers being named "Leader of the Year" by *American City* and County magazine, for her visionary thinking, bold leadership and impressive accomplishments on behalf of the City of Temple in 2019.

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) November 7, 2019 Special & Regular Called Meeting
- (B) December 5, 2019 Special & Regular Called Meeting

Contracts, Leases, & Bids

(C) 2020-9948-R: Consider adopting a resolution authorizing a services agreement for the installation of a key card access system at the water treatment plants with A-1 Fire & Security Equipment Co. of Waco, in the amount of \$52,505.59.

- (D) 2020-9949-R: Consider adopting a resolution authorizing a one-year renewal to a facility user's agreement with Justice Enterprise of Belton for the operation of the Lions Park Softball Complex concession stand with a usage fee paid to the City, in the amount of \$150 per month.
- (E) 2020-9950-R: Consider adopting a resolution assuming jurisdiction, control, and maintenance of 0.133-acre of right-of-way for public road purposes from the State of Texas necessary for the Poison Oak Road Expansion Project.
- (F) 2020-9951-R: Consider adopting a resolution authorizing the application and acceptance of grant funds from the Texas Commission on Environmental Quality, Texas Volkswagen Environmental Mitigation Program for projects to replace or repower refuse vehicles.
- (G) 2020-9952-R: Consider adopting a resolution authorizing the purchase of six 2021 Autocar Solid Waste Collection refuse trucks from Chastang Enterprises, Inc., of Houston, in the amount of \$1,832,564, as well as, declare an official intent to reimburse the expenditures with the issuance of 2020 Limited Tax Notes.
- (H) 2020-9953-R: Consider adopting a resolution authorizing the purchase of hazardous material testing equipment from FarrWest Environmental Supply, Inc. of Schertz, in the amount of \$77,424.

Ordinances - Second & Final Reading

(I) 2019-5014: SECOND & FINAL READING: Consider approving an ordinance adopting the Temple Parks & Recreation Department's Youth Programs Standards of Care and approving the 2019 annual report.

Misc.

(J) 2020-9954-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2019-2020.

V. REGULAR AGENDA

<u>ORDINANCES</u>

- 5. 2020-5015: FIRST READING PUBLIC HEARING FY-20-7-ZC: Consider an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development-Single Family-One on 102.290 +/- acres, with a site development plan, located at 5900 South 31st Street for a proposed extension of the Bella Terra neighborhood.
- 2020-5016: FIRST READING PUBLIC HEARING FY-20-8-ZC: Consider adopting an ordinance authorizing a rezoning from Two Family & Heavy Industrial zoning districts to Planned Development-Light Industrial with Development/ Site Plan approval on 1.339 +/- acres, addressed as 708 South 57th Street.
- 7. 2020-5017: FIRST READING PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to Temple Unified Development Code Section 4.5.1, "Residential Dimensional Standards, Single Family Detached Dwelling," to allow 20 foot minimum front yard setbacks in SF-1 and SF-2 zoning districts and 10 foot minimum side (corner) yard setbacks for SF-1, SF-2 and SF 3 zoning districts.

RESOLUTIONS

8. 2020-9955-R: Consider adopting a resolution appointing Stephanie Hedrick as the interim City Secretary and setting compensation for the position.

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

I hereby certify that a true and correct copy of this Notice of Meeting was published to the City of Temple's website at 1:45 PM, January 13, 2020. This notice was posted in a public place at 1:50 PM, this same day.

Deputy City Secretary

ghavie Auluis

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.



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #4(A-B) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Stephanie Hedrick, Deputy City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) November 7, 2019 Special & Regular Called Meeting

(B) December 5, 2019 Special & Regular Called 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:

November 7, 2019 Special & Regular Called Meeting Minutes / Video December 5, 2019 Special & Regular Called Meeting Minutes / Video

TEMPLE CITY COUNCIL

NOVEMBER 7, 2019

The City of Temple Employee Benefits Trust, conducted a meeting on Thursday, November 7, 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 Councilmember Wendell Williams Mayor Pro Tem Morales Mayor Timothy A. Davis

1. 2019-9866-R: Consider adopting a resolution authorizing a one-year renewal term to the City's agreement with Scott and White Health Plan for the provision of Medicare supplement insurance for over age 65 City of Temple retirees and establishing the rates for this type of insurance.

Tara Raymore, Director of Human Resources provided a brief representation to City Council. She began by noting that retirees with 25 years of continued service at retirement. The City's contribution is 50% of the monthly premium, and maximum of \$102 for medical only. The City has 74 participants, with the financial fiscal impact of \$90,576 for the fiscal year 2020 budget.

At this time the Trust is being asked to authorize a one-year renewal to the agreement with SWHP and to adopt Medicare supplement rates for retirees for 2020. The rates for Medicare supplement run from January 1st through December 31st of each year.

HMO Preferred with prescription is going up by a dollar, the dollar is being split evenly between the retiree and the City, each paying fifty cents more per month. The Senior Care premium plan with prescription coverage is also going up one dollar and will going towards the retirees premium because the City is at the maximum amount of \$102 per month. There is a decrease in PPO Basic with prescription going down seven dollars per month, and the seven dollars is being split evenly between the City and the retiree. The Platinum PPO plan is decreasing \$14 dollars and is being split between the City and the retiree. Ms. Raymore mentioned that there are no other changes with other plans.

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

Motion passed unanimously.

Mayor Davis adjourned the meeting of the Employee Benefits Trust at approximately 3:35 PM and convened the workshop of the Council.

The City of Temple Employee Benefits Trust, conducted a meeting on Thursday, November 7, 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 Councilmember Wendell Williams Mayor Pro Tem Judy Morales Mayor Timothy A. Davis

I. PUBLIC COMMENTS

No one signed up to speak

II. WORK SESSION

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 7, 2019.

ITEM 16 - Mayor Davis spoke briefly about the Tax Appraisal Districts of Bell County Board of Directors current appointee, Scott Morrow who has been the representative on this board for many years, and Skip Carruth is interested in serving and he said he is excited. Mayor Davis reached out to others on the board to see what skills they would like to see and the feedback that was given is that they would like someone with strong technical and computer skills, and Mr. Carruth has strong background those skills.

ITEM 11 - Brynn Myers, City Manager asked if she could bring attention to this item. First rezoning since TMED South zoning district has been established, Everest Hospital is currently the one zoned TMED South property. Ms. Myers gave a background presentation of the TMED South Master Plan of the zoning case that is being brought forward to Council.

Ms. Myers TMED South Master Plan is to help create framework for the City, property owners, and developers in creation of an overall plan. Developing as an urban district, and guide potential capital improvement projects. Idea began as a sharette, which is a hands-on workshop to envision possible projects, happened in December of 2015. The vision for South TMED is based around live, work, play, learn environment. Mixed use of housing and retail with close proximity to employers in the Temple Medical Education District along with educational institutes to anchor. Use First street as the main linkage expand art culture, school programs, and partnership with Blackland. North entrance vision is a strong gateway to South TMED, 5th Street entry focusing on dense residential development, South you will see mix of residential options and some retail mixed in as well, Community heart have an event lawn or community event space, Canyon Creek/First Street/Blackland Road area has existing roadways seen as the spine of TMED mixed with townhouses, retail, and single family residential in that area. Residential South visioned to be condos, townhouses or more traditional single family homes with pocket parks. Gas easment that is not reflected in plans and the electrical easement that is reflected in the plans.

Mayor Davis asked what type of impact the utility easements might have neighborhood development.

Ms. Myers referred to the developers site plan for further discussion following the overview presentation. Council adopted the Plan back in March of 2017. Brian Chandler, Planning Director, had his team worked on ways to implement the Plan. First, to prepare TMED code amendments that would establish a TMED South zoning district as well as define land uses. Second, pursing a City initiated rezoning of the area to become TMED South zoning district. Council approved code amendments in February 2018 which added the T-South zoning district, defined what was allowed for land use and development standards. No longer have the right to regulate building materials.

Councilmember Long mentioned the legislature passing the bill limiting cities on the building materials makes it difficult to variations to the master plan.

TMED is a form based code. The use is second and the form is first. Gas easement encumbers the property, but uses allowed by TMED can fit on the property, issue is the financial feasibility for the developer. Developer asking for more flexibility than allowed in TMED South.

Councilmember Long addressed the developer/Mr. Chandler about the flexibility being because of the gas easement, which makes it harder to establish.

The Developer noted that it does make it harder for access among other reasons.

Ms. Myers added as the item is presented there would be nothing that triggers from having be built in conjunction with the uses that are not allowed by right. If approved for the whole property there is a possibility that the uses that are being requested that are not allowed by right are done, and the ones in the middle you are hoping to see that type of development based on the master plan is not done.

Mayor Pro Tem Morales addressed the developer on what made them decide on the self-storage and the fueling station.

The Developer answered that with the traffic coming down 5th Street it makes for a good location of a fueling station, the self-storage would be a good fit because of the location of the pipeline, electrical easement, Union Pacific Railroad. The railroad location is not good for residential and it is not a large enough lot for multi family. Already enough housing development, and a need for storage is in demand.

Council could require the submission of an elevation as a condition can come back through an approval process.

Mr. Chandler turned to Ms. Landeros for confirmation that such condition be approved. Ms. Landeros noted that when the elevations are complete that they can add that as a condition for Council to view.

Mayor Davis asked the developer if the self-storage units would be single-story.

The developer responded mentioning that the office would be two-stories, and have interior indoor storage with climate control. The rows will be single story behind the forefront.

Councilmember Walker asked if there would be any RV parking or trailer parking. There will not be RV or trailer parking.

Councilmember Williams expressed his concern about the self-storage and it fronting Blackland Road. Sees office buildings more for that spot than storage.

Mr. Chandler added that the cost of an office building because of frontage improvements and keep in mind the cost for developers.

Councilmember Long asked if the item could be delayed two weeks until the next council meeting for the developer to meet with some of the people that were behind the development of the TMED District.

The developer stated that they were comfortable tabling the self-storage item for further discussion, but keeping the self serve station if possible and if everyone is comfortable with doing so.

Can approve the zoning as presented with the exception of removing the storage as allowed use, and if the developer would like to pursue they would have to come back with an amendment to the planned development. Tabling is an option, approve on first reading and still move project along and could take off self storage whatever Council is not comfortable with.

If self-storage is not approved, the developer will bring some more ideas when reconvening.

2. Discuss possible amendments to the City's Code of Ordinances, Chapter 26 "Peddlers, Solicitors and Itinerant Vendors."

Kayla Landeros, Interim City Attorney, will give presentation during Council meeting due to time.

3. Discuss possible amendments to the City's Code of Ordinances, Chapter 24 "Noise."

Amanda Rice, Deputy City Attorney gave presentation over proposed amendments to the City's Code of Ordinances for Chapter 24 "Noise".

Chapter pertains to reasonably loud, disturbing and unnecessary noise. Noisy animals are regulated under Chapter 6.

Exemptions from the provisions would be construction, repairing roads, building houses, mowing the lawn, and any emergency situations.

Proposed amendments to Chapter 24 are: unreasonable noise standard is proposed to keep in such cases a code officer or law enforcement officer hears a noise that is clearly unreasonable for the situation and the time of taking place, and also adding a decibel limit to set objective standards for the community. Most cities have a decibel limit set.

Maximum decibel level limits, daytime is between 7am and 10pm and nighttime is between 10:01pm and 6:59am. Sound will be measured from the property line from where the sound is being received. Residential daytime 70dB at night 56dB, commercial/mixed use daytime 80dB at night 65dB, industrial 85dB at night 75dB, and other daytime 80dB at night 65dB.

Center for Disease Control recognizes that any noise above 70dB for an extended period of time may cause hearing loss.

Unreasonable noise exceeds the maximum decibel limits - causes material distress, discomfort, or injury of a reasonable person of ordinary sensitivities in its immediate vicinity.

Development is expanding in the City and construction noise is a concern and looking for Council's feedback. Proposed is to prohibit construction noise during the nighttime hours of a residential property within 600 feet. The summer weather in Texas is a contributing factor to developers wanting to work earlier in the morning, proposed to begin at 6:00am in residential neighborhoods. Citizens have been reporting noise complaints to Transform Temple about construction noise on weekends.

Kayla Landeros, Interim City Attorney noted that construction noise is not regulated in the ordinance. At one point construction noise was regulated and was then removed in 2012. The current proposal is to regulate construction noise and in the summer months adjust the hours to allow for an earlier start time.

Councilmember Long asked if comments have been received from Temple Area Builders Association, Ms. Landeros stated there have not, but will follow up with them.

Ms. Rice mentioned that most complaints are about the hours of which the noise is occurring and not the level

Councilmember long asked Mr. Craig if most complaints were in regards to noise in the morning hours or during the evening. Mr. Craig noted that it is during the early morning that complaints come in, particularly on the weekends.

Don Bond, Director of Public Works added that for the City projects there is standard language in the contract that limits weekend hours and after hour work, and non-emergencies.

Affirmative Defenses - restaurant having live music, outdoor events, rock quarries, railroads, lawn mowing, public utility fixes, emergency situations, playgrounds, school events, etc.

Located in Chapter 1, that any violation of the noise ordinance is a \$500 fine which will stay the same.

4. Discuss the Neighborhood Planning Districts.

This item will be brought forward to future workshop agenda.

Ms. Myers noted Item I and Item J on Consent Agenda. Next two neighborhoods for

the upcoming quarter.

5. Discuss the status of various right-of-way acquisitions.

At approximately 4:50 p.m., the Council entered into an executive session.

I. CALL TO ORDER

1. Invocation

Travis Collins, with Impact Temple voiced the invocation.

2. Pledge of Allegiance

Tanya Gray with Keep Temple Beautiful, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Bobbie Thompson - 904 Henderson - thanked Mayor Davis and Mayor Pro Tem Morales for their continuing work to clean up their neighborhood.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize November 8th as Arbor Day.

Lee Bullock, Parks Superintendent, briefly spoke about the Arbor Day celebration that was held at Central Texas Christian School and tree presevation.

4. Recognize Keep Temple Beautiful for receiving the Governor's Community Achievement Award.

Thomas Baird, Keep Temple Beautiful - KTB has been very active for the past 20 to 30 years, been able to receive the governors award and only a handful of cities have been able to receive the award four or more times and the City of Temple is one of those cities.

Tanya Gray - presented the check to the Mayor and Council, money can be given to KTB through citizens water bill or make donations online. Close to one million dollars won by KTB.

IV. CONSENT AGENDA

- 5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:
 - (A) October 17, 2019 Special & Regular Called Meeting
 - (B) October 24, 2019 Special Called Meeting
 - (C) October 25, 2019 Special Called Meeting

- (D) 2019-9867-R: Consider adopting a resolution authorizing a one-year extension to the professional services agreement with McGriff, Seibels & Williams, Inc. of Addison for employee benefits consulting services, in the annual amount of \$75,000.
- (E) 2019-9868-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP, of Temple to develop schematic and final design for electrical requirements at the Martin Luther King Festival Grounds, in the amount of \$96,200.
- (F) 2019-9869-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP, of Temple to develop schematic and final design for the East/West Gate project, in the amount of \$292,800.
- (G) 2019-9870-R: Consider adopting a resolution to authorize a professional services agreement with Kasberg, Patrick & Associates, LP, for Industrial Park Site Grading designs within the Temple Reinvestment Zone Industrial Park, in the amount of \$98,810.
- (H) 2019-9871-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for schematic and final designs for 24th Street from Central Avenue to Avenue C, in the amount of \$147,900.
- (I) 2019-9872-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for services required to develop the Utility Schematic Design and Concept Plan for the Crestview District Neighborhood Plan, in an amount not to exceed \$92,600.
- (J) 2019-9873-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for services required to develop the Utility Schematic Design and Concept Plan for the Historic District Neighborhood Plan, in an amount not to exceed \$74,200.
- (K) 2019-9874-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for services required to develop a concept design for the North Art District, generally north of Bellaire to Lower Troy Road to Killen Lane, in an amount not to exceed \$142,850.
- (L) 2019-9875-R: Consider Adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP, for services required to design the Blackland Road Extension and Utility Improvements and the Knob Creek Wastewater Improvements, in the amount of \$678,485.
- (M) 2019-9876-R: Consider adopting a resolution authorizing a multiyear services agreement for propane delivery services with Star Tex Propane, Inc. of

Waco at a per gallon markup of 45¢ over market and, in an estimated annual amount of \$45,000 based on recent market rates.

- (N) 2019-9877-R: Consider adopting a resolution authorizing an agreement with the Bill Messer, PC for legislative lobbying services.
- (O) 2019-9878-R: Consider adopting a resolution authorizing a construction contract with Texas Pride Utilities, LLC, of Houston, for services to replace a sewer line between 2nd and 4th Streets from Central Avenue to Avenue C and replace a water main from Central Avenue to Avenue A, in the amount of \$469,163.
- (P) 2019-9879-R: Consider adopting a resolution authorizing a Memorandum of Understanding between The Texas A&M Engineering Extension Service, a member of The Texas A&M University System and the City of Temple regarding the participation of Temple Fire and Rescue personnel in hosting a regional area fire training schools.
- (Q) 2019-9880-R: Consider amending Resolution No. 2019-9850-R, adopted on October 3, 2019, to consolidate all current utility fees into one resolution, align the resolution with current City practices, update language, and authorize the City Manager to make temporary exceptions to the rate class thresholds to account for start-up operations.
- (R) 2019-9881-R: Consider adopting a resolution authorizing the renewal of the Emergency Management Performance Grant for FY 2019, which funds a portion of the administration cost for Emergency Management for the City of Temple, in the amount of \$33,369.56.
- (S) 2019-9882-R: Consider adopting a resolution authorizing the rejection of the bids received for on-site fuel services on September 5, 2019.
- (T) 2019-9883-R: Consider adopting a resolution authorizing the expenditure of funds for seven multiyear agreements for FY 2020, in an estimated amount of \$7,246,578.
- (U) 2019-9884-R: Consider authorizing payment of the Consolidated Water Quality Assessment Fee to the Texas Commission on Environmental Quality for operations of Temple's wastewater treatment plants, in the cumulative amount of \$104,988.54.
- (V) 2019-9885-R: Consider adopting a resolution authorizing the purchase of two cardiac monitor/defibrillators from Stryker Medical of Chicago, IL, in the amount of \$76,837.34.
- (W) 2019-9886-R: Consider adopting a resolution authorizing a BuyBoard purchase and installation of lighting control systems at Crossroads Park from Musco Sports Lighting, LLC of Oskaloosa, lowa, in the amount of \$410,000.

- (X) 2019-4999: SECOND & FINAL READING FY-19-23-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit and its site plan to allow a recreational vehicle (RV) park within Lot 10 of the Bellaire Commercial subdivision, addressed as 4425 North General Bruce Drive.
- (Y) 2019-5000: SECOND & FINAL READING FY-19-27-ZC: Consider adopting an ordinance authorizing a Planned Development-General Retail with a Development/ Site Plan for a self-storage facility on 5.204 +/- acres, addressed as 9335 State Highway 317.
- (Z) 2019-5001: SECOND & FINAL READING FY-19-28-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit to allow for an office warehouse, with a Site Plan, in the Temple Winnelson Subdivision, addressed as 1801 North 3rd Street and 1605 North 3rd Street.
- (BB)2019-9887-R: Consider adopting a resolution authorizing continued utilization of the JP Morgan Chase Bank N.A. commercial card program through August 31, 2021, as procured by the City of Fort Worth.
- (CC) 2019-9888-R: Consider adopting a resolution establishing rates for Medicare supplement insurance for over age 65 City of Temple retirees and authorizing the City's contribution for calendar year 2020.
- (DD)2019-9889-R: Consider adopting a reoslution authorizing budget amendments for fiscal year 2019-2020.

Motion by Councilmember Susan Long 5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:, be Approve, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

6. 2019-5003: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment and adopting the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans adjusting expenditures for years FY 2019-2023.

Traci Barnard, Director of Finance gave brief presentation over the Tax Increment Reinvestment Zone No. 1. Covering the Financing Plan and Project Plan Amendment.

No comments were made during the public hearing.

Motion by Councilmember Wendell Williams 6. 2019-5003: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment and adopting the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans adjusting expenditures for years FY 2019-2023., be Approve, seconded by Councilmember Susan Long.

Motion passed unanimously.

7. 2019-5004: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending Chapter 26, "Peddlers, Solicitors and Itinerant Vendors," of the City of Temple's Code of Ordinances.

Kayla Landeros, Interim City Attorney gave a presentation over proposed amendments of Chapter 26. Proposed is to change the name to say "Solicitation", breaking the Chapter into three articles; In General, Solicitation in Roadways, and Door-to-Door Solicitation.

Brief overview of First Amendment; Governmental entities may not restrict expression because of its message, its ideas, its subject matter, or its content. Case law acknowledged that cities have a significant interest in regulating traffic flow and promoting roadway safety.

Proposed is regulating solicitation at lighted intersections, since 2014 have been 30 intersection-related crashes in the City. Traffic volume at lighted intersection, it is even more important to ensure the safety of pedestrians and drivers.

A person may only solicit at lighted intersections to a motor vehicle if they remain on the sidewalk or unpaved shoulders. The person may not walk on to the street, medians, or islands.

Mayor Davis asked about a person travelling on the island and if it is prohibited. Ms. Landeros confirmed that the traveler would be in a prohibited area.

Mayor Pro Tem Morales asked about four-way stop signs. Ms. Landeros mentioned that there has been discussion about the stop signs and will look more into the suggestion.

Door-to-Door Solicitation; Transient and Itinerant Peddlers must have a license from the City to sell goods in a residential office. City Secretary's office handles the licenses. \$30 application fee, and extra \$5 per each employee.

Recommended changes - update language to reflect current application review, take out language which distinguishes between vendors who have businesses in town and those who do not, make sure fees charged are reasonably related to and used to cover the costs of administering and enforcing the ordinance, set timeline of when licenses will be granted, delete language that allows the City to regulate whether the goods are of good quality for the general public, add a section allowing citizens to prohibit people from selling commercial products or canvassing for non-profit causes by placing "No Soliciting" signs, ass section the delineates when people may sell door-to-door (9am to 6pm SDT and 9am to

7pm DST), remove the bond requirement, remove section which allows the Director to refuse a license if the information provided is unsatisfactory, remove provision that prohibits an applicant from receiving a license due to criminal history, remove exemption for farmers, dairymen, churches, etc.

Mayor Pro Tem Morales asked if Girl Scouts would need a license. Ms. Landeros added Girl Scout groups would still need to get a license to go door-to-door. Mayor Pro Tem Morales asked of a no trespassing sign is the same as no solicitation. Ms. Landeros mentioned that trespassing is a different law and is a violation for that person under state law.

Mayor Davis asked about the liability about the person being on property without a no solicitation sign. Ms. Landeros mentioned that the bond that is proposed to be removed is not a large enough amount for any damages to be covered.

No comments were made during the public hearing.

Motion by Councilmember Jessica Walker 7. 2019-5004: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending Chapter 26, "Peddlers, Solicitors and Itinerant Vendors," of the City of Temple's Code of Ordinances., be Approve, seconded by Councilmember Susan Long.

Motion passed unanimously.

8. 2019-5005: FIRST READING – PUBLIC HEARING – FY-19-29-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit with a Site Plan to allow for the sale of beer and wine for on-premise consumption of less than 10% of total revenue at 10148 West Adams Avenue.

Jason Deckman, City of Temple Planner gave brief presentation to Council. Fitness center and childcare are physically separate from one another. No alcohol served on Saturday morning, alcohol will be monitored by an electronic card system and all cards are set for a cut off for 10 oz, alcohol is consumed after working out.

Staff recommends approval of the conditional use permit to allow for the sale of beer and wine for on-premise consumption less than 50% of total revenue.

No comments were made during the public hearing.

Motion by Councilmember Jessica Walker 8. 2019-5005: FIRST READING – PUBLIC HEARING – FY-19-29-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit with a Site Plan to allow for the sale of beer and wine for on-premise consumption of less than 10% of total revenue at 10148 West Adams Avenue., be Approve, seconded by Councilmember Wendell Williams.

Motion passed unanimously.

2019-5006: FIRST READING – PUBLIC HEARING – FY-19-30-ZC: Consider

adopting an ordinance authorizing a rezoning from Two-Family to Planned Development-Neighborhood Service with a development/ site plan for a specialty coffee shop, located at 1617 West Avenue R.

Brian Chandler, Director of Planning gave brief presentation to Council. To allow specialty coffee shop, over 100 year old house and proposed to call it the 1914 Coffee House after the year of construction of the house. Improved parking for customers, plat is not required. Building footprint will remain, parking lot will be behind the house and traffic will come through Avenue R.

The Trails Master Plan identifies as west Avenue R as a proposed trail, and add connectivity of a six-foot sidewalk to the nursing home and to 31st Street as well. The City has a funded TxDOT project to fill in all sidewalk gaps along 31st Street.

Staff recommends approval with the following conditions:

- 1. Substantial compliance with the site/development plan including a 6-foot sidewalk along west Avenue R and 6-foot high solid wood fence along southern boundary.
- 2. Director of Planning approval of minor changes to the site/development plan.
- 3. Significant changes, including demolition of the structure, would require P&Z & City Council review.

Recommended that Staff look at additional traffic calming measures and add no parking signs, both along South 33rd Street and West Avenue R.

Councilmember Williams asked Mr. Chandler about the parking and the entrance for the establishment. Mr. Chandler mentioned they are going to evaluate the no parking adjacent to the building and to ensure it is a good policy.

Mayor Pro Tem Morales noted that it is an older building and how do they plan on making it accessible? Mr. Chandler added that part of the interior finish-out they will have to meet ADA standards.

Greg Brunet, 3800 Valley View Drive Temple, owner of the soon to be establishment, looking at possible ways to make the bathrooms and the building accessible through ADA standards.

Mayor Davis asked about the motion for additional P&Z recommendations that were listed. Mr. Chandler clarified that for them to move forward with the study it would be preferable to have the language in the motion.

Application for Mr. Brunet to complete is being sent to begin the process of the traffic study.

Ms. Myers mentioned to Council that there are two ways to start a traffic calming study:

- 1. Is to sign a petition from the neighbors
- 2. Is by the request of a Councilmember

Bryan Long - 1813 South 33rd Street Temple, mentioned that the potential

coffee house has been an eyesore for the neighborhood. Great place for the community to have a quiet atmosphere, great area for students to come study and for the TMED area. There is a lot of traffic cut through on 33rd street, cars can straddle the speed cushions when driving, and noticed less traffic on Avenue R than there use to be. Would provide a sense of pride for the neighborhood and make the neighborhood look good overall.

Councilmember Williams asked MR. Chandler about the earlier mentioned TxDOT grant and the possible time frame for the sidewalks to be constructed. Mr. Chandler mentioned is a matter of when within the next year, dew negotiations left about smaller right-of-way areas.

Ms. Myers bragged on Mr. Chandler for the grant project and he was very instrumental in helping the City receive, and will provide continuous sidewalk connectivity from Central to 93.

Motion by Councilmember Susan Long 9. 2019-5006: FIRST READING – PUBLIC HEARING – FY-19-30-ZC: Consider adopting an ordinance authorizing a rezoning from Two-Family to Planned Development-Neighborhood Service with a development/ site plan for a specialty coffee shop, located at 1617 West Avenue R., be Approve, seconded by Mayor Pro Tem Morales.

Motion passed unanimously.

 2019-5007: FIRST READING – PUBLIC HEARING – FY-19-31-ZC: Consider an ordinance adopting a rezoning from Agricultural zoning district to Single Family-Two on 0.942 +/- acres addressed as 3707 West Nugent Avenue.

Brian Chandler, Director of Planning gave brief presentation to Council. Property from TISD sold to developer near Kennedy Powell Elementary, proposed trail for the neighborhood for the children to safely get to and from school.

Staff recommends approval.

No comments were made during the public hearing.

Motion by Mayor Pro Tem Morales 10. 2019-5007: FIRST READING – PUBLIC HEARING – FY-19-31-ZC: Consider an ordinance adopting a rezoning from Agricultural zoning district to Single Family-Two on 0.942 +/- acres addressed as 3707 West Nugent Avenue., be Approve, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

11. 2019-5008: FIRST READING – PUBLIC HEARING – FY-19-32-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development Temple Medical and Educational zoning district, T-South Transect, with a development/site plan on 23.069 +/- acres,

located east of South 5th Street and south of West Blackland Road.

Brian Chandler, Director of Planning gave brief presentation to Council. Proposed use for fueling station and convenience store, car wash, and self-storage facility. Private development is responsible for 10-foot trail width sidewalks, pedestrian lights, and street trees. Summary of notable events for TMED were broken down by year. Blackland Road is shown on the Trails Master Plan, with the 10-foot sidewalk it can play as a safe route for children walking to the proposed new school location recently annexed.

Staff recommendation with the following conditions:

- 1. Site developed with a car wash, fueling station, convenience store and selfstorage facility or any permitted use within TMED South Transect
- 2. Substantial compliance with development/site plan
- 3. Director of planning may approve minor changes to development plan
- 4. Significant changes require P&Z and City Council review
- 5. Compliance will all other TMED design standards, including architecture, landscape and street frontage.

No comments were made at the public hearing.

Councilmember Williams motioned for approval as presented by Staff with the following conditions:

- 1. Remove self-storage as allowed land use
- 2. Require the Council approval of building elevations
- 3. Require construction of the sidewalk for the entire site prior to issuance of certificate of occupancy

Motion by Councilmember Wendell Williams 11. 2019-5008: FIRST READING – PUBLIC HEARING – FY-19-32-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development Temple Medical and Educational zoning district, T-South Transect, with a development/site plan on 23.069 +/- acres, located east of South 5th Street and south of West Blackland Road., be Approve, seconded by Councilmember Susan Long.

Motion passed unanimously.

12. 2019-5009: FIRST READING – PUBLIC HEARING – FY-19-33-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Urban Estates zoning district, on 3.16 +/- acres, addressed as 1709 West FM 93.

Jason Deckman, City of Temple Planner gave brief presentation to Council. Second reading on November 21st. Site is currently undeveloped with proposed 34 residential lots. Access to 93 is being coordinated with TxDOT, it is their right-of-way, and the surrounding area is residential.

Urban Estates means, they are half acre lots, strictly residential zoning district and very restrictive on any other non residential uses. Twelve-inch sewer line

and twelve-inch water line, and 24-inch transmission line (reclaimed water) on the opposite side of 93. Lots will be served by septic and will be reviewed with plat. The half acre lots are the County's minimum for septic. Staff recommends approval from AG to UE.

Councilmember Long asked if there are going to be anymore entrances or exits than just the one that was shown onto 93.

Charles 7575 Boutwell East Lane - concerned with the drainage issues, and the flooding on East Boutwell during heavy rains. Most are concerned about the lot size with the roof runoff. Asked if the whole subdivision was going to be in City limits or just the 3.16 acres.

Mr. Deckman confirmed that the 3.16 acres will be in the City limits but the rest of the subdivision will be in the ETJ and not indicated any plans to annex.

Councilmember Long asked the developer if he could address the drainage issues.

Pedro Quintero - Quintero Engineering - will take measures going onto the platting process to make sure that they comply with the City's drainage manual so they don't adversely impact the neighboring lots.

Charles Cole - 7575 Boutwell East Lane - asked if there were any plans for a retention pond.

Pedro Quintero - confirmed that they do have plans for retention areas and are depicted by drainage easements on the map.

Motion by Councilmember Wendell Williams 12. 2019-5009: FIRST READING – PUBLIC HEARING – FY-19-33-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Urban Estates zoning district, on 3.16 +/- acres, addressed as 1709 West FM 93., be Approve, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

RESOLUTIONS

13. 2019-9890-R: Consider adopting a resolution authorizing change order #11 with Emerson Construction Company, Inc. of Temple for construction of roadway and landscaping improvements on the north side of Avenue B from 3rd Street to 1st Street and 1st Street from Avenue A to Central Avenue, in the amount of \$1,340,729.53.

Ms. Myers gave a brief presentation on the Down Town construction over the Santa Fe Plaza, Santa Fe Trails and MLK Festival areas. All bid as one project, current phase is the first phase of First Street. This change order adds the second phase into the same project.

First phase was from Avenue B to Avenue A, and the change order would add the section from Avenue A to Central to that contract.

Mayor Davis asked once they are done with the first phase they would be able to move along to the second phase.

Ms. Myers confirmed that is her understanding.

Councilmember Williams asked on about time frame for when the second phase will be complete.

Ms. Myers answered with February, and the first phase is supposed to be complete at the end of November.

Motion by Mayor Pro Tem Morales 13. 2019-9890-R: Consider adopting a resolution authorizing change order #11 with Emerson Construction Company, Inc. of Temple for construction of roadway and landscaping improvements on the north side of Avenue B from 3rd Street to 1st Street and 1st Street from Avenue A to Central Avenue, in the amount of \$1,340,729.53., be Approve, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

14. 2019-9891-R: Consider adopting a resolution authorizing a Tax Abatement Agreement with Turner Behringer Temple One, LLC which will cover increases in the taxable value of real property located at 102 East Central Avenue, Temple 76501.

Ms. Landeros gave a brief presentation on the Tax abatement agreement for 102 East Central. Ten year abatement years 1-5 is 100%, years 6-10 is 90%-50%. Estimated \$4,500,000. Does meet the guidelines for tax abatement and include all terms required by tax code chapter 312. The property would abate \$337,212 in the City of Temple property taxes.

Ms. Myers asked Council to recall the reason this is coming to separate from the Hawn and Arcadia because it was originally envisioned that the project would be constructed in three phases. With the Sears building being the last phase. Turner Barringer Group is now looking at a one phase project.

Motion by Councilmember Jessica Walker 14. 2019-9891-R: Consider adopting a resolution authorizing a Tax Abatement Agreement with Turner Behringer Temple One, LLC which will cover increases in the taxable value of real property located at 102 East Central Avenue, Temple 76501., be Approve, seconded by Councilmember Susan Long.

Motion passed unanimously.

15. 2019-9892-R: Consider adopting a resolution appointing Kathryn Davis as City Attorney and setting compensation for the position.

Mayor Davis spoke well wishes to Kayla Landeros, and introduced Kathryn Davis as appointed City of Temple Attorney.

Motion by Councilmember Susan Long 15. 2019-9892-R: Consider adopting a resolution appointing Kathryn Davis as City Attorney and setting compensation for the position., be Approve, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

16. 2019-9893-R: Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two-year term.

Mayor Davis announced Skip Carruth for the 2-year term Board of Directors of the Tax Appraisal District.

Motion by Councilmember Wendell Williams 16. 2019-9893-R: Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two-year term., be Approve, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

Deputy City Secretary

ATTEST:	Timothy A. Davis, Mayor
 Stephanie Hedrick	

TEMPLE CITY COUNCIL

DECEMBER 5, 2019

The City Council of the City of Temple, Texas conducted a meeting on Thursday, December 5, 2019 a 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

PRESENT:

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

I. PUBLIC COMMENTS

No one signed up for public comments.

II. WORK SESSION

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 5, 2019.
- 2. Receive a presentation regarding the neighborhood planning program.

Erin Smith, Assistant City Manager gave a brief presentation over the neighborhood planning program. Looking at four neighborhoods per year beginning in FY 2020. Ferguson Park neighborhood master plan was completed in FY 2019 started on the Crestview District. Starting the Historic District in January/February time frame. Bell-Aire was moved up to 2020 from 2021 timeframe since the City is starting their convention center master plan.

Eighteen different districts are proposed.

Councilmember Walker asked about the Historic District and Garden District, are contiguous and why are they being done separately? Is it to spread the wealth?

Ms. Smith noted that is why they are being done in separate years.

Councilmember Long asked about the TMED District in 2024, if it was an expansion?

Ms. Smith mentioned that they pushed it back to 2024 for timeliness while more development occurs.

Councilmember Long asked if that includes expansion of the existing district or just review of what had developed since setting up?

Ms. Smith confirmed that it was all of that and that the boundaries are the same for the

district.

Buford Craig, Director of Transform Temple added that when the TMED District was set up, residential housing was not looked at, and what part of this plan is helping with. There is an expansion within our scope.

Brian Chandler, Director of Planning added that is does follow the Future Land Use Map boundary North of the Loop and does include some expansion of the current zoning district.

Ms. Smith added that Nancy Glover and Kelly Atkinson have been handling the Crestview District had a kick-off event in the neighborhood to get feedback about the plan from everyone in the area. Focus groups have been held and December 18th will go to the Temple Area Builders Association. Will see a lot of overlap as time goes on.

Mayor Davis asked Ms. Smith if she has an idea on how long from start to finish it will take to complete one project?

Ms. Smith added that Nancy and Kelly in coordination with KPA and Covey came up with a timeline and for each project it should take about six months total completion of each plan. Every time you see a quarter, that is when kick-off of the public engagement process begins, then planned development will be underway.

Mayor Pro-Tem Morales noted that this is a great way to get citizens involved and is impressed with the eagerness of the citizens to see work begin. Thanked Erin, Kelly, and Nancy for their hard work.

Councilmember Williams asked if the population in each district is about equal, or if there are any that are substantially larger?

Ms. Smith added that each district is going to be a little different. Some of the areas are larger than others, but the population is lower.

Mayor Pro-Tem Morales asked if they will get the chance to see the survey responses of some of the highlighted requests.

Ms. Smith added that they are creating pages on the City website along the way to show some of that information being collected.

3. The City Council will enter into executive session to seek the advice of its attorney on pending or contemplated litigation or a settlement offer pursuant to Texas Government Code Section 551.071 and will conduct a private consultation with its attorney on a matter in which the duty of the attorney to the Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Local Government Code Chapter 551.

At approximately 4:55 pm, Mayor Davis adjourned the executive session with no final action.

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

Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

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

2. Pledge of Allegiance

Kerry Fillip , Director of Central Texas Council of Governments, led the Pledge of Allegiance

II. PUBLIC COMMENTS

Erin Smith, Assistant City Manager, spoke of Brynn Myers, City Manager, past eleven years has been a dedicated public servant. In 2018 she is the first female City Manager and also the youngest City Manager in Temple's history. Each year the Girl Scouts of Central Texas select one honoree for the Woman of Distinction Rising Star Award. Laurie Simmons, Heather Bates, and Erin Smith nominated Brynn for the award and letters of recommendation were sent in by Kayla Landeros, Mayor Davis, and Mayor Pro-Tem Morales. Ms. Myers was selected to receive the 2020 Rising Star Award.

Rachel Ratliff with Girl Scouts of Central Texas, Woman of distinction event will be held on April 16, 2020. Girl Scouts of Central Texas provides over 17,000 girls with leadership experience. Tickets can be purchased to attend the distinction event and all proceeds go to the Girl Scouts of Central Texas.

Alan Lytle - 504B Paso Del Plata - thanked council, Brian Chandler and Staff, and Officer Brenden Muske went above and beyond when his wife was hit by the car.

David Rowe - 1402 South 39th Street - Sent three different areas to code enforcement to look at for growth of vegetative growth and structure issues. Track Temple is not able to receive the pictures being sent in. Trash being left in the alleyway was there for months, the Mayor was aware and helping with the issue.

Kevin Koonce - 353 Claremont - commended the Council on listening to the citizens about the placement of the Pepper Creek water tower, thanked Mayor Davis and Councilmember Williams, Ms. Myers and Staff. The way it was handled was very appreciated and sincere thank you to everyone.

III. PUBLIC APPEARANCE/SPECIAL RECOGNITION

3. Receive presentation from Kerry Fillip, Director of Central Texas Council of Governments for recent awarding of grant for elderly abuse.

With the Area Agency on Aging - Received \$300,000 grant from the Office of the Governor to bring awareness to elder abuse. Going to put together an active group to help inform about elder abuse, asking community to help on the committee and help with writing the policies and procedures. Beginning with the three most populous areas are Bell County, Coryell County and Fort Hood. Multidisciplinary task force meetings will begin in January 2020.

4. Recognition of the 2019 Corporate Challenge winners.

Mike Hemker announced Corporate Challenge winners, 13 different sports that are available to participate in. 21 companies participated across Temple, 2,420 employees participated. Two new companies participated this year, Advanced Laser Materials and Reynolds Consumer Products.

Division One - 160 or fewer employees Division Two - up to 400 employees Division Three - over 400 employees

- D1 Third place, Texell Credit Union 347 points
- D1 Second place, Stratasys Direct Manufacturing 595 points
- D1 First place, MTC 640 points Lisa Myer, Cheyenne Turner and Bill Warren accepted the company's award
- D2 Third place, Acer 789 points
- D2 Second place, PDI 933 points
- D2 First place, PSI 1,060 points Captain Tammy Adams accepted the company's award
- D3 Third place, McLane Company 497.5 points
- D3 Second place, BNSF 563.5 points
- D3 First place, City of Temple (7th consecutive year winning)

IV. CONSENT AGENDA

- 5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:
 - (A) November 18, 2019 Special Called Meeting
 - (B) November 21, 2019 Special & Regular Called Meeting
 - (C) 2019-9913-R: Consider an interlocal agreement with the City of Belton to loan a retired Temple fire engine to the Belton Fire Department to serve as a reserve engine.
 - (D) 2019-9914-R: Consider adopting a resolution authorizing a professional services agreement with RJN Group of Dallas, for an assessment of Bird Creek

wastewater basin, in an amount not to exceed \$2,242,000, as well as, declare an official intent to reimburse the expenditures with the issuance of 2020 Utility Revenue Bonds.

- (E) 2019-9915-R: Consider adopting a resolution authorizing a services agreement for the purchase of on-site fuel with Allied Sales of Temple, in the estimated annual amount of \$50,000.
- (F) 2019-9916-R: Consider adopting a resolution authorizing a construction contract with Clark Roofing and Construction of Waco in the amount of \$60,483.23 for the re-roofing of the Jamie Hager Clements Complex, as well as declare an official intent to reimburse the expenditures with the issuance of the 2020 Combination Tax & Revenue Bonds.
- (G) 2019-9917-R: Consider adopting a resolution authorizing a construction contract with Clark Roofing and Construction of Waco in the amount of \$78,777.59 for the re-roofing at the Old Central Fire Station, as well as declare an official intent to reimburse the expenditures with the issuance of the 2020 Combination Tax & Revenue Bonds.
- (H) 2019-9918-R: Consider adopting a resolution authorizing a CDBG-funded demolition contract for residential structures with Garrett Demolition, Inc. of Burleson, in the amount of \$55,573.
- (I) 2019-9919-R: Consider adopting a resolution authorizing a Memorandum of Understanding with the Federal Bureau of Investigations for participation of Temple Police Department personnel in the Austin Safe Streets Task Force and execution of a related Cost Reimbursement Agreement for reimbursement of task force related overtime expenses.
- (J) 2019-9920-R: Consider adopting a resolution authorizing contract amendment #2 to a professional services agreement with Kasberg, Patrick & Associates, LP, for environmental planning services for Phase 4 of the Outer Loop, in the amount of \$133,000.
- (K) 2019-9921-R: Consider adopting a resolution authorizing contract amendment #3 to the professional services agreement with Kasberg, Patrick & Associates, LP, for design phase services required for the new Pepper Creek 1.0-MG elevated storage tank, in the amount of \$32,080.
- (L) 2019-9922-R: Consider adopting a resolution authorizing the purchase of a new vertical turbine pump for the City's water distribution system from Odessa Pumps of Odessa, in the amount of \$52,920.
- (M) 2019-9923-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2019-2020.

Motion by Councilmember Jessica Walker 5. Consider adopting a resolution approving

the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:, be Approve, seconded by Councilmember Wendell Williams.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

6. 2019-5010: FIRST READING – PUBLIC HEARING – FY-20-1-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit with a site plan to allow a veterinary hospital and kennels at 610 Hilliard Road, Temple, Texas.

Jason Deckman, City Planner gave brief presentation over conditional use permit. An existing home on 4.62 acres that is zoned AG, wanting to convert into veterinary hospital, previous deed restrictions limiting development were lifted in April 2019, exterior will remain residential in character, and animals will be housed only within the existing building. Proposed future building for additional kennels, it was determined that was not in best interest and building was removed from site plan.

Fenced in backyard will be six foot tall privacy fence. Six foot sidewalk will be constructed in front of Hilliard Road, driveway will be widened and parking will be added. Conditional use permit will not allow livestock, only small animals and large dogs.

Staff recommends approval of conditional use permit with a site plan to allow for veterinary hospital with kennels, with the following conditions

- 1. Compliance with site plan
- 2. Six foot sidewalk with four foot planting strip along Hilliard Road
- 3. Fenced areas screened by a six foot solid privacy fence
- 4. Supervised exercise of dogs within fenced area
- 5. Animals house only on the first floor of primary structure per floor plan
- 6. No livestock on the property
- 7. Director of Planning authorized to approve minor changes to site plan

No one made comments at public hearing.

Motion by Mayor Pro Tem Judy Morales 6. 2019-5010: FIRST READING – PUBLIC HEARING – FY-20-1-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit with a site plan to allow a veterinary hospital and kennels at 610 Hilliard Road, Temple, Texas., be Approve, seconded by Councilmember Susan Long.

Motion passed unanimously.

7. 2019-5011: FIRST READING – PUBLIC HEARING – FY-20-3-ZC: Consider an ordinance adopting a site development plan and rezoning from Agricultural

and Single Family-Three to Planned Development-General Retail on 0.348 +/- acres and Planned Development-General Retail with a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption, where the sale of alcohol may be up to 50% of the total revenue, on 0.108 +/- acres and 1.456 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located at Prairie View Road and east of Westfield Boulevard.

Brian Chandler, Director of Planning gave brief presentation. Located East of Westfield Boulevard, this is an expansion of exisiting Northgate planned development district and adding the conditional use permit for the alcohol sales. Would exceed the 300 foot distance from North Belton Middle School.

Staff recommends approval of the site development plan and requested zoning from AG and SF-3 to PD-GR and the requested CUP for alcoholic beverage sales up to 50% of total revenue and on-premise consumption. With the following conditions to match existing Northgate:

- 1. Allowance of the following uses by right withing the PD-GR districts: all general retail uses, vertical mixed-use, multi-family dwellings
- 2. Buffering between nonresidential or multi-family uses and single-family residential district within the PD-GR area: is waived for a mix of uses within the interior, still required to the rear between PD-GR and proposed single-family homes.

No one made comments at public hearing.

Motion by Councilmember Wendell Williams 7. 2019-5011: FIRST READING – PUBLIC HEARING – FY-20-3-ZC: Consider an ordinance adopting a site development plan and rezoning from Agricultural and Single Family-Three to Planned Development-General Retail on 0.348 +/- acres and Planned Development-General Retail with a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption, where the sale of alcohol may be up to 50% of the total revenue, on 0.108 +/- acres and 1.456 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located at Prairie View Road and east of Westfield Boulevard., be Approve, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

8. 2019-5012: FIRST READING – PUBLIC HEARING – FY-20-5-ZC: Consider adopting an ordinance authorizing a rezoning from Central Area to Planned Development-Central Area zoning district with a site development plan, to allow a brewery for alcohol sales at 8 South 1st Street.

Mayor Davis read in Item #8 and Item #9 together.

Jason Deckman, City Planner - gave combined presentation for Item #8 and Item #9 - Called Fire Base Brewing, South of Central Avenue what was called the Monarch building. Will brew on-site with an estimated annual production of 1,000 barrels, one barrel is 31.5 gallons. Texas is the third largest craft beer

market with \$5 billion in sales.

FY-20-5-ZC: Staff recommends approval for the rezoning from Central Area zoning district to Planned Development Central Area zoning district to allow a microbrewery. Subject to the stated conditions.

FY-20-4-ZC: Staff recommends approval of the request for a conditional use permit to allow sales of alcohol for on-premise consumption subject to the stated conditions.

Councilmember Williams asked what the State of City ordinance concerning alcohol consumption outside on a patio.

Mr. Deckman noted that is governed by TABC. The permitting would be obtained through TABC, the applicants are in the process of obtaining certificate.

Councilmember Walker asked about the railing that was shown at the top of building, if it is for aesthetics or functional.

Mr. Deckman confirmed that it is just for looks.

Councilmember Long asked about the Texell parking lot.

Mr. Deckman confirmed that the brewery does not have their own parking it would be public or on street parking. Texell bank parking lot is private, brewery or food trucks would have to ask permission to use the parking on weekends or after hours.

Councilmember long asked about the two hour parking that is being enforced.

Mr. Deckman answered that the two hour parking would still be enforced within the posted hours.

No comments were made during the public hearing.

Motion by Councilmember Susan Long 8. 2019-5012: FIRST READING – PUBLIC HEARING – FY-20-5-ZC: Consider adopting an ordinance authorizing a rezoning from Central Area to Planned Development-Central Area zoning district with a site development plan, to allow a brewery for alcohol sales at 8 South 1st Street., be Approve, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

9. 2019-5013: FIRST READING – PUBLIC HEARING – FY-20-4-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a microbrewery for alcohol sales at 8 South 1st Street.

Motion by Mayor Pro Tem Judy Morales 9. 2019-5013: FIRST READING – PUBLIC HEARING – FY-20-4-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a microbrewery for alcohol sales at 8 South 1st Street., be Approve, seconded by Councilmember Susan Long.

Motion passed unanimously.

RESOLUTIONS

10. 2019-9924-R: Consider a resolution authorizing the adoption of the 2019 Water and Wastewater Master Plan.

Ginger Tolbert, KPA Engineers gave brief presentation of the 2019 Water and Wastewater Master Plan. Water projections prepared by the Texas Water Development Board, projected use through 2070 to total 38,536 acre feet per year in water usage, or 68.83 million gallons per day.

Currently the City of Temple has water rights for 38,871 acre feet, there are enough secured water rights to take the City through 2070. The Texas Water Development Board works through a 50 year planning window.

Treatment capacity with the current water facility is rated for 41 million gallons of water per day in production. The highest usage was in 2018, using 31.3 million gallons per day. Recommended expansion of the water membrane plant has been stair-stepped, and will take the total capacity to 52.6 MGD. The expansion will occur prior to the need for it in 2025.

Water projects are grouped through the CIP projects:

2019-2021: \$55,125,000 2022-2023: \$10,100,000 2024-2025: \$8,600,000 2025-2030: \$13,300,000

Wastewater projects the groupings are slightly different, many trunk sewer projects being implemented.

2019-2021: \$9,990,000 2021-2070: \$75,480,000

Brynn Myers, City Manager mentioned that this master plan is one of the most critical master plans that we have in place for the City for Water and wastewater infrastructure.

Motion by Councilmember Jessica Walker 10. 2019-9924-R: Consider a resolution authorizing the adoption of the 2019 Water and Wastewater Master Plan., be Approve, seconded by Councilmember Susan Long.

Motion passed unanimously.

	Timothy A. Davis, Mayor
ATTEST:	•

December 5, 2019 City Council Meeting

Stephanie Hedrick Deputy City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #4(C) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, P.E., Assistant Public Works Director Colton Migura, Treatment Chief of Operations

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a services agreement for the installation of a key card access system at the water treatment plants with A-1 Fire & Security Equipment Co. of Waco, in the amount of \$52,505.59.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Authorization of this services agreement with A-1 Fire & Security Equipment Co. will provide additional security to the City's water treatment plants through the implementation of a new door access system. This system will be installed at the conventional treatment plant, the membrane treatment plant, and at the treatment plant maintenance building. Access to these facilities is currently gained using a standard key program.

A-1 Fire & Security Equipment Co. is a qualified vendor under the General Services Administration (GSA) Contract #GS-07F-078DA, Schedule 84. Contracts awarded through GSA under Schedule 84 have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding for the services agreement for the installation of a key card access system at the water treatment plants with A-1 Fire & Security Equipment in the amount of \$52,505.59 is available in account 520-5100-535-6310, project 102125, as follows:

Project Budget	\$ 63,565.00
A-1 Fire & Security Equipment	(52,505.59)
Remaining Funds Available	\$ 11,059.41

ATTACHMENTS:

Resolution

RESOLUTION NO. 2020-9948-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH A-1 FIRE & SECURITY EQUIPMENT CO. OF WACO, TEXAS IN THE AMOUNT OF \$52,505.59, FOR THE INSTALLATION OF A KEY CARD ACCESS SYSTEM AT THE WATER TREATMENT PLANTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, through the authorization of this services agreement with A-1 Fire & Security Equipment Co., a new key card door access system will be installed at the conventional treatment plant, the membrane treatment plant, and at the treatment plant maintenance building, which will provide additional security to the City's water treatment plants that currently use a standard key program;

Whereas, A-1 Fire & Security Equipment Co. is a qualified vendor and has been awarded General Services Administration (GSA) Contract No. GS-07F-078DA, Schedule 84, which has been competitively procured and meets the statutory procurement requirements for Texas municipalities - Staff is recommending this contract be used for this purchase; 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's office, to execute a services agreement with A-1 Fire & Security Equipment Co. of Waco, Texas in the estimated annual amount of \$52,505.59, for the installation of a key card access system at the water treatment plants.

<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 **16**th day of **January**, 2020.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Carehania Hadaiah	Vadama II Dania
Stephanie Hedrick	Kathryn H. Davis
Deputy City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #4(D) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Parks & Recreation Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a one-year renewal to a facility user's agreement with Justice Enterprise of Belton for the operation of the Lions Park Softball Complex concession stand with a usage fee paid to the City, in the amount of \$150 per month.

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

<u>ITEM SUMMARY:</u> The extension of this agreement will allow for continued concessionaire services at Lions Park Softball Complex (also commonly referred to as Mercer Softball Complex) by Justice Enterprise through December 31, 2020.

On December 15, 2016, Council authorized a facility user's agreement with Justice Enterprise for this operation of the concession stand at Lions Park Softball Complex. These services have been outsourced for several years, with concessionaire services being provided by Justice Enterprise for the last 13 years. The proposed concessionaire agreement allows for the contracted concessionaire to have the exclusive right to operate the concession stand at the Lions Park Complex during all events at the Complex and to pay the City \$150 per month for this right. In addition to supervising the concession stand and operating it in accordance with all laws and ordinances, the concessionaire also has the responsibility of turning on and off lights and raising and lowing the flags.

The 2016 agreement allowed for four additional one-year renewals. In order to renew the contract, the vendor must agree to hold their pricing structure firm for an additional year, which they are willing to do.

Staff has been pleased with the quality of service and products provided by Justice Enterprise over the last 13 years and recommends Council authorize an extension to the agreement. This will be the third renewal available under this agreement, with one year remaining.

<u>FISCAL IMPACT:</u> The facility user's agreement for the operation of the Lions Park Softball Concession Stand will provide for revenue in the amount of \$1,800 per year and will be deposited into account 110-0000-445-1584, Facility Rental – Parks.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2020-9949-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE FACILITY USER'S AGREEMENT WITH JUSTICE ENTERPRISE OF BELTON, TEXAS FOR THE OPERATION OF THE LIONS PARK SOFTBALL COMPLEX CONCESSION STAND; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 15, 2016, Council authorized a facility user's agreement with Justice Enterprise for the operation of the concession stand at Lions Park Softball Complex, also commonly referred to as the Mercer Softball Complex - these services have been outsourced for several years, with concessionaire services being provided by Justice Enterprise for the last 13 years;

Whereas, the proposed Facility User's Agreement allows for the contracted concessionaire to have the exclusive right to operate the concession stand at the Lions Park Complex during all events at the Complex and to pay the City \$150 per month for this right - in addition to supervising the concession stand and operating it in accordance with all laws and ordinances, the concessionaire also has the responsibility of turning on and off lights and raising and lowing the flags;

Whereas, the 2016 agreement allowed for four additional one-year renewals and in order to renew the contract, the vendor must agree to hold their pricing structure firm for an additional year, which they are willing to do;

Whereas, Staff has been pleased with the quality of service and products provided by Justice Enterprise over the last 13 years and recommends Council authorize a one-year renewal to the Facility User's Agreement with Justice Enterprise of Belton Texas for the operation of the Lions Park Softball Complex concession stand with a monthly usage fee paid to the City in the amount of \$150 per month;

Whereas, this agreement will be for a one-year period beginning January 1, 2020 and running through December 31, 2020 – this will be the third renewal available under this agreement, with 1 year remaining;

Whereas, this Agreement will provide for revenue in the amount of \$1,800 per year for the operation of the Lions Park Softball Complex concession stand which will be realized in Account No. 110-0000-445-1584; 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 a one-year renewal to the Facility User's Agreement with Justice Enterprise of Belton, Texas for the operation of the Lions Park Softball Complex concession stand with a monthly usage fee paid to the City in the amount of \$150 per month, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents that may be necessary for this agreement.

<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 16th day of January, 2020.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
	W. 4. H. D;
Stephanie Hedrick	Kathryn H. Davis
Deputy City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #4(E) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kathryn Davis, City Attorney Christina Demirs, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution assuming jurisdiction, control, and maintenance of 0.133-acre of right-of-way for public road purposes from the State of Texas necessary for the Poison Oak Road Expansion Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: 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 require relocation, Stateside Right of Way Services, Inc. (Stateside) has prepared and presented the necessary relocation studies. The City has acquired seventeen rights of way and is coordinating closing with three property owners. Council authorized eminent domain for six properties at its January 17, May 16, and June 6, 2019 meetings. Negotiations continue with the remaining property owners.

The project design requires a 0.133-acre right-of-way tract on property owned by the State of Texas. Staff and Texas Department of Transportation officials have discussed the conveyance of this tract and have reached an agreement. The State of Texas will convey the 0.133-acre right-of-way to the City at no cost and the City will assume jurisdiction, control, and maintenance of the 0.133-acre right-of-way for public road purposes.

The property is located at the southwest corner of State Highway 317 and Poison Oak Road.

01/16/20 Item #4(E) Consent Agenda Page 2 of 2

FISCAL IMPACT: There is no request for reimbursement related to the 0.133-acre right of way. The sole purpose of the tract is the expansion of Poison Oak Road.

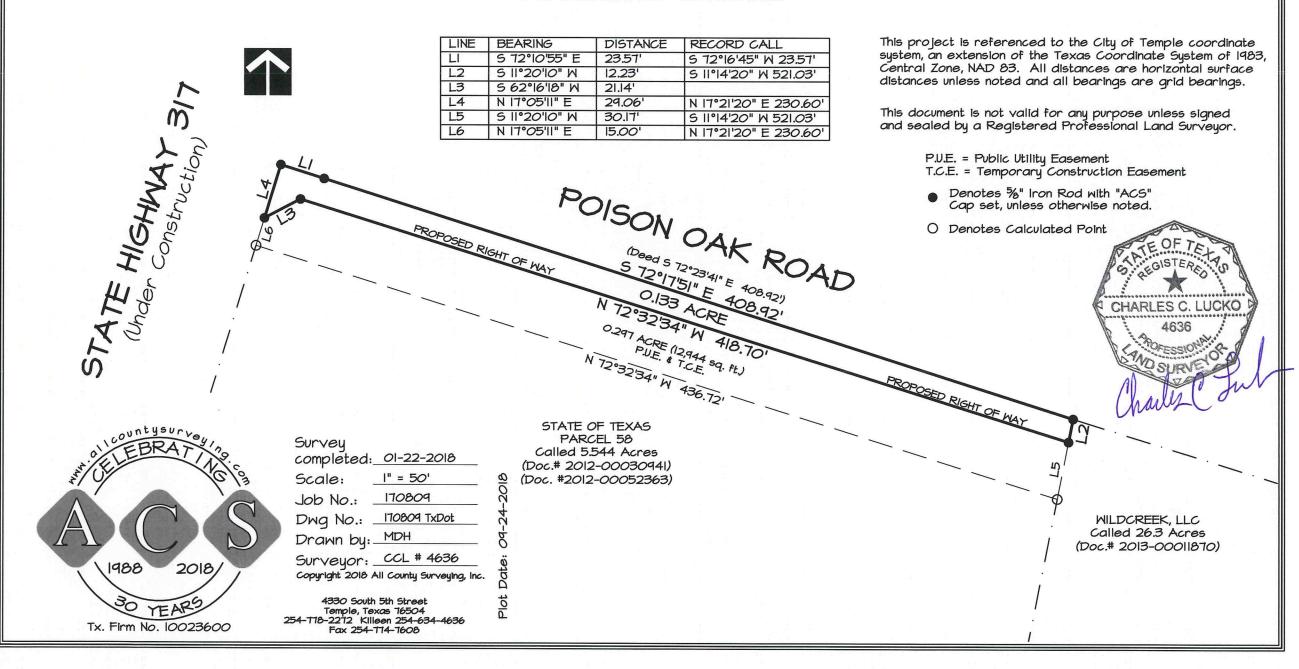
ATTACHMENTS:

Survey Resolution

STATE OF TEXAS R.O.W. Parcel / P.U.E. / T.C.E.

Survey showing O.133 ACRE (R.O.W) and O.297 ACRE (P.U.E./TC.E.) situated in the BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 0.133 & 0.297 Acre tracts.



FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

September 24, 2018

Surveyor's Field Notes for:

0.297ACRE, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 5.544 acre tract of land described in a Notice of Lis Pendens between The State of Texas v. William B. Pipes and Glenn Hodge, Trustee, of record in Document No. 2012-00030941, Official Public Records of Bell County, Texas and also described in a First Amended Notice of Lis Pendens between The State of Texas v. William B. Pipes and Glenn Hodge, Trustee, of record in Document No. 2012-00052363, of said Official Public Records, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with "ACS" cap set on the east line of said 5.544 acre tract, for the northeast corner of this tract of land, from which a 5/8" iron rod with "ACS" cap set on the occupied south right of way of Poison Oak Road, being the northeast corner of said 5.544 acre tract bears *N.* 11° 20' 10" E., 12.23 feet;

THENCE in a southerly direction, with the east line of said 5.544 acre tract (*Deed S. 11*° 14' 20" W., 521.03 feet), **S, 11**° **20**' **10**" **W., 30.17 feet**, to a calculated point, for the southeast corner of this tract of land;

THENCE in a westerly direction, over and across said 5.544 acre tract, **N. 72° 32' 34" W., 436.72 feet**, to a calculated point on the west line of said 5.544 acre tract, same being the east right of way of State Highway 317, for the southwest corner of this tract of land;

THENCE in a northerly direction, with the west line of said 5.544 acre tract (*Deed N. 17° 21' 20" E., 230.60 feet*), **N. 17° 05' 11" E., 15.00 feet**, to a 5/8" iron rod set on the proposed south right of way of Poison Oak Road, for a corner of this tract of land;

THENCE in a northeasterly and easterly direction, with said proposed south right of way, over and across said 5.544 acre tract, the following two (2) courses and distances:

- 1) N. 62° 16' 18" E., 21.14 feet, to a 5/8" iron rod with "ACS" cap set, for a corner of this tract of land;
- 2) S. 72° 32' 34" E., 418.70 feet, to the POINT OF BEGINNING and containing 0.297 Acre of Land.

This project is referenced to the City of Temple coordinate system, an extension of the Texas Coordinate System of 1983, Central Zone, NAD 83. All distances are horizontal surface distances unless noted and all bearings are grid bearings

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This mete and bounds description to accompany a Surveyors Sketch of the herein described 0.297 Acre tract.

Surveyed January 22, 2018

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

Tx. Firm Lic. No. 10023600

Server/projects/pro170000/170800/170809/170809/Parcels/State of Texas PUE_TCE.doc

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

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

September 24, 2018

Surveyor's Field Notes for:

0.133 ACRE, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 5.544 acre tract of land described in a Notice of Lis Pendens between The State of Texas v. William B. Pipes and Glenn Hodge, Trustee, of record in Document No. 2012-00030941, Official Public Records of Bell County, Texas and also described in a First Amended Notice of Lis Pendens between The State of Texas v. William B. Pipes and Glenn Hodge, Trustee, of record in Document No. 2012-00052363, of said Official Public Records, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with "ACS" cap set in the east right of way of State Highway 317 and the south right of way of Poison Oak Road, being the northwest corner of said 5.544 acre tract, for the northwest corner of this tract of land;

THENCE in an easterly direction, with the north line of said 5.544 acre tract, same being the south right of way of Poison Oak Road, the following two (2) courses and distances:

- 1) S. 72° 10' 55" E., 23.57 feet (Deed S. 72° 16' 45" W., 23.57 feet), to a 5/8" iron rod with "ACS" cap set, for a corner of this tract of land;
- 2) S. 72° 17' 51" E., 408.92 feet (Deed S. 72° 23' 51" E., 408.92 feet), to a 5/8" iron rod with "ACS" cap set, being the northeast corner of said 5.544 acre tract, for the northeast corner of this tract of land;

THENCE in a southerly direction, with the east line of said 5.544 acre tract (*Deed S. 11*° 14' 20" W., 521.03 feet), **S. 11**° **20' 10" W., 12.23 feet**, to a 5/8" iron rod with "ACS" cap set on the proposed south right of way of Poison Oak Road, for the southeast corner of this tract of land;

THENCE in a westerly direction, with said proposed south right of way, over and across said 5.544 acre tract, the following two (2) courses and distances:

- 1) N. 72° 32' 34" W., 418.70 feet, to a 5/8" iron rod with "ACS" cap set at a cutback, for a corner of this tract of land;
- 2) **S. 62° 16' 18" W., 21.14 feet**, to a 5/8" iron rod with "ACS" cap set on the west line of said 5.544 acre tract, same being the east right of way of State Highway 317, for the southwest corner of this tract of land;

THENCE in a northerly direction, with the west line of said 5.544 acre tract (*Deed N. 17° 21' 20" E., 230.60 feet*), **N. 17° 05' 11" E., 29.06 feet**, to the **POINT OF BEGINNING** and containing 0.133 Acre of Land.

This project is referenced to the City of Temple coordinate system, an extension of the Texas Coordinate System of 1983, Central Zone, NAD 83. All distances are horizontal surface distances unless noted and all bearings are grid bearings

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This mete and bounds description to accompany a Surveyors Sketch of the herein described 0.133 Acre tract.

Surveyed January 22, 2018

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

Tx. Firm Lic. No. 10023600

Server/projects/pro170000/170800/170809/170809/Parcels/State of Texas ROW.doc

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

RESOLUTION NO. 2020-9950-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ASSUMING JURISDICTION, CONTROL, AND MAINTENANCE OF APPROXIMATELY 0.133 ACRES OF RIGHT OF WAY FOR PUBLIC ROAD PURPOSES FROM THE STATE OF TEXAS NECESSARY FOR THE POISON OAK ROAD EXPANSION PROJECT; 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, which will require the acquisition of rights of way from thirty-two properties-- twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities, and one right of way has been donated by Belton Independent School District and the other two remaining properties are owned by the City and the State of Texas (TxDOT);

Whereas, appraisals have been conducted on all of the properties and offers have been made based on the appraisals - for those properties that require relocation, Stateside Right of Way Services, Inc. is preparing the necessary relocation studies;

Whereas, seventeen rights of way have been acquired and the City is coordinating closing with three additional property owners, Council has authorized eminent domain for six properties and negotiations continue with the remaining property owners;

Whereas, the project design requires an approximately 0.133-acre right of way tract at the southwest corner of State Highway 317 and Poison Oak Road owned by the State of Texas-Staff and Texas Department of Transportation officials have discussed the conveyance of this tract and have reached an agreement where the State of Texas will convey the needed right of way to the City at no cost and the City will assume jurisdiction, control, and maintenance of the right of way for public road purposes;

Whereas, Staff recommends Council authorize the conveyance of the approximately 0.133 acres of right of way located at the southwest corner of State Highway 317 and Poison Oak Road, assuming jurisdiction, control, and maintenance for public road purposes and necessary for the Poison Oak Road Project; 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 conveyance of the approximately 0.133 acres of right of way located at the southwest corner of State Highway 317 and Poison Oak Road, assuming jurisdiction, control, and maintenance for public road purposes and necessary for the Poison Oak Road Project, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents that may be necessary for this conveyance.

<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 16th day of January, 2020.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Stephanie Hedrick Deputy City Secretary	Kathryn H. Davis City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #4(F) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the application and acceptance of grant funds from the Texas Commission on Environmental Quality, Texas Volkswagen Environmental Mitigation Program for projects to replace or repower refuse vehicles.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Staff seeks Council approval to apply for grant funding through the Texas Commission on Environmental Quality, Texas Volkswagen Environmental Mitigation Program (TxVEMP). This program is administered through the Air Quality Division of TCEQ and focuses on projects to replace or repower refuse vehicles.

The U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) determined that Volkswagen (VW) and related entities installed devices on 2.0- and 3.0-liter diesel vehicles to emit nitrogen oxides (NOx) above the federal standards in operation. VW entered into settlements with the EPA and CARB to resolve the violations. As part of the settlement agreements, VW must pay approximately \$2.9 billion into the Environmental Mitigation Trust Agreement for State Beneficiaries (Trust). Governor Greg Abbott selected the Texas Commission on Environmental Quality (TCEQ) as the lead agency responsible for the administration of funds received from the Trust. A minimum of \$209 million is available to Texas from the Trust for projects that reduce NOx. Funds provided under the Trust will be allocated and awarded by priority area through grants to governmental and non-governmental entities in accordance with the priorities established in the Mitigation Plan.

Staff is requesting authorization to apply for grant funding through the TxVEMP to replace equipment which is at the end of its service life. Currently staff has identified three Solid Waste Residential diesel garbage trucks and two Solid Waste Roll-off diesel garbage trucks that meet all application criteria. The potential grant amount to be received is dependent on the model year and emission standard of the old vehicle as well as the ignition type and emission rate of the new vehicle. This amount may be adjusted downward in accordance with the maximum percentage of cost limits which, for government-owned vehicles, is 80% of the actual, eligible expenditures.

01/16/20 Item #4(F) Consent Agenda Page 2 of 2

Eligible projects will be processed for approval on a first-come first-served basis. Applicants selected for award must commit to:

using the grant-funded vehicle at least 51% of the vehicle's annual miles of operation in a priority area for an Activity Life of five years; and rendering the vehicle or engine being replaced under the grant inoperable; and

disposing of the old vehicles per the contract prior to requesting reimbursement

In addition to authorization to apply for grant funding, Staff also asks Council to authorize the City Manager to accept and execute any necessary documents associated with the TxVEMP grant program, upon receiving a grant award.

FISCAL IMPACT: The maximum grant funding amount is dependent on the model year and emission standard of the old vehicle being replaced as well as the ignition type and emission rate of the new vehicle being purchased. The three Solid Waste Residential vehicle replacements and purchases qualify for funding ranging between \$87,065 - \$92,065 each. The two Solid Waste Roll-off vehicle replacements and purchases qualify for funding ranging between \$82,243 - \$85,047 each.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2020-9951-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ), TEXAS VOLKSWAGEN ENVIRONMENTAL MITIGATION PROGRAM (TXVEMP) FOR PROJECTS TO REPLACE OR REPOWER REFUSE VEHICLES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff is seeking Council approval to apply for grant funding through the Texas Commission on Environmental Quality (TCEQ), Texas Volkswagen Environmental Mitigation Program (TxVEMP) - this program is administered through the Air Quality Division of TCEQ and focuses on projects to replace or repower refuse vehicles;

Whereas, this program is funded through an approximately \$2.9 billion settlement between the EPA and California Air Resources Board and Volkswagen and related entities (VW) for emitting nitrogen oxides at levels which exceeded federal standards—under the settlement VW must pay the settlement amount into the Environmental Mitigation Trust Agreement for State Beneficiaries (Trust) which is administered by TCEQ on behalf of the State of Texas;

Whereas, a minimum of \$209 million is available to Texas from the Trust for projects that reduce nitrogen oxides, and funds will be allocated and awarded by priority area through grants to governmental and non-governmental entities in accordance with priorities established in the Mitigation Plan;

Whereas, Staff is requesting authorization to apply for grant funding through the TxVEMP to replace equipment which is at the end of its service life-- Staff has identified three (3) Solid Waste Residential diesel garbage trucks and two (2) Solid Waste Roll-off diesel garbage trucks that meet all application criteria;

Whereas, eligible projects will be processed for approval on a first-come first-served basis - applicants selected for award must commit to:

- using the grant-funded vehicle at least 51% of the vehicle's annual miles of operation in a priority area for an Activity Life of five years;
- rendering the vehicle or engine being replaced under the grant inoperable; and
- disposing of the old vehicles per the contract prior to requesting reimbursement;

Whereas, in addition to authorization to apply for grant funding, Staff also asks Council to authorize the City Manager to accept and execute any necessary documents associated with the TxVEMP grant program, upon receiving a grant award;

Whereas, the potential grant amount to be received is dependent on the model year and emission standard of the old vehicle as well as the ignition type and emission rate of the new vehicle - this amount may be adjusted downward in accordance with the maximum percentage of cost limits which, for government-owned vehicles, is 80% of the actual, eligible expenditures;

Whereas, the three (3) Solid Waste Residential vehicle replacements and purchases qualify for funding ranging between \$87,065 - \$92,065 each and the two (2) Solid Waste Roll-off vehicle replacements and purchases qualify for funding ranging between \$82,243 - \$85,047 each; 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 submission of a grant application and acceptance of funds if awarded, from the Texas Commission on Environmental Quality (TCEQ), Texas Volkswagen Environmental Mitigation Program (TxVEMP).
- <u>Part 3</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents which may be necessary to apply for this grant and accept any funds that may be received from this grant.
- <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 16th day of January, 2020.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Stephanie Hedrick	Kathryn H. Davis
Deputy City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #4(G) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, Public Works Director Kirk Scopac, Fleet Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of six 2021 Autocar Solid Waste Collection refuse trucks from Chastang Enterprises, Inc., of Houston, in the amount of \$1,832,564, as well as, declare an official intent to reimburse the expenditures with the issuance of 2020 Limited Tax Notes.

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

<u>ITEM SUMMARY:</u> Public Works Solid Waste Services has four refuse trucks identified for routine replacement and an additional truck each for the commercial and residential fleets for a total of nine trucks in the FY 2020 Budget. The remaining three trucks will be purchased at later date. This agenda item authorizes the purchase of six of the trucks. These trucks fulfill the scheduled pickup and disposal of refuse throughout the City.

Staff is recommending the purchase of the following diesel refuse trucks from Chastang Enterprises, Inc.:

- (a) Three 2021 Autocar ACX64 cab-chassis with Dadee Scorpion residential side loader body for \$886,519. These new trucks will allow the placement of Assets #13687 and #13689 into the reserve fleet, and the sale of Assets #13382 and #13383, both 2012 units.
- (b) Three 2021 Autocar ACX64 cab-chassis with Heil Odyssey commercial front loader body for \$946,045. These new trucks will allow the sale of Assets #13683 and #13684, both 2013 units.

Chastang Enterprises, Inc., has been awarded Contract #601-19 by BuyBoard, which Staff recommends for these purchases. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Staff expects delivery of the new trucks in July 2020.

<u>FISCAL IMPACT:</u> These six sanitation vehicles are being funded with the issuance of the 2020 Limited Tax Notes. We are declaring an official intent to reimburse for this purchase. A budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds.

Once the budget adjustment is approved, funding will be available in account 364-2300-540-6220 for the purchase of six 2020 Autocar sanitation vehicles from Chastang Enterprises, Inc. of Houston in the amount of \$1,832,564 as shown below:

	` '	020 Autocar de Loader	` '	20 Autocar nt Loader		
	364-2300-540-6220					
	Projects 102203 102204 102207		Projects 102205 102206 102208		Total	
Project Budget	\$	1,007,000	\$	993,600	\$	2,000,600
Chastang Enterprises, Inc.		(886,519)		(946,045)		(1,832,564)
Remaining Project Funds	\$	120,481	\$	47,555	\$	168,036

Staff is seeking Council approval to apply for grant funding through the Texas Commission on Environmental Quality, Texas Volkswagen Environmental Mitigation Program (TxVEMP) which, if awarded, would help offset the cost of these sanitation vehicles.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2020-9952-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF SIX 2021 AUTOCAR SOLID WASTE COLLECTION REFUSE TRUCKS FROM CHASTANG ENTERPRISES, INC. OF HOUSTON, TEXAS IN THE AMOUNT OF \$1,832,564, AS WELL AS, DECLARE AN OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES WITH THE ISSUANCE OF 2020 LIMITED TAX NOTES.; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff is recommending the purchase of the following diesel refuse trucks from Chastang Enterprises, Inc.:

- (a) three 2021 Autocar ACX64 cab-chassis with Dadee Scorpion residential side loader body, in the amount of \$886,519; and
- (b) three 2021 Autocar ACX64 cab-chassis with Heil Odyssey commercial front loader body, in the amount of \$946,045;

Whereas, these trucks are used to fulfill the scheduled pickup and disposal of refuse throughout the City;

Whereas, the Public Works Solid Waste Services Division has identified four refuse trucks for routine replacement and an additional truck each for the commercial and residential fleets for a total of nine trucks in the Fiscal Year 2020 budget – the remaining three trucks will be purchased at a later date;

Whereas, Chastang Enterprises, Inc. has been awarded BuyBoard Local Government Online Purchasing Cooperative Contract No. 601-19, which has been competitively procured and meets the statutory procurement requirements for Texas municipalities-- Staff is recommending using this BuyBoard contract for these purchases;

Whereas, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Limited Tax Notes to finance the Project;

Whereas, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

Whereas, upon issuance of the Limited Tax Notes, the City desires to reimburse these prior expenditures with proceeds of the Notes;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Limited Tax Notes proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

Whereas, a budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds - once the budget adjustment is approved, funding will be available in Account No. 364-2300-540-6220 for the purchase of six 2021 Autocar sanitation vehicles from Chastang Enterprises, Inc. of Houston, Texas in the amount of \$1,832,564;

Whereas, Staff is seeking Council approval to apply for grant funding through the Texas Commission on Environmental Quality, Texas Volkswagen Mitigation Program (TxVEMP) which, if awarded, would help offset the cost of these sanitation vehicles; 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 six 2021 Autocar Solid Waste Collection refuse trucks from Chastang Enterprises, Inc. of Houston, Texas in the total amount of \$1,832,564, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents that may be necessary for this purchase.
- <u>Part 3:</u> The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.
- Part 4: This Resolution is a declaration of official intent by the City under Section 1.150-2 of the Treasury Regulations that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.
- <u>Part 5</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 16th day of January, 2020.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A DAVIC Mover
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Stephanie Hedrick	Kathryn H. Davis
Deputy City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #4(H) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of hazardous material testing equipment from FarrWest Environmental Supply, Inc. of Schertz, in the amount of \$77,424.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of the purchase of hazardous material testing equipment from FarrWest Environmental Supply, Inc. (FarrWest) in the amount of \$77,424 will provide for the replacement of the Fire Department's vital chemical identification monitors, which were originally purchased in 2004 and are no longer serviceable, along with the purchase of an electronic chemical weapons monitor/identifier. The cost of the infrared chemical identification kit is \$64,950 and the cost of the electronic chemical weapons monitor/identifier is \$12,474.

FarrWest has been awarded BuyBoard contract #524-17, which staff is recommending using for this purchase. Contracts awarded through the BuyBoard have been competitively procured and meet the statutory procurement requirements for Teas municipalities.

<u>FISCAL IMPACT:</u> On February 7, 2019 Council approved the application and acceptance of a grant from Office of the Governor, Homeland Security Grants Division's (HSGD) Homeland Security Law Enforcement Terrorism Prevention Activities (LETPA) grant program. On October 10, 2019 the City was awarded \$65,550 in grant program funding for the replacement of Hazardous materials identification equipment.

Funding for the purchase of a Commander series infrared chemical identification kit and an electronic chemical weapons monitor/identifier from FarrWest Environmental Supply in the total amount of \$77,424 is available in project #102200 as follows:

	260-2	2200-522-6211	110-2	230-522-6211	 Total
		102	2200		
Budget	\$	65,550	\$	11,874	\$ 77,424
FarrWest Environmental Supply		(65,550)		(11,874)	(77,424)
Remaining Project Funds	\$		\$	<u>- </u>	\$

ATTACHMENTS:

Equipment Bid Resolution

Estimate



Date	Estimate #
1/7/2019	6833

108 Commercial Place Schertz, TX 78154

Ph: 210-566-1857 Fax 210-566-1897

sales@farrwestenv.com

CITY OF TEMPLE ACCOUNTS PAYABLE 3210 E. AVENUE H, BLDG. C TEMPLE, TX 76501

P.O. No.	Rep	Project/Event
	MM	

Item	Description		Qty	Cost	Total
029-1905-Y2	HAZMAT ELITE COMMAND PACKAGE-DUAL-DIAMOND FT-IR INDENTIFIER INCLUDES: - 2 LI-ION BATTERIES - BATTERY CHARGER - LAPTOP COMPUTER - USB RF MODEM FOR WIRELESS COMMUNIO - SMITHS COMMAND SOFTWARE- TRANSPOF - 3YRS. PARTNERSHIP PROGRAM WITH REAC AND FULL WARRANTY - 3-DAY ON-SITE TRAINING CLASS (PRICE INCLUDES \$5,000 TRADE-IN CREDIT F HAZMAT ID SYSTEM) *MANUFACTURER SOLE SOURCE LETTER ATTACHED	RT CASE CHBACK	1	64,950.00	64,950.00
		Subtot	 al		\$64,950.00

Sales Tax (0.0%) \$0.00

Total \$64,950.00

Phone #	Fax#
210-566-1857	210-566-1897

Web Site	
www.farrwestenv.com	bracket

Estimate



Date	Estimate #
1/7/2019	6835

108 Commercial Place Schertz, TX 78154

Ph: 210-566-1857 Fax 210-566-1897

sales@farrwestenv.com

CITY OF TEMPLE ACCOUNTS PAYABLE 3210 E. AVENUE H, BLDG. C TEMPLE, TX 76501

P.O. No.	Rep	Project/Event
	MM	

Item	Description		Qty	Cost	Total
023-6022-G	LCD 3.3 GREEN CWA/TIC DETECTOR; INCLUDI YEAR PARTNERSHIP PROGRAM	ES 3	1	12,600.00	12,600.00
		Subtota	al	:	\$12,600.00

Sales Tax (0.0%) \$0.00

Total \$12,600.00

Phone #	Fax#
210-566-1857	210-566-1897

Web Site	
www.farrwestenv.com	

RESOLUTION NO. 2020-9953-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF HAZARDOUS MATERIAL TESTING EQUIPMENT FROM FARRWEST ENVIRONMENTAL SUPPLY, INC. OF SCHERTZ, TEXAS IN THE AMOUNT OF \$77,424; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, authorization of this purchase of hazardous material testing equipment from FarrWest Environmental Supply, Inc. in the amount of \$77, 424 will provide for the replacement of vital chemical identification monitors which were originally purchased in 2004 and are no longer serviceable, along with the purchase of an electronic chemical weapons monitor/identifier;

Whereas, FarrWest Environmental Supply, Inc. has been awarded BuyBoard contract No. 524-17, which has been competitively procured and meets the statutory procurement requirements for Texas municipalities-- Staff is recommending using this BuyBoard contract for this purchase;

Whereas, on February 7, 2019 Council approved the application and acceptance of a grant from the Office of the Governor, Homeland Security Grants Division's, Homeland Security Law Enforcement Terrorism Prevention Activities grant program, and on October 10, 2019 the City was awarded \$65,550 in grant program funding for the replacement of hazardous materials identification equipment;

Whereas, funding received from the grant is available in Account No. 260-220-522-6211 and the remaining funding is available in Account No. 110-2230-522-6211, Project No. 102200; 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 hazardous material testing equipment from FarrWest Environmental Supply, Inc. of Schertz, Texas in the amount of \$77,424, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, 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 16th day of January, 2020.

	THE CITY OF TEMPLE, TEXAS	
	TIMOTHY A. DAVIS, Mayor	
ATTEST:	APPROVED AS TO FORM:	
Stephanie Hedrick	Kathryn H. Davis	
Deputy City Secretary	City Attorney	



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #4(I) Consent Agenda Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Mike Hemker, Parks and Recreation Assistant Director

ITEM DESCRIPTION: SECOND & FINAL READING: Consider approving an ordinance adopting the Temple Parks & Recreation Department's Youth Programs Standards of Care and approving the 2019 annual report.

STAFF RECOMMENDATION: Conduct a public hearing and adopt the ordinance on first reading as presented in the item description. Second reading will be scheduled for January 16, 2020.

ITEM SUMMARY: The Texas Human Resources Code Section 42.041(b)(14) establishes requirements to exempt municipal recreational programs for elementary age (ages 5-13) children from State child care licensing. In order to receive exempt status for a youth recreation program, a municipality must annually adopt standards of care by ordinance after a public hearing for such programs. The standards of care must be provided to the parents of each program participant, and the parents of participants must be informed that the program is not licensed by the state, and the program may not be advertised as a child care facility. The ordinance must include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards.

Some of the key elements of the City of Temple Standards of Care include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and is determined to be eligible for a Temple Youth Program;
- Ensuring that criminal background checks will be conducted on prospective Youth Program employees;
- Requiring that, as soon as possible after employment, all appropriate staff will complete a course
 in first aid and Cardiopulmonary Resuscitation (CPR);
- Providing training and orientation to program employees and a program-specific manual for each Youth Program:
- The ratio will be no greater than 20 participants per one leader;

- Assuring parents that they will be notified immediately if a:
 - 1) participant is injured;
 - 2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness);
 - 3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health.
- Requiring an annual report to the City Council on the overall status of the Youth Program and its operation relative to the adopted Standards of Care.

In 2019, average daily enrolled attendance at the afterschool sites was 305 participants. The summer camp average enrolled attendance increased slightly from the previous year from 253 to 269. All training and inspection requirements were met.

Each year the Parks and Recreation Department is required to review the previous year's afterschool and camp programs and develop an annual report, including any recommendations of change to the Standards of Care.

Staff is recommending the following significant changes:

- Under Staffing Responsibilities and Training, Section 6.F and Section 8.F: The requirement for PARD personnel to be required to furnish or provide proof of a clear tuberculosis test has been deleted as it is not required (PARD facilities, or schools used for afterschool activities, are considered low risk for TB or no greater risk than the general public.)
- Under Section 13, Item E: Discipline was amended to provide that three or more incidents that
 require suspensions from the program may result in a child being expelled from the Youth
 Program. An expulsion from the program may only be appealed to the Department Director and
 the Director's decision is final.

FISCAL IMPACT: None

ATTACHMENTS:

2019 Child Care Standards Report 2019 Child Care Standards Ordinance

Parks and Recreation Services Department Child Care Standards Annual Report 2019

Throughout the 2019 school year, the City of Temple Parks and Recreation Department provided after-school programs for boys and girls ages 5-13 at four Temple I.S.D campuses, five Belton I.S.D campuses, St. Mary's Catholic School and Temple Charter Academy. The department also organized three summer camps, a spring break camp (Camp Adventure), a Thanksgiving camp (Camp Journey), and a holiday camp (Camp Holidaze) for children ranging from 5 to 13 at the Wilson Recreation Center.

After School Programs

The after-school programs run concurrent with each of the school's academic calendars including holidays and teacher workdays. Children attended the programs from 3:00~p.m. to 6:00~p.m. Monday through Friday. On teacher workdays and school holidays, the program is offered from 7am-6pm at Wilson Park Recreation Center.

The children are provided with a quality recreation program that includes activities such as tutoring and dedicated homework/educational time, arts and crafts, athletics, gym games, etc. The children are also provided a healthy snack. The after-school programs are staffed with part-time employees but supervised by a full time Program Coordinator and two Recreation Specialists.

<u>Location</u>	Attendance (daily average)	
	2018	2019
Thornton Elementary	14	11
Western Hills	15	16
Kennedy Powell	13	15
Cater	8	9
Lakewood	53	50
Pirtle	55	51
Tarver	48	44
St. Mary's	18	22
High Point	50	50
Temple Charter Academy	11	12
Charter Oak	N/A	25

Camps

Summer camps included Camp Heatwave, which took place at the Wilson Park Recreation Center and Camp Horizon & Harmony which were held at Pirtle Elementary School. Camp Heatwave was an 11 week program and Horizon and Harmony lasted 10 weeks. Both camps were staffed with part-time recreation leaders and supervised by a full-time Recreation Specialist and a Program Coordinator. The same staffing format also occurred at Camp Holidaze, Camp Journey, and Camp Adventure

The summer camp schedule was 7:00 a.m. to 6:00 p.m. Monday through Friday. The children participated in a variety of activities including arts and crafts, athletics, swimming, field trips, hiking, disc golf, archery, outdoor adventure programs, etc. The children at Camp Heatwave were provided a lunch and an afternoon snack from the Temple I.S.D. summer lunch program.

Commented [ML1]: Added TCA and numbers for this campus

Commented [ML2]: Added, this camp was omitted from last
year (?)

Camp Name	Attendance (daily average)		
	<u>2018</u>	2019	
Camp Journey (Thanksgiving Break)	42	75	
Camp Holidaze (Christmas Break)	70	70*	
Camp Adventure (Spring Break)	75	74	
Camp Heatwave (Summer Camp)	132	108	
Camp Horizon(Summer Camp)	85	125	
Camp Harmony (Summer Camp)	42	36	

^{*-}anticipated 2019 attendance

Scholarships

Parents who are in need of financial support are provided the opportunity to apply for assistance. Based upon the guidelines adopted by The Parks and Recreation Advisory Board, 23 participants received aid in the form of reduced fees.

After School Program: Sixteen (16) received 50% reduced fee payments

(Parents paid \$20 per child, bundled into a monthly rate)

Camp Heatwave: Seven (7) received 50% reduced fee payments

(Parents paid \$35 per child, weekly)

Inspection Schedule

The Wilson Recreation Center and all after school sites were inspected in April, May and December 2019 for any hazards or potential problems by the Recreation Superintendent. None were noted.

Training

Per the adopted Childcare Standards, all staff are CPR/First Aid trained within one year of their hire date. Training occurs twice each year.

All staff who worked with children attended a minimum of 12 hours of training pertinent to their programming responsibilities.

All staff were given quarterly safety training.

All training requirements were met.

Recommendations

Staff is recommending the following significant changes to the Standards of Care:

- Under Staffing Responsibilities and Training, Section 6.F and Section 8.F: The requirement for PARD personnel to be required to furnish or provide proof of a clear tuberculosis test has been deleted as it is not required.
- Under Section 13, Item E: The number of disciplinary issues the program may allow prior to a child being suspended and/or expelled from the program were more clearly defined to "three or more" may result in suspension or expulsion. Also added the expulsion from the program may only be appealed to the Department Director.

TEMPLE PARKS & RECREATION DEPARTMENT'S YOUTH PROGRAMS'STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of the City of Temple, Texas to pursuant to with Texas Human Resources Code Section 42.041(14). The Standards of Care are the minimum standards by which the City of Temple Parks and Recreation Department will operate the City's Youth Programs.

General Administration

1. Organization

- A. The governing body of the City of Temple youth programs is the Temple City Council.
- B. Implementation of the Youth Program Standards of Care is the responsibility of the Superintendent of Recreation.
- C. Youth Programs ("Program") to which these Standards will apply are the programs held at the Wilson Recreation Center and other "Outreach" programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Standards of Care will be made available on the Parks and Recreation Website www.templeparks.com.
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) felony or a misdemeanor classified as an offense against a person or family;
 - (2) felony or misdemeanor classified as public indecency;
 - (3) felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) offense involving moral turpitude;
 - (5) offense that would potentially put the City of Temple at risk.

2. Definitions

- A. City: City of Temple
- B. City Council: City Council of the City of Temple
- C. Department: Recreation Division of the Parks and Recreation Department of the City of Temple
- D. Youth Programs or Program: City of Temple youth programs held at the Wilson Recreation Center, and "Outreach" programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Temple Youth Programs
- F. Director: City of Temple Director of Parks and Recreation or his or her designee
- G. Recreation Superintendent: person responsible for the overall oversight of the Parks and Recreation
- H. Program Coordinator or Coordinator: City of Temple, Parks and Recreation Department fulltime recreation staff person who has been assigned administrative responsibility for a Temple Youth Program
- I. Recreation Specialist: City of Temple, Parks and Recreation Department full-time recreation staff person who has been assigned day to day responsibilities to implement the City's Youth Program.
- J. Recreation Leader or Leaders: City of Temple, Parks and Recreation Department part-time employee who has been assigned responsibility to conduct the City's Youth Programs
- K. Program Site: Any area or facility where Temple Youth Programs are held
- L. Participant: A youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- M. Parent(s): This term will be used to represent one or both parent(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in Temple Youth Programs
- N. Employee(s): Term used to describe people who have been hired to work for the City of Temple, Parks and Recreation Department and have been assigned responsibility for managing, administering, implementing or conducting some portions of the Temple Youth Programs.

3. Inspections/Monitoring/Enforcement

- A. A bi-annual inspection report will be initiated by the Recreation Superintendent to confirm the Standards of Care are being adhered to.
 - (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
 - (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Recreation Superintendent will make visual inspections of the facilities based on the following schedule:
 - (1) pre-summer check in May of each year
 - (2) winter check in January
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to resolve the problems. All complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Coordinator. Unresolved complaints regarding enforcement of the Standards of Care will be addressed by the Recreation Superintendent, and should they still not be resolved, by the Director. The complaint and the resolution will be documented.
- D. The Director will provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

4. Enrollment

- A. All children participating in the program must be 5 years of age. Before a child can be enrolled, the parents must sign registration forms that contain the child's:
 - (1) name, address, home telephone number;
 - (2) name and address of parents and telephone during program hours;
 - (3) names and telephone numbers of adults or guardians to whom the child can be released;
 - (4) statement of the child's special accommodations or needs;
 - (5) proof of residency when appropriate;

- (6) liability waiver which also includes permission for field trips and emergency medical authorization.
- (7) any medicines, the dosage and frequency, the start and stop date, the provider's information, and the physician's dated signature, along with the parent's permission to administer the medication. Any allergies documented and emergency medical contact information must be included in the documentation. Medication will only be accepted in an original container with the child's name and full prescription information and it cannot be expired.

5. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code.

Staffing-Responsibilities and Training

- 6. Youth Program Coordinator/Specialist Qualifications
 - A. Coordinator/Specialist will be full-time, employees of the Temple Parks and Recreation Department and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.
 - B. Coordinator/Specialist must be at least 21 years old.
 - C. Coordinator/Specialist must have two years' experience planning and implementing recreation activities.
 - D. Coordinator/Specialist must be able to pass a background investigation including testing for illegal substances.
 - E. As soon as possible after employment with the City of Temple, but within one year, Coordinators must successfully complete a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.

7. Coordinator/Specialist's Responsibilities

- A. Coordinator/Specialist are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.
- B. Coordinator/Specialist are responsible to recommend for hire, supervise, and evaluate

Leaders.

C. Coordinator/Specialist are responsible to plan, implement, and evaluate programs.

8. Recreation Leader ("Leader") Qualifications

- A. Leaders will be full-time, part-time or temporary employees of the Parks and Recreation Department.
- B. Leaders working with children must be age sixteen (16) or older.
- C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Leaders must relate to children with courtesy, respect, tolerance, and patience.
- E. As soon as possible, but within one year of hiring, all of the Leaders at each site must have successfully completed a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Leader must pass a background investigation including testing for illegal substances.

9. Leader Responsibilities

- A. Leaders will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Temple Youth Programs.
- C. Leaders will ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.
- D. A leader must be with participants at all times or aware of the participants location.

10. Training/Orientation

- A. The Department is responsible to provide training and orientation to Program employees in working with children and for specific job responsibilities. Coordinators/Specialist will provide each Leader with a Program manual specific to each Youth Program.
- B. Leaders must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. All program employees will receive 10 hours of training annually.
- G. Program employees will be required to sign an acknowledgment that they received the required training.

Operations

11. Staff-Participant Ratio

- A. In a Temple Youth Program, the ratio will be no greater than 20 participants per 1 Leader for children 5 years to 13 years of age.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

12. Notification

- A. Parents must be notified immediately if:
 - (1) Participant is injured; or
 - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness).
- B. All parents must be notified if there is an outbreak of any communicable disease that is reportable to the State Department of Health.

13. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- E. Three or more incidents that require suspension from the program for any amount of time may result in a child being expelled from the program. Expulsions from the program may only be appealed to the Department Director. The Director's decisions will be final.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

14. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also will be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods to include:
 - (1) alternating active and passive activities,
 - (2) opportunity for individual and group activities, and
 - (3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
 - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
 - (2) Program employees must have a written list of the participants in the group and must check the roll frequently.

- (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent place at each site.

15. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
 - (1) Temple ambulance or emergency medical services.
 - (2) Temple Police Department.
 - (3) Temple Fire Department.
 - (4) Poison Control.
 - (5) The telephone number for the site itself.
 - (6) Numbers at which parents may be reached.

16. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- C. A notebook containing the names and telephone numbers of Parents and Physicians shall be available in all Program vehicles that transport Participants.

Facility Standards

17. Safety

A. Program employees will inspect Youth Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A daily inspection report will be completed by the Program staff and kept on file by the Program Coordinator.

- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participant's use.
- D. Program employees must have first aid supplies available at each site, during transportation, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.
- H. The list of Program sites will be provided to the Bell County Health District- Environmental Health Division so that the Health Division can conduct health inspection(s).

18. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.
- C. The fire extinguisher at each site is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. All Youth Program staff members will be trained in the proper use of fire extinguishers.

19. Health

A. Illness or Injury

(1) A participant who is considered to be a health or safety concern to

- other participants or staff will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
- (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual. Any allergies documented and emergency medical contact information must be included in the documentation.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

B. Program employees will administer medication only if:

- (1) Parent(s) or guardian(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. For prescription medications, the form must be signed by a physician. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications must be in the original containers labeled with the child's name, a date the dosage and frequency, the start and stop date, directions, and the physician's name and dated signature. Program staff members will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.
- (3) Nonprescription medications must be labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in its original container. The Program staff will administer it only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees. Should an Epi pen be an item that is needed for any registered participant for emergency purposes only, staff should review training specific to the Epi pen provided as it relates to said participant.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from sites daily.
- E. The City will contact the Health Department and request an annual health inspection by the Health Department prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance

ORDINANCE NO. 2019-5014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE TEMPLE PARKS & RECREATION DEPARTMENT'S YOUTH PROGRAMS STANDARDS OF CARE AND APPROVING THE 2019 ANNUAL REPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Human Resources Code Section 42.041(b)(14) establishes requirements to exempt municipal recreational programs for elementary age (ages 5-13) children from State child care licensing - in order to receive exempt status for a youth recreation program, a municipality must annually adopt standards of care by ordinance after a public hearing for such programs;

Whereas, the standards of care must be provided to the parents of each program participant, and the parents of participants must be informed that the program is not licensed by the state, and the program may not be advertised as a child care facility - the ordinance must include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards;

Whereas, the Youth Program Standards of Care, attached hereto as' Exhibit A' and incorporate herein for all purposes, include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and is determined to be eligible for a Temple Youth Program;
- Ensuring that criminal background checks will be conducted on prospective Youth Program employees;
- Requiring that, as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR);
- Providing training and orientation to program employees and a program manual specific for each Youth Program;
- The ratio of not greater than 20 participants per 1 leader;
- Assuring parents that they will be notified immediately if a:
 - (1) participant is injured;
 - (2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness); and
 - (3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health; and
- Requiring the Parks and Recreation Director to provide an annual report to the City Council on the overall status of the Youth Program and its operation relative to the adopted Standards of Care;

Whereas, the 2019 Annual Child Care Report, is attached hereto as 'Exhibit B' and incorporated herein for all purposes and reflects that in 2019, average daily enrolled attendance at the afterschool sites remained at 305 participants and the summer camp average enrolled attendance increased slightly from the previous year from 253 to 269 - all training and inspection requirements were met;

Whereas, each year the Parks and Recreation Department is required to review the previous year's afterschool and camp programs and develop an annual report, including making any recommendations believed to be necessary to change the Child Care Ordinance - Council is then asked to conduct a public hearing, approve the report and adopt the Standards of Care;

Whereas, Staff is recommending the following significant changes to the Standards of Care from previous years:

- Under Staffing Responsibilities and Training, Section 6.F and Section 8.F: The requirement for PARD personnel to be required to furnish or provide proof of a clear tuberculosis test has been deleted as it is not required (PARD facilities, or schools used for afterschool activities, are considered low risk for TB or no greater risk than the general public.); and
- Under Section 13, Item E: Discipline was amended to provide that three or more incidents that require suspensions from the program may result in a child being expelled from the Youth Program. An expulsion from the program may only be appealed to the Department Director and the Director's decision is final; and

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

Now, Therefore Be it Ordained by the City Council of the City of Temple, Texas, 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 adopts the Temple Parks & Recreation Department's Youth Programs Standards of Care, attached hereto as 'Exhibit A' an incorporated herein for all purposes.
- <u>Part 3</u>: The City Council approves the 2019 Child Care Standards Annual Report, attached hereto as 'Exhibit B' and incorporated herein for all purposes.
- <u>Part 4</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 AF	PROVED	on First	Reading	and Public	Hearing	g on the	19 th	day of
December, 2019.									
			_			-41 -		_	

PASSED AND APPROVED or	a Second Reading on the 16th day of January , 2020.
	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Stephanie Hedrick Deputy City Secretary	Kathryn H. Davis City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #4(J) 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 2019-2020.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2019-2020 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$676,892.

ATTACHMENTS:

Budget Amendments Resolution

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2020 BUDGET January 16, 2020

A COOLINE "	DDG IEGT "	PERCENTION		APPROPI	RIAT	
ACCOUNT #	PROJECT #	DESCRIPTION		Debit		Credit
240-7000-551-2129		Supplies / Advertising/Marketing	\$	500	Φ.	500
240-0000-445-1137		Museum / Donations			\$	500
		To appropriate a donation received from the Museum Board for promotional items to be				
		given away to children for Santa at the Depot event.				
110-3270-551-2220		Capital < \$5,000 / Machinery & Equipment	\$	7,020	•	=
110-0000-445-1587		Recreational Services / Donations - Parks	_		\$	7,020
		To appropriate a donation received from Senior Citizens, Inc. for the purchase of exercise and weight room equipment.				
110-3231-551-2110		Supplies / Office Supplies	\$	905		
110-3232-551-2110		Supplies / Office Supplies	\$	1,300		
110-4100-551-2110		Supplies / Office Supplies			\$	2,205
		During the budget process the thought was to reallocate all office supplies to PARD Administration account (to help streamline the purchase & use of office supplies for PARD due to their relocation). It has since been determined that the Summer Camp and Latchkey programs should have their own supplies account. This BA will reallocate the original funds designated to them for office supplies.				
110-6700-519-2616		Contracted Services / Professional	\$	73,500		
110-6700-519-2511		Other Services / Printing & Publications	\$	10,000		
110-3500-552-2616		Contracted Services / Professional	Ψ	10,000	\$	55,000
110-1500-515-6536		Capital - Special Projects / Contingency			Ψ \$	28,500
		To reallocate funding initially funded within Parks to Marketing & Communications. This budget adjustment will also appropriate additional funding into Printing & Publication for Marketing & Communications.				
110-2800-532-2334		Repair & Maintenance / Traffic Signs/Signals	\$	318		
110-0000-461-0554		Insurance Claims / Insurance Claims			\$	318
		To appropriate insurance proceeds received from Liberty Mutual related to damages sustained to a traffic sign during an accident that occurred on 11/29/19 at the corner of 31st Street and HK Dodgen Loop.				
110-1400-511-2517		Other Services / Election Expenses	\$	15,580		
110-0000-352-1345		Designated for Capital Projects - Unallocated Fund Balance			\$	15,580
		To appropriate General Fund Designated for Capital Projects - Unallocated Fund Balance for estimated expenses related to the general and special election to be held in May 2020.				
110-xxxx-5xx-1xxx		General Fund - Performance Pay	\$	477,697		
110-1500-515-6536		Contingency - Compensation			\$	477,697
240-xxxx-551-1xxx		Hotel/Motel Tax Fund - Performance Pay	\$	15,533		
240-4400-551-6536		Contingency - Compensation			\$	15,533
292-29xx-534-1xxx		Drainage Fund - Performance Pay	\$	8,759		
292-2900-534-6536		Contingency - Compensation			\$	8,759
365-13xx-515-1xxx		TCIP Bond Fund - Performance Pay	\$	1,805		
365-1500-515-6536		Contingency - Compensation			\$	1,805
520-xxxx-535-1xxx		Water & Wastewater Fund - Performance Pay	\$	62,170		-
520-5000-535-6536		Contingency - Compensation		•	\$	62,170
561-xxxx-535-1xxx		UR Bond Fund - Performance Pay	\$	1,805		
561-5000-535-6532		Capital - Special Projects / Contingency			\$	1,805
		To appropriate funds for Performance Pay of 2.0% or 3.0% for eligible employees that became effective November 29, 2019.				

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2020 BUDGET January 16, 2020

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIA Debit	ATIONS Credit
AUGUONT#	T NOJECT#	GENERAL FUND	Depit	Oredit
		Beginning Contingency Balance	\$;
		Added to Contingency Sweep Account	4	,
		Carry forward from Prior Year		
		Taken From Contingency		
		Net Balance of Contingency Account	9	<u>;</u>
		,		
		Beginning Judgments & Damages Contingency	\$	5
		Added to Contingency Judgments & Damages from Council Contingency		
		Taken From Judgments & Damages		
		Net Balance of Judgments & Damages Contingency Account	9	5
		Paginning Companyation Contingency	9	5 500 40
		Beginning Compensation Contingency	1	506,19
		Added to Compensation Contingency Taken From Compensation Contingency		(506,19
		Net Balance of Compensation Contingency Account	9	
		Net Balance of Compensation Contingency Account	4	,
		Net Balance Council Contingency	٩	:
		Net balance council contingency		<u>, </u>
		Beginning Balance Budget Sweep Contingency	\$	3
		Added to Budget Sweep Contingency		
		Taken From Budget Sweep		
		Net Balance of Budget Sweep Contingency Account	9	5
		WATER & WASTEWATER FUND		
		Beginning Contingency Balance	9	100,00
		Added to Contingency Sweep Account		, ,,,,,,
		Taken From Contingency		(55,22
		Net Balance of Contingency Account	9	
		Beginning Compensation Contingency	\$	93,50
		Added to Compensation Contingency		
		Taken From Compensation Contingency	_	(62,17
		Net Balance of Compensation Contingency Account	4	31,33
		Net Balance Water & Wastewater Fund Contingency	4	76,10
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	9	6
		Added to Contingency Sweep Account		
		Carry forward from Prior Year		
		Taken From Contingency		
		Net Balance of Contingency Account	\$	5
		Designation Communication Continuous	4	10.50
		Beginning Compensation Contingency	\$	19,50
		Added to Compensation Contingency Taken From Compensation Contingency		(45.50
		Net Balance of Compensation Contingency Account	9	(15,53 3,96
		The Bulling of Compensation Contingency Account	4	0,50
		Net Balance Hotel/Motel Tax Fund Contingency	4	3,96
		DRAINAGE FUND		
		Beginning Contingency Balance	9	488,44
		Added to Contingency Sweep Account		
		Carry forward from Prior Year		
		Taken From Contingency		
		Net Balance of Contingency Account	_ 9	488,44
		Beginning Compensation Contingency	9	10,50
			4	10,50
		Added to Compensation Contingency Taken From Compensation Contingency		(8,75
		Net Balance of Compensation Contingency Account	9	
		, , , , , , , , , , , , , , , , , , , ,		,
		Net Balance Drainage Fund Contingency	9	490,18

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2020 BUDGET January 16, 2020

			APPROP	RIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit	
		FED/STATE GRANT FUND			
		Beginning Contingency Balance		\$	-
		Carry forward from Prior Year			-
		Added to Contingency Sweep Account			-
		Taken From Contingency			-
		Net Balance Fed/State Grant Fund Contingency		\$	-

RESOLUTION NO. 2020-9954-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2019-2020 CITY BUDGET: AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 19th day of September, 2019, the City Council approved a budget for the 2019-2020 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2019-2020 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 hereby amends the 2019-2020 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 16th day of January, 2020.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Stephanie Hedrick	Kathryn H. Davis
Deputy City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #5 Regular Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-20-7-ZC: Consider an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development-Single Family-One on 102.290 +/- acres, with a site development plan, located at 5900 South 31st Street for a proposed extension of the Bella Terra neighborhood.

<u>PLANNING AND ZONING COMMISSION RECOMMENDATION:</u> At its December 3, 2019 meeting the Planning and Zoning Commission voted 5 to 0 to recommend approval of the rezoning from Agricultural (AG) zoning district to Planned Development-Single Family-One (PD-SF-1) as presented, with the exception of removing the street projection connecting to Windcliff Drive shown on the site development plan.

On December 13th, the applicant met with staff and residents to discuss the emergency access connection from Bella Terra Phase 2. The applicant will dedicate a 50' wide lot to the city and construct a 20' fire lane connecting to the cul-de-sac at the end of Burton Lane. The residents of Burton Lane agree to pay for the construction of an emergency gate and the applicant agrees to construct fencing that will tie into the gate.

STAFF RECOMMENDATION: Staff recommends approval of the planned development rezoning as shown on the site development plan, subject to the following conditions:

Substantial compliance with the site development plan;

- 1. Minimum lot size of 10,000 sq. ft;
- 2. 15-foot trail easement along Salerno Boulevard and connecting to Georgetown Railroad Trail, as shown on site development plan;
- 3. 4' sidewalk along Pistoia Boulevard connecting to Phase 1, as shown on site development plan;
- 4. Construction of drainage detention areas as shown on site development plan;
- 5. Provision for future street extensions to west and south as shown on site development plan;
- 6. Park amenities to be constructed in lieu of parkland dedication;
- 7. Private park with pool to be constructed during Phase 2;
- 8. Construction of additional amenities in private park during Phase 3;
- 9. Allowing for 5' side setbacks on all lots; and
- 10. Allowing for 15' front setbacks on cul-de-sacs and knuckles
- 11. Dedicate a 50' wide lot, construct fence and 20' fire lane for emergency access from Burton Lane

ITEM SUMMARY: Belton Engineering, on behalf of WGR Development, is requesting rezoning for Bella Terra Phase 2 and 3, from Agricultural (AG) district to Planned Development-Single Family-One (PD-SF-1). This property was the subject of previous rezoning requests in 2017 and 2018. The request was presented on first reading to Council in 2017 but the motion failed due to lack of a second. A second request for straight rezoning was submitted in 2018. At that time, the owner stated that a Planned Development would place unnecessary burdens on the project and pursued a straight rezoning over staff's recommendation. The motion for approval failed at P&Z and the request was subsequently withdrawn. The applicant has agreed to submit this new request as a Planned Development to address connectivity, drainage, lot dimensions, and park requirements.

A **Planned Development (PD)** is defined as:

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

Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires a site development plan that is binding once approved. Substantial changes to the site development plans are subject to further review by the Planning & Zoning Commission and approval by City Council. Minor changes may be approved by the Director of Planning and Development.

This PD rezoning encompasses two phases of the Bella Terra subdivision and would connect to Phase 1, which is currently being built. Phase 2 would contain approximately 160 lots and 98 additional lots would be created in Phase 3. This Planned Development is based on the Single-Family-One (SF-1) zoning district. SF-1 permits single-family detached residences and related accessory structures. Other than Urban Estates zoning, SF-1 is the least dense single-family zoning district allowed by code. The minimum lot size is 7,500 sq. ft, compared to 5,000 sq. ft in SF-2 and 4,000 sq. ft in SF-3. The submitted site development plans for Phase 2 and 3 show lots that are all greater than 10,000 sq. ft. Average lot size is approximately 10,800 sq. ft in Phase 2 and 12,150 sq. ft in Phase 3. A PD condition will codify the minimum lot size at 10,000 sq. ft in order to prevent any future increase in density. The applicant has requested that the side setbacks be adjusted to five feet, as allowed in SF-2. This is also included as a PD condition.

The applicant is proposing to construct a 1.389-acre private park as part of this development. Initial construction would begin during Phase 2 and would include parking, a 20x40 foot pool with restrooms, a pavilion, and shaded canopies. The pool area would be separated from the open areas of the park by a six-foot-tall fence. A perimeter fence would surround the remaining open play areas. Amenities to be constructed in Phase 3 include a playground area with seating. A sketch of the park and a construction budget are attached to this report.

<u>SURROUNDING PROPERTY AND USES:</u> The surrounding property is a mix of developed residential neighborhoods, estate style homes on acreage, and undeveloped agricultural land. The two lots at the entrance to Bella Terra Phase 1 are zoned for Neighborhood Services. The nearby Legacy Ranch mixed-use development is shown as PD-General Retail and is located to the southeast, on the opposite side of the Georgetown Railroad right-of-way.

<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)

This area is designated as Suburban Residential on the Future Land Use Map. This is designed for mid-size single family lots and allows for greater separation between dwellings. The lot size codified by the PD condition will ensure the density remains as shown in the site development plan. This request is in compliance with the FLUM.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The two phases shown in this plan do not connect directly to any existing collectors or arterials shown on the Thoroughfare Plan. A proposed minor arterial is shown along the western boundary of the property, although local topography makes that particular alignment difficult. The applicant shows projections to the south and west that may provide future connections and will meet the intent of the Thoroughfare Plan. A sidewalk proposed for Phase 2 would provide pedestrian connectivity to the private park. A 15-foot trail easement would allow a trail or shared-use path to connect to the Georgetown Railroad Trail, listed as a priority trail on the Trails Master Plan. The request is in compliance with the Thoroughfare Map.

Availability of Public Facilities (CP Goal 4.1)

Water and Wastewater facilities do not currently exist. Public utilities will be addressed during platting.

<u>SUBDIVISION PLAT:</u> A subdivision plat will be required for this property prior to development. The plat will address connections to public facilities, right-of-way, and sidewalk development. The emergency access lane previously discussed would be shown on the plat.

DEVELOPMENT REGULATIONS:

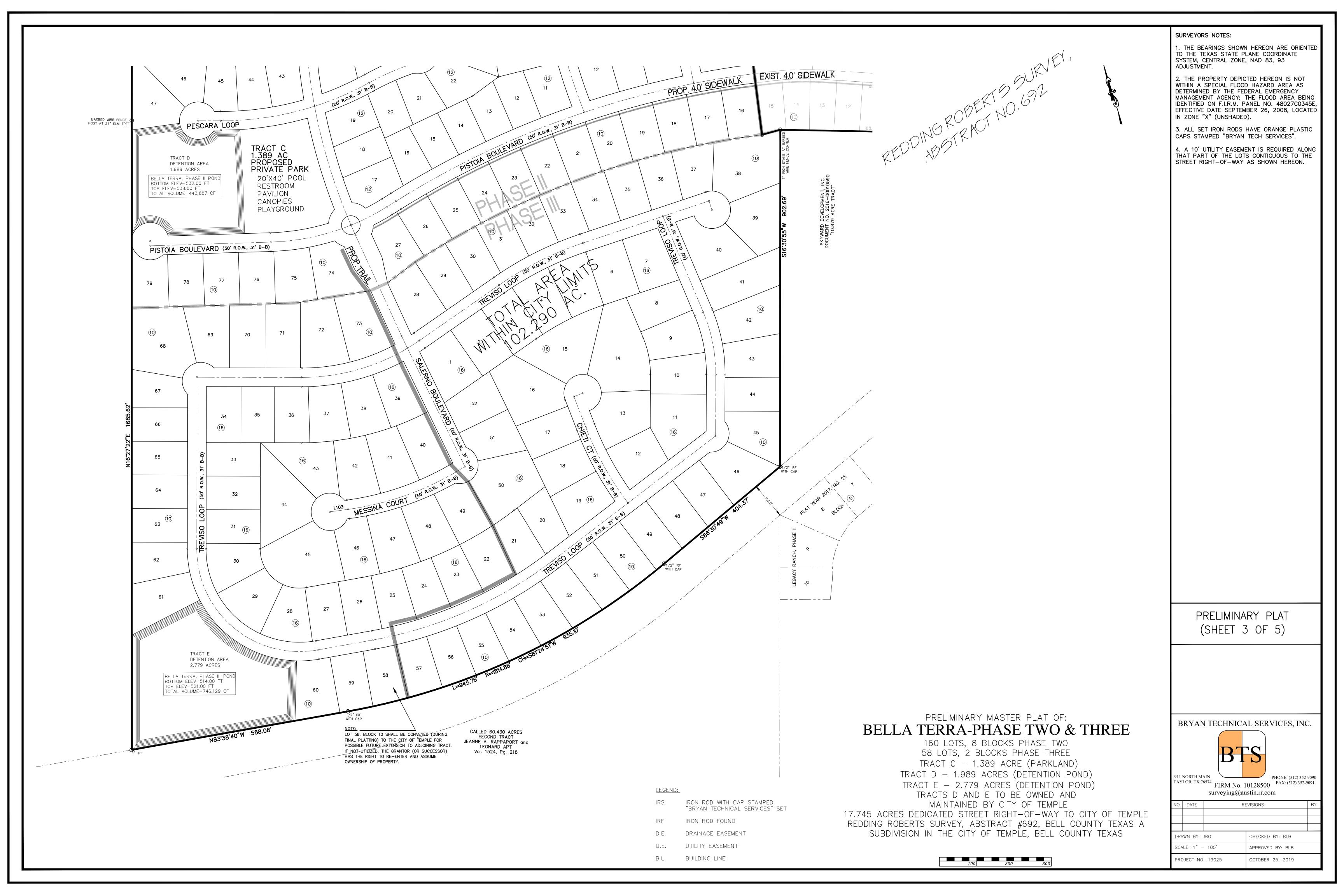
DRC met with the applicant on November 21st to discuss the proposed development. Parks requested an itemized budget of the amenities to be constructed in each phase. No objections were noted.

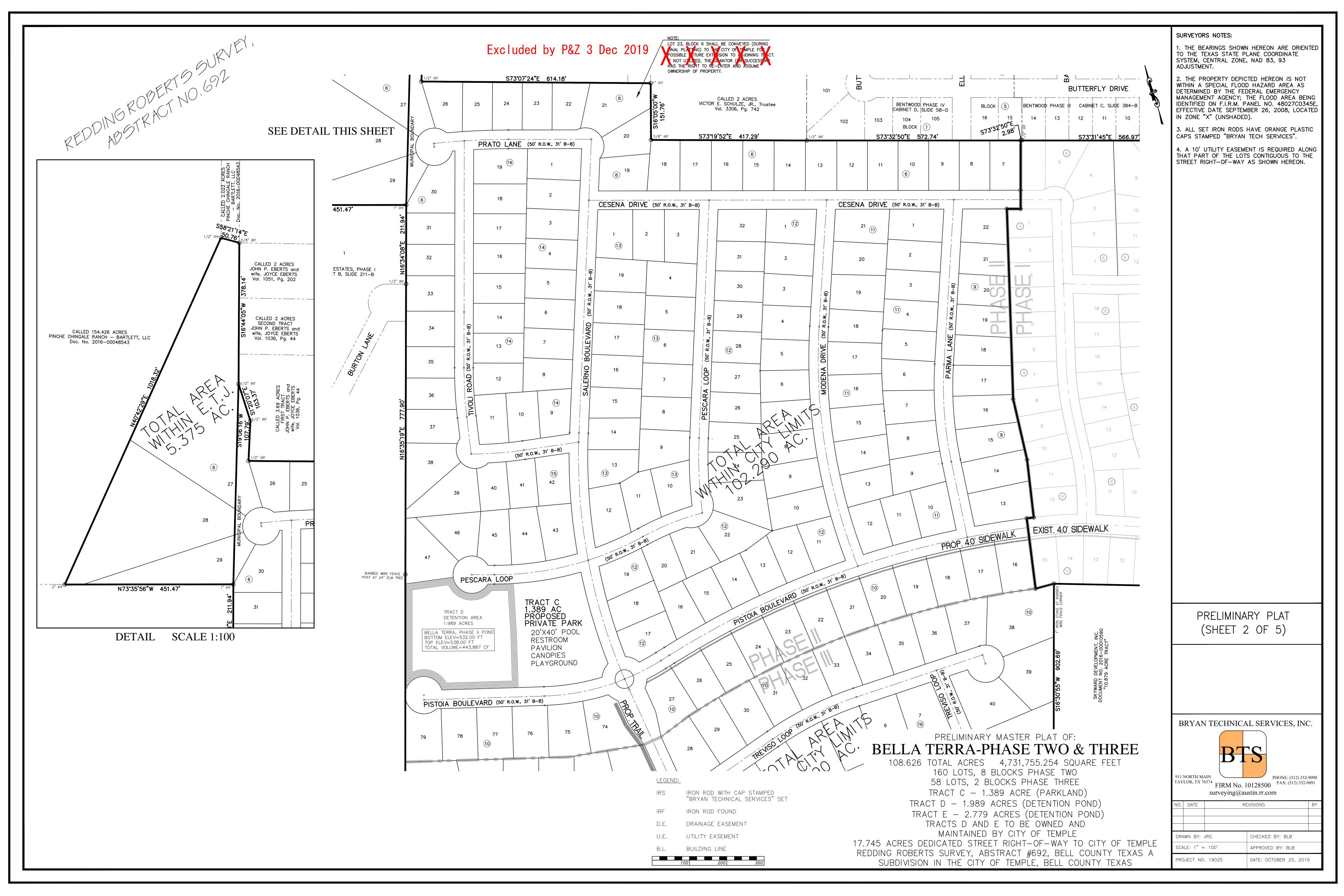
<u>PUBLIC NOTICE:</u> Fifty-seven notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. Four courtesy notices were sent to adjacent properties in the ETJ. The newspaper printed the notice of the public hearing on November 21st 2019 in accordance with state law and local ordinance. Four notices were returned in agreement and no notices were returned in disagreement.

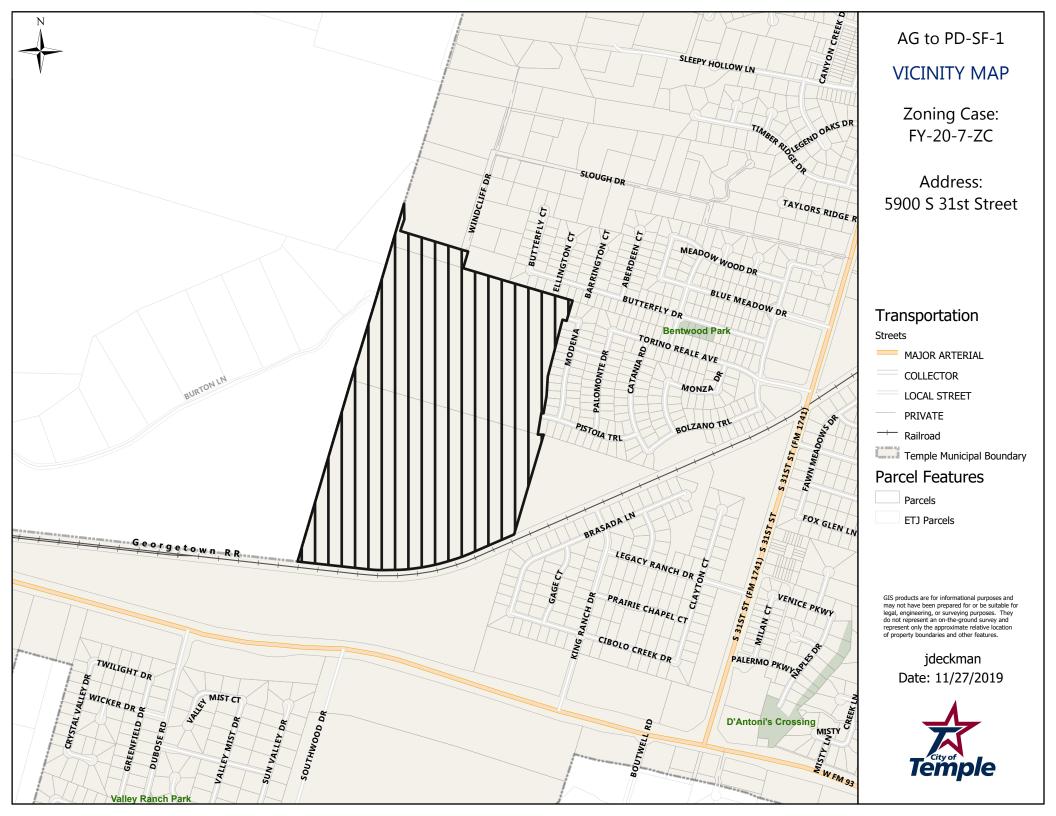
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site Development Plan (Phase 2 and 3)
Location and Aerial Map
Future Land Use Map
Thoroughfare & Trails Map
Notification Map
Park rendering and amenities budget
Returned property notice(s)
Site Photos
Ordinance









AG to PD-SF-1

AERIAL PHOTO

Zoning Case: FY-20-7-ZC

Address: 5900 S 31st Street

Transportation

Streets

LOCAL STREET

PRIVATE

Railroad

Temple Municipal Boundary

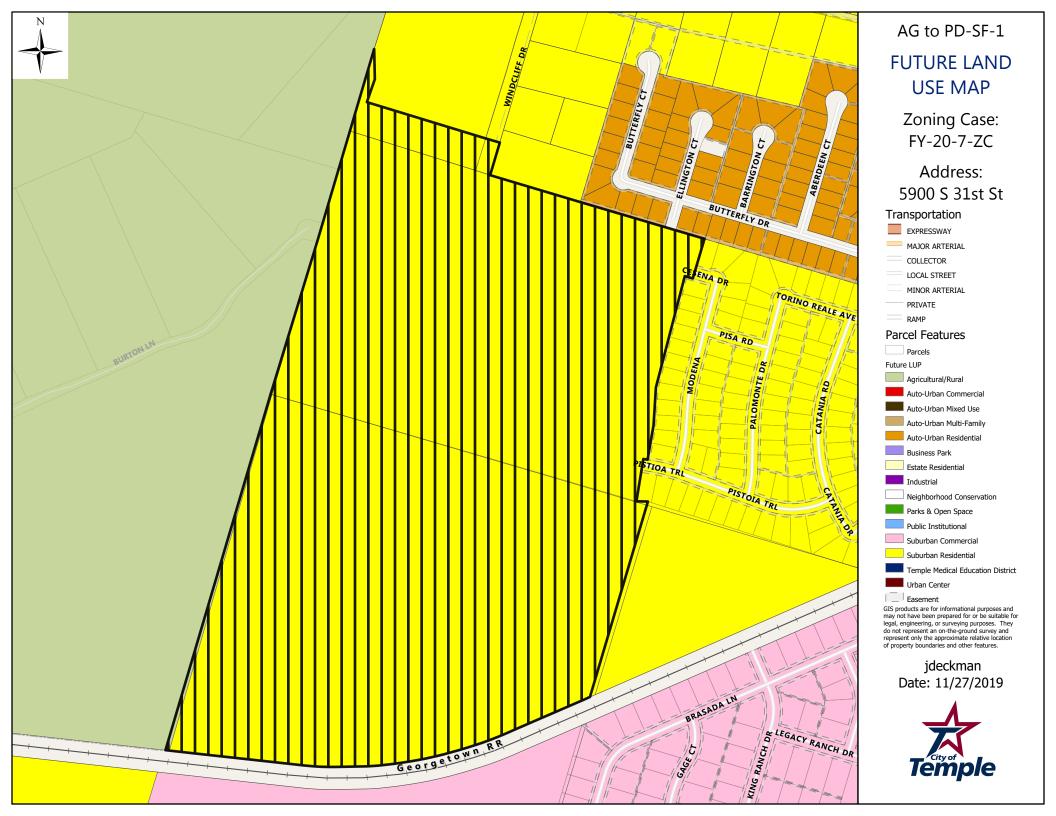
Parcel Features

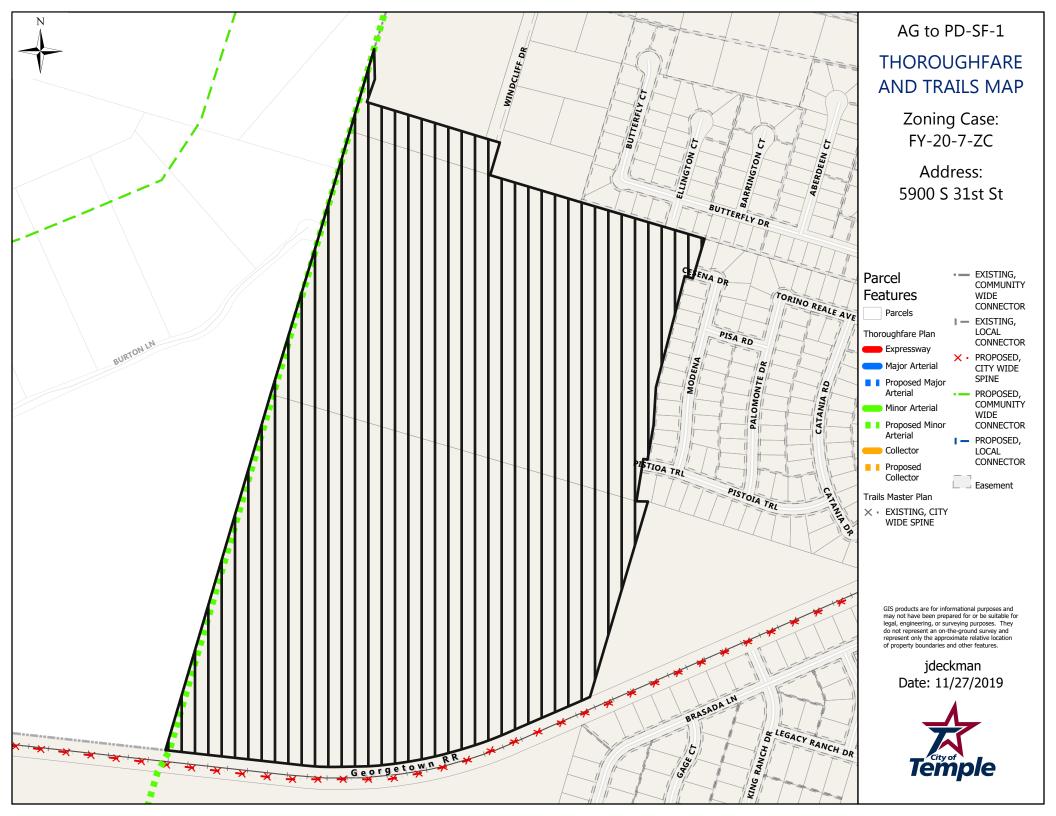
Parcels

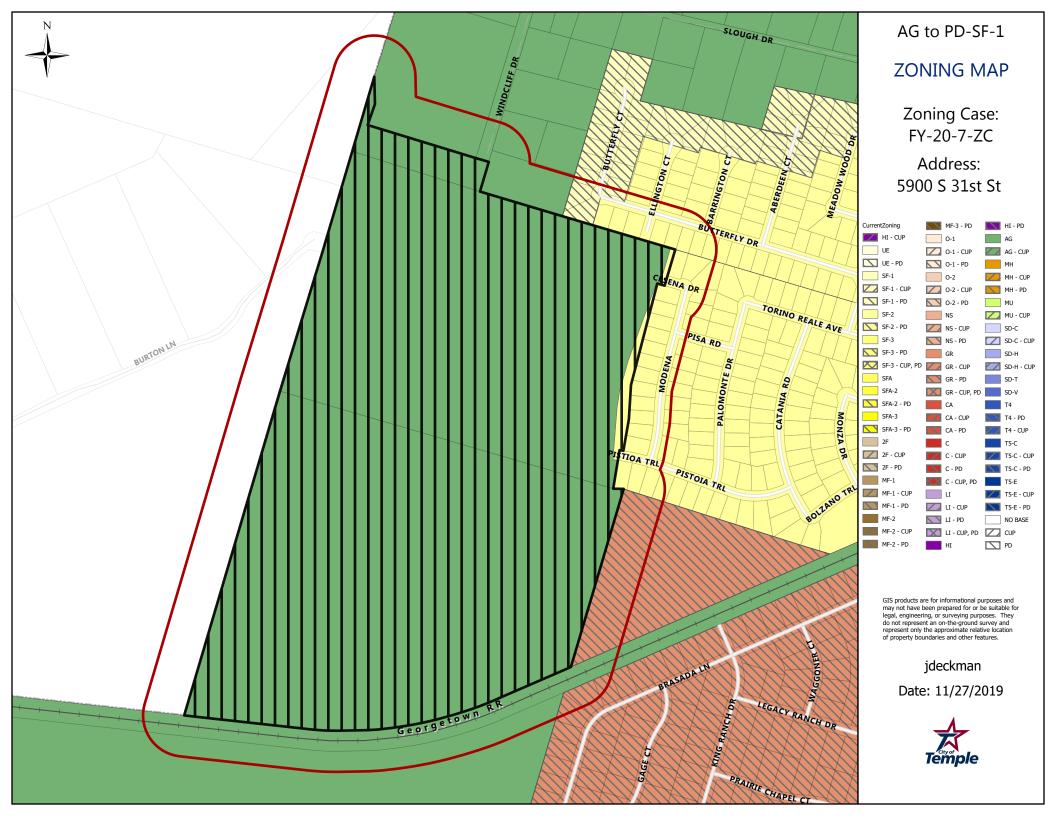
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

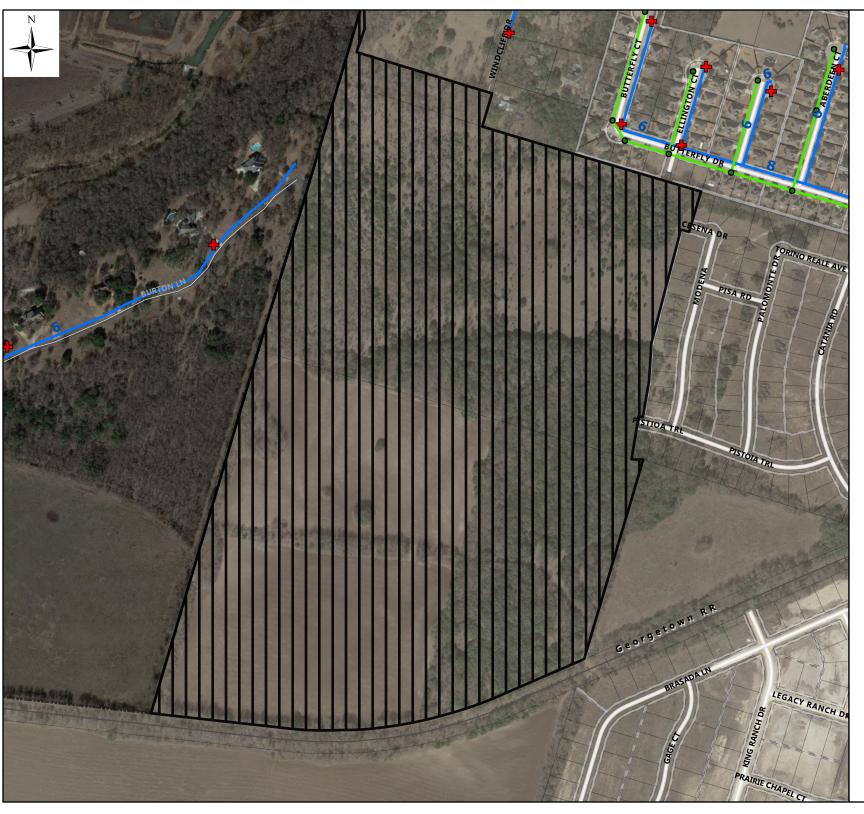
jdeckman Date: 11/27/2019











AG to PD-SF-1

UTILITY MAP

Zoning Case: FY-20-7-ZC

Address: 5900 S 31st St

Sewer

Manhole

Gravity Main

WaterDistribution

Hydrant

Main

Parcel Features

Parcels

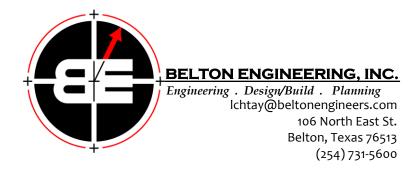
Easement

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

jdeckman Date: 11/27/2019







11/25/19

JASON DECKMAN
CITY OF TEMPLE
2 N MAIN ST. STE 102
TEMPLE, TEXAS 76501

RE: BELL TERRA PHASE II & III – PROPOSED RESIDENTIAL SUBDIVISION- TEMPLE, TX., PARK AMENITIES

<u>PHASE</u>	II-PARK AMENITIES	
A.	LAND\$	75,000
В.	PARKING LOT\$	45,000
C.	POOL\$	85,000
D.	BUILDINGS\$	55,000
E.	SHADE STRUCTURE\$	18,000
F.	POOL FURNITURE\$	8,000
	FENCING\$	16,000
Н.	LANDSCAPING\$	25,000
I.	IRRIGATION\$	15,000
	TOTAL \$	342,000
	·	•
PHASE	III PARK AMENITIES	•
		75,000
J.	III PARK AMENITIES	75,000 35,000
J. K. L.	LAND. \$ PLAY STRUCTURE \$ SHADE STRUCTURE \$,
J. K. L.	LAND. \$ PLAY STRUCTURE \$	35,000
J. K. L. M.	LAND. \$ PLAY STRUCTURE \$ SHADE STRUCTURE \$	35,000 18,000
J. K. L. M. N.	LAND. \$ PLAY STRUCTURE \$ SHADE STRUCTURE \$ PERIMETER FENCE \$ LANDSCAPING \$ IRRIGATION \$	35,000 18,000 16,000
J. K. L. M. N. O.	LAND. \$ PLAY STRUCTURE \$ SHADE STRUCTURE \$ PERIMETER FENCE \$ LANDSCAPING \$ IRRIGATION \$ ELECTRICAL LIGHTS \$	35,000 18,000 16,000 25,000
J. K. L. M. N. O.	LAND. \$ PLAY STRUCTURE \$ SHADE STRUCTURE \$ PERIMETER FENCE \$ LANDSCAPING \$ IRRIGATION \$	35,000 18,000 16,000 25,000 15,000
J. K. L. M. N. O.	LAND. \$ PLAY STRUCTURE \$ SHADE STRUCTURE \$ PERIMETER FENCE \$ LANDSCAPING \$ IRRIGATION \$ ELECTRICAL LIGHTS \$	35,000 18,000 16,000 25,000 15,000



Facing west from Bella Terra Phase 1 at corner of Modena Dr and Cesena Dr



Facing north along Modena Dr in Bella Terra Phase 1



Facing east along Torino Reale Ave in Bella Terra Phase 1



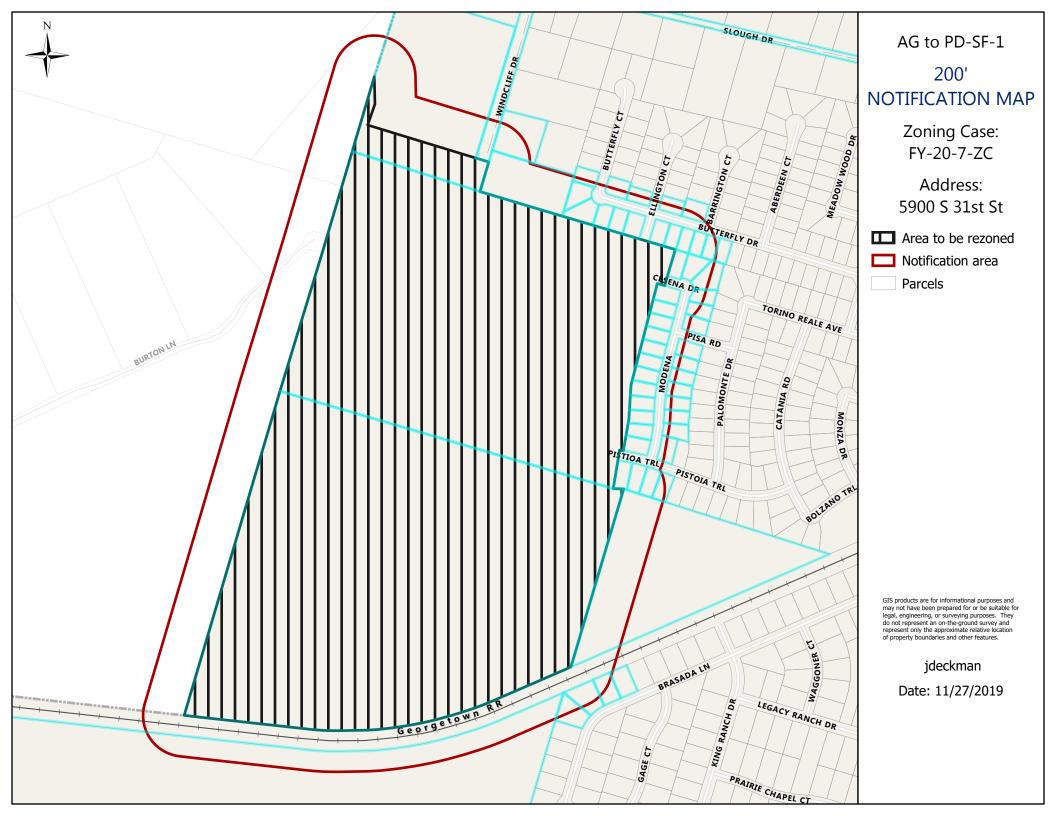
Facing south along Palomonte Dr in Bella Terra Phase 1



Facing north across subject property



Facing northeast along Georgetown Railroad Trail



Jason Deckman

From: jaepaul@aol.com

Sent: Monday, December 2, 2019 12:09 PM

To: Jason Deckman **Subject:** FY-20-7-ZC

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Disagree with request. Too many unresolved issues to permit further development. Unable to make telephone contact after multiple attempts. Message left on Friday, Nov. 29 with Leslie Evans. John P. Eberts M.D. and Joyce Allison Eberts



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

348934 SALUTO, TONI 5810 BARRINGTON CT TEMPLE, TX76502



Zoning Application Number: FY-20-7-ZC Case Manager: Jason Deckman

Location: West of South 31st Street identified as Bell County Tax Appraisal District Nos. 96776 and 466490 – 5900 S. 31st Street

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.

Comments:

A combe yes ago we argued again the same proposal at the council then detect wins that to allow it! Now here it is a fair that area to they will extend a road from our addition (Ellington Ct) to their area to it more two flic on Bathering Dr.

Toni Saluto

Signature

Print Name

Saluto toni @ g mail: com

(Optional)

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>jdeckman@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **TUESDAY**, **December 3**, **2019**.

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

Number of Notices Mailed: 57 COT

4 ETJ

Date Mailed: November 20, 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

371317 WELLS, DEREK ETUX ELINA 5816 BUTTERFLY CT TEMPLE, TX76502-7953

Zoning Application Number: FY-20-7-ZC Case Manager: Jason Deckman

Location: West of South 31st Street identified as Bell County Tax Appraisal District Nos. 96776 and 466490 – 5900 S. 31st Street

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	(V) disagree with this request	
Comments			
	He chose this house because	of the unique peace and quiet that	the backyon
offered.	Would be greatly disappointed	of the unique peace and quiet that I if this area was to be developed.	
	\int	the state of the s	
1/1/1	1614	Dorek wells	
Signature		Print Name	
			(Optional)

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>jdeckman@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **TUESDAY**, **December 3**, **2019**.

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

Number of Notices Mailed: 57 COT

4 ETJ

Date Mailed: November 20, 2019

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

DEC 0 2 2019



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

371319 SPEER, MICHAEL T ETUX JESSICA M 3111 BUTTERFLY DR TEMPLE, TX76502-7949

Zoning Application Number: FY-20-7-ZC <u>Case Manager</u>: Jason Deckman

Location: West of South 31st Street identified as Bell County Tax Appraisal District Nos. 96776 and 466490 – 5900 S. 31st Street

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 Comments:	disagree with this request	
Signature	<u>Jessica</u> Speer Print Name	
		(Optional)

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>jdeckman@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **TUESDAY**, **December 3**, **2019**.

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

Number of Notices Mailed: 57 COT

4 ETJ

Date Mailed: November 20, 2019

<u>OPTIONAL</u>: Please feel free to email questions or comments directly to the Case Manager or call us at 254,298,5668.

ORDINANCE NO. <u>2020-5015</u> (FY-20-7-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY ONE ON APPROXIMATELY 102.290 ACRES, WITH A SITE DEVELOPMENT PLAN, LOCATED AT 5900 SOUTH 31ST STREET FOR A PROPOSED EXTENSION OF THE BELLA TERRA NEIGHBORHOOD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Belton Engineering, on behalf of WGR Development, is requesting rezoning for Bella Terra Phase 2 and 3, from Agricultural district to Planned Development Single Family 1 - this property was the subject of previous rezoning requests in 2017 and 2018 – the 2017 request failed due to lack of a second and the 2018 requested was withdrawn by the applicant after failing to obtain Planning and Zoning Commission approval on a straight rezoning request;

Whereas, the applicant has agreed to submit this new request as a Planned Development to address connectivity, drainage, lot dimensions, and park requirements;

Whereas, at its December 3, 2019 meeting, the Planning and Zoning Commission of the City of Temple, Texas, voted 5 to 0 to recommend approval of the rezoning from Agricultural zoning district to Planned Development Single Family One on approximately 102.290 acres, with a site development plan, with the exception that the street projection connecting to Windcliff Drive as shown on the submitted site plan be removed;

Whereas, Staff recommends approval of the Planned Development rezoning as shown on the site development plan, attached hereto as Exhibit A and incorporated herein for all purposes, and subject to the following conditions:

- Substantial compliance with the site development plan;
- Minimum lot size of 10,000 square feet;
- 15-foot trail easement along Salerno Boulevard and connecting to Georgetown Railroad Trail, as shown on site development plan;
- 4-foot sidewalk along Pistoia Boulevard connecting to Phase 1, as shown on site development plan;
- Construction of drainage detention areas as shown on site development plan;
- Provision for future street extensions to west and south as shown on site development plan;
- Park amenities to be constructed in lieu of parkland dedication;
- Private park with pool to be constructed during Phase 2;
- Construction of additional amenities in private park during Phase 3;
- Allowing for 5-foot side setbacks on all lots;

- Allowing for 15-foot front setbacks on cul-de-sacs and knuckles; and
- Dedicate a 50-foot wide lot, construct fence and 20-foot fire lane for emergency access from Burton Lane; and

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

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

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

<u>Part 2:</u> The City Council approves of the rezoning from Agricultural zoning district to Planned Development Single Family One on approximately 102.290 acres, with a site development plan, located at 5900 South 31st Street for a proposed extension of the Bella Terra neighborhood, as outlined in the site plan, attached hereto as <u>Exhibit 'A,' and made a part</u> hereof for all purposes, and subject to the following conditions:

- Substantial compliance with the site development plan;
- Minimum lot size of 10,000 square feet;
- 15-foot trail easement along Salerno Boulevard and connecting to Georgetown Railroad Trail, as shown on site development plan;
- 4-foot sidewalk along Pistoia Boulevard connecting to Phase 1, as shown on site development plan;
- Construction of drainage detention areas as shown on site development plan;
- Provision for future street extensions to west and south as shown on site development plan;
- Park amenities to be constructed in lieu of parkland dedication;
- Private park with pool to be constructed during Phase 2;
- Construction of additional amenities in private park during Phase 3;
- Allowing for 5-foot side setbacks on all lots;
- · Allowing for 15-foot front setbacks on cul-de-sacs and knuckles; and
- Dedicate a 50-foot wide lot, construct fence and 20-foot fire lane for emergency access from Burton Lane.

Part 3: The City Council approves the Site Development Plan 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

Commented [CRT1]: Will this exhibit A have the Windcliff Drive connection removed?

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 ${\bf 16^{th}}$ day of **January**, 2020.

PASSED AND APPROVED on Second Reading on the 6th day of February, 2020.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Stephanie Hedrick	Kathryn H. Davis
Deputy City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #6 Regular Agenda Page 1 of 4

DEPT./ DIVISION SUBMISSION REVIEW:

Mark Baker, Principal Planner

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING – FY-20-8-ZC: Consider adopting an ordinance authorizing a rezoning from Two Family & Heavy Industrial zoning districts to Planned Development-Light Industrial with Development/ Site Plan approval on 1.339 +/- acres, addressed as 708 South 57th Street.

STAFF RECOMMENDATION: Staff recommends approval of the proposed Planned Development and development/ site plan with the following conditions:

- 1. A 15-foot wide buffer along the southern property boundary to be landscaped consistent with UDC Section 7.4, including the preservation of mature existing trees;
- 2. A 10-foot wide buffer be provided along the eastern property boundary to be landscaped consistent with UDC Section 7.4 and is only required where residential use abuts the subject property;
- 3. A minimum 6-foot high privacy fence shall be provided along the southern property boundary;
- 4. The total square footage of buildings shall not exceed 24,000 square feet;
- 5. Truck and dock entrances shall be restricted to the northern portion of the property away from residential uses;
- 6. Car parking shall be provided in accordance with UDC Section 7.5 and located only on the southern portion of the property;
- 7. The Planned Development shall include all uses permitted or conditionally permitted in the Light Industrial (LI) zoning district;
- 8. The building shall have windows, real or faux, and one of the following architectural elements:
 - a. A combination of two different materials one as a base material at least three feet in height;
 - b. A parapet at least three feet tall;
 - c. Structural awnings;
 - d. Front roof gables; and
 - e. Articulation.
- 9. No outdoor storage is permitted;
- 10. Prior to construction plan submittal, the applicant shall meet with development staff, including DRC, as needed, to discuss site plan, landscaping and elevations:
- 11. The Director of Planning & Development may approve minor modifications to the City Council-approved Development Plan for the 1.339 +/- acre lot, including but not limited to, screening, buffering, landscaping, exterior building elevations and minor modifications to the overall site layout; and

12. Significant changes to the Development/ Site Plan require review by the Planning & Zoning Commission and City Council

PLANNING & ZONING COMMISSION RECOMMENDATION: At the December 16, 2019 Planning & Zoning Commission meeting, the Commission voted 7 to 0 to recommend approval for the requested Planned Development per staff's recommendation.

<u>ITEM SUMMARY:</u> The applicant, Turley Associates, on behalf of 30 Ventures LLC, would like to request a rezoning from Two Family (2F) & Heavy Industrial (HI) to Planned Development-Light Industrial (PD-LI). The request includes development/ site plan approval on the 1.339 +/- acres.

The requested Planned Development proposes the HI-portion to be downzoned while at the same time the 2F-portion will be intensified to provide a consistent zoning designation for the entire property that is compatible with surrounding uses.

Unfortunately, no transitional zoning was provided when the property received its origin zoning designations. As a compromise the LI is being requested as a suitable alternative. Additionally, the LI zoning is a good transition from the existing HI uses from the north. The proposed LI zoning is a good buffer with placement of adequate screening and buffering for the existing residential uses under the planned development process.

It is noteworthy that the HI-portion could be developed on its own merits without the benefit of the Planned Development, however, the proposed LI would have the effect of "house-cleaning" in terms of the zoning conditions as well provide the needed transition that was otherwise not provided.

While no end user has been identified, the attached Development/ Site Plan provides room for parking and the placement of a maximum 24,000 square foot building footprint. Since there are existing industrial uses to the north, truck and loading dock entrances shall be restricted to the north side of the property away from residential uses. A summary of the site plan can be found later in this report as well as depicted by the attached site plan.

<u>PLANNED DEVELOPMENT (UDC SEC. 3.4):</u> A Planned development is 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 / site plan approval.

As a Planned Development (PD), per UDC Sec.3.4, a Development / Site Plan is binding and subject to review and approval by City Council as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance.

This PD would have a base-zoning of LI. The LI zoning district would provide a number of retail and service uses as well as light industrial uses that are consistent and compatible with surrounding area. The surrounding area is primarily a mixture of industrial uses as well as existing residential uses within the 2F zoning district. The LI zoning accommodates a number permitted and conditionally permitted uses, which include but not limited to those listed in the attached table.

In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider criteria as set forth in UDC Section 3.4.5 A-J. The Planned Development Criteria and Compliance Summary is attached. The applicant has worked closely with staff on the Development/ Site Plan which is summarized as follows:

<u>DEVELOPMENT/ SITE PLAN:</u> The development/ site plan reflects development of the 1.339 +/- acre site with an area for parking and an area for the development of a maximum 24,000 square foot of building square footage. In addition, there is a 15-foot landscape buffer strip on the full length of the south property line as well as a 10-foot landscape buffer strip across the alley from an existing residential use along the east property line. The 10-foot buffer strip is not full length of the east property line. The site plan also provides for two driveway access points along South 57th Street.

Compliance to UDC Section 7.4 related to landscaping and UDC Section 7.5 related to parking, including Americans with Disabilities Act (ADA) would be made with the review of the building plans.

SCREENING & BUFFERING: Screening and buffering would be provided by proposed landscaping that would be located within the proposed 15-foot buffer on the south side of the property as well as the 10-foot buffer on the east side adjacent to the alley. A solid 6-foot-high privacy fence is also proposed where adjacent to existing residential uses. The applicant has agreed to the buffering and screening measures.

<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 Auto-Urban Mixed-Use district, which is intended to be a hybrid proposed for areas along and in the vicinity of the central portion of Avenue H, south of downtown. While the subject property is not technically south of downtown, the conditions are similar with regard to the apparent mixing between residential and non-residential uses. The designation allows such mixing to continue subject to appropriate buffering and screening standards. Therefore, with the application of conditions for adequate buffering and screening, this Planned Development <u>is</u> consistent with the intent of the FLUM designation.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along South 57th Street which is a local street. No issues have been identified related to existing ROW.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available from an existing 10-inch sewer line in South 57th Street. Water is available from an existing 2-inch water line in South 57th Street.

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no trails or sidewalk requirements identified for this property.

DRC REVIEW: The DRC reviewed the Development/ Site Plan on November 18, 2019. While buffering and screening were discussed, no significant issues were identified. Drainage was not reviewed by Public Works; however, it is being addressed with the counterpart subdivision plat which is currently in review by DRC.

<u>DEVELOPMENT REGULATIONS:</u> The attached table show the required dimensional standards of the LI zoning district.

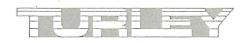
<u>PUBLIC NOTICE:</u> Twenty-two notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday January 7, 2020, at 9:00 AM, four notices in agreement have been received.

The newspaper printed notice of the public hearing on December 5, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Applicant's Narrative Letter
Site Plan (Exhibit A)
PD Criteria & Compliance Table (UDC Section 3.4.5 A-J)
Photos
Tables
Maps
Returned Property Notices
P&Z Excerpts (Dec 16, 2019)
Ordinance



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400 F-1658 TBPLS No. 10056000

November 25, 2019

City of Temple Attn: Brian Chandler Director of Planning 2 N. Main St, Suite 102 Temple, TX 76501

RE: Re-Zoning of 1.339 Acres, Lots 13-17, Block 3 of Buchanan and Gardenhire Subdivision of Block 3

Bellview Addition - S. 57th Street, Temple, Texas

Dear Mr. Chandler,

On behalf of our client, Turley Associates, Inc. respectfully requests that the City of Temple support a rezoning of the above-mentioned property from its current zoning of Heavy Industrial (HI) and Two-Family (2F) to a Planned Development Light Industrial (PD-LI).

As a part of this PD the owner agrees with the following conditions for development:

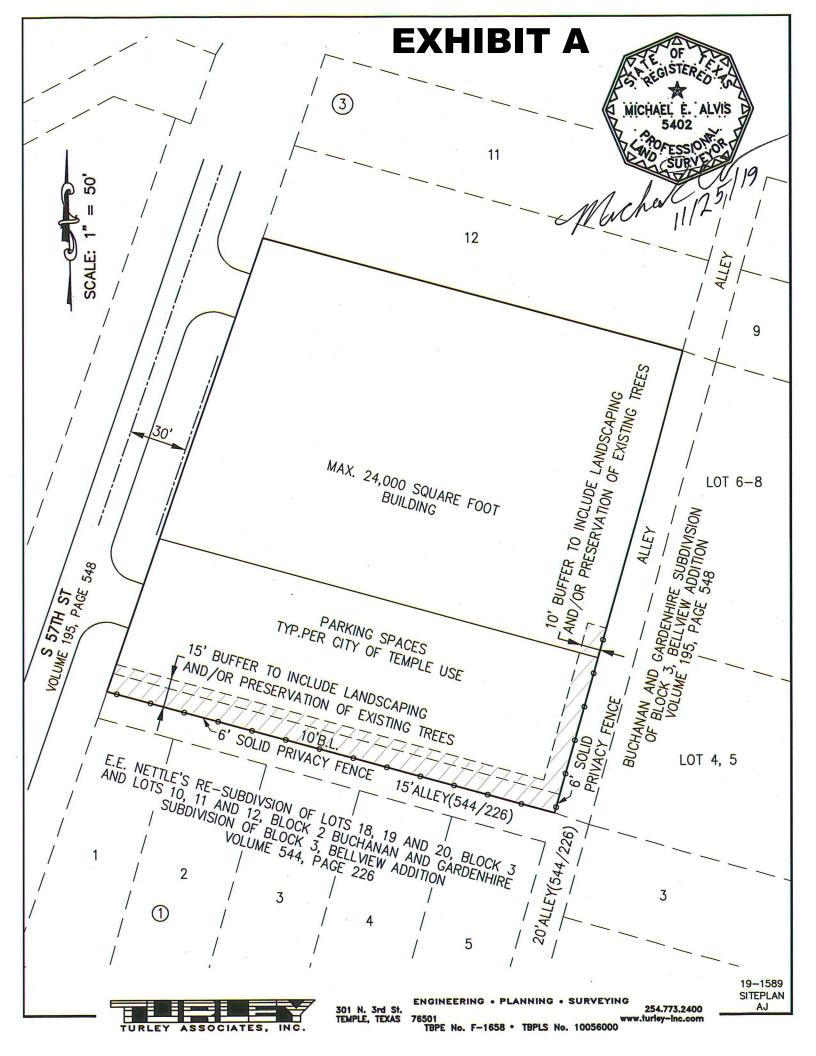
- A 15' wide buffer along the southern property boundary to include a 6' solid privacy fence along with landscaping and/or preservation of existing trees.
- A 10' wide buffer along the eastern property boundary where residential use abuts the subject property. This is to include a 6' solid privacy fence along with landscaping and/or preservation of existing trees.
- The total square footage of buildings shall not exceed 24,000 s.f.
- Truck entrance and dock entrances shall be located on the northern portion of the property away from residential uses.
- Car parking shall be located on the southern portion of the property.
- There will be no outside storage.
- The PD shall include all uses found in the UDC for the Light Industrial zoning.
- The building shall have windows, real or faux, and one of the following architectural elements:
 - a. A combination of 2 different material one as a base material at least 3 feet in height.
 - b. A parapet at least 3 feet tall
 - c. Structural awnings
 - d. Front roof gables
 - e. Articulation

We appreciate the City's support for the requested zoning. Please do not hesitate to contact our office to discuss further.

Sincerely,

TURLEY ASSOCIATES, INC.

Jennifer Ryken, P.E., C.F.M. Senior Project Engineer



Planned Development Criteria and Compliance Summary

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.	YES	It is fully anticipated that the development / site plan attached with the rezoning ordinance will conform to all applicable provisions of the UDC as well as to dimensional, developmental and design standards adopted by the City for non-residential development.
B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding impacts and neighborhood is mitigated.	YES	Drainage and other related engineering will be addressed through the platting and building permit process. No impacts to existing natural resources on the property have been identified.
C. The development is in harmony with the character, use and design of the surrounding area.	YES	The project site is proposed for light industrial uses with a maximum building square footage of 24,000 on 1.339 +/- acres of land. While a portion of the property will be used a parking area, landscaping and a solid 6-foot high privacy fencing would provide buffer from the adjacent residential uses. Conditions of approval to the Planned Development will ensure industrial uses will maintain the overall harmony and character of the area.
D. Safe and efficient vehicular and pedestrian circulation systems are provided.	YES	Vehicular access will be from two proposed driveways along South 57th Street. Parking is expected to conform to the parking and loading standards set forth in UDC Section 7.5. No circulation issues have been identified or anticipated.
Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.	YES	The parking area along the southern portion of the property is proposed to buffer industrial uses from the adjacent residential uses. Per UDC Section 7.5, the parking area will comply with the required number of parking stall, material as well as dimensional standards for manuevering of vehicles. Compliance to UDC Section 7.5 will be confirmed during the review of the building permits.
F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.	YES	No streets are proposed by this planned development. Access to the site will be provided by two proposed driveways from S. 57th Street. No access is proposed onto the alley on the east side of the property.
G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.	YES	Compliance and consistancy with the Thoroughfare Plan has been reviewed with the Planned Development and wil be confirmed with the review of the final plat. No issues are anticipated.
 H. Landscaping and screening are integrated into the overall site design: 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings. 	YES	Landscaping requirements will be finalized during the building permit stage. The Development/ Site Plan for the Planned Development provide for a 15-foot landscape buffer on the south side of the property and a 10-foot landscape buffer on a portion of the eastern property boundary. Both buffers will contain the preservation of existing as well as introduction of new landscape materials. Compliance will be made with the review of the building plans. A condition of approval provides flexibility to the Director of Planning & Development to make minor adjustment for landscaping, buffering and screening as warranted to address buffering and screening requirements.
Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.	YES	No Parkland dedication fees are required for this Planned Development. No parkland dedication fees are required with the subdivision plat since the plat is non-residential.
J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.	YES	Water will be provided by the City of Temple. Wastewater will be provided by the City of Temple. Drainage & detention facilities as well as other utilities will be addressed with the review of the subdivision plat and building permit. To date, no issues have been identified.

Site & Surrounding Property Photos



Site: Vacant & Undeveloped (2F & HI)



South: Single-Family Residential Uses, EE Nettles Resubdivision (2F)



South: Single-Family Residential Uses, EE Nettles Resubdivision (2F)



West: Sammons Golf Course & Marvin Fenn Recreation Area (LI & C)



North: Sammons Golf Course & Marvin Fenn Recreation Area (LI, C, HI)

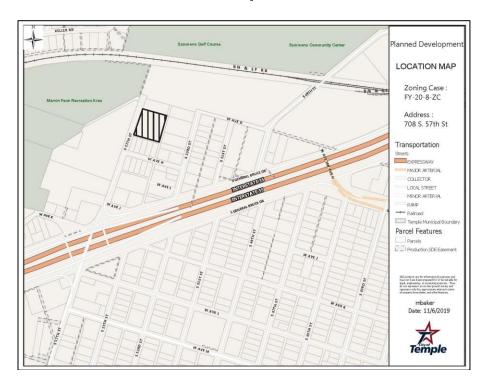


North: Existing Heavy Industrial Uses adjacent & directly to the North of Site As seen from South 57th Street (HI)



East: Existing Heavy Industrial Uses As seen from South 53rd Street (HI)

Maps



Location Map



Aerial Map

Tables

Permitted & Conditional Uses Table Comparison between Light & Heavy Industrial (HI)

Use Type	Light Industrial (LI)	Heavy Industrial (HI)
Agricultural Uses	Farm, Ranch or Orchard	Farm, Ranch or Orchard
Residential Uses	Family or Group Home Home for the Aged Recreational Vehicle Park (CUP)	None
Retail & Service Uses	Most Retail & Service Uses Alcoholic Beverage Sales, Off-premise Consumption, Package Store (CUP)	All Retail & Service Uses
Office Uses	Offices	All Office Uses
Commercial Uses	Most Commercial Uses Mini Storage Warehouse	All Commercial Uses
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP) Light Manufacturing Distribution Center Slaughterhouse or Meat Packing Plant Wholesale Storage and Sales Recycling Collection Location	All Industrial Uses
Recreational Uses	Park or Playground Beer & Wine - On Premise Consumption < 75% from revenue All Alcohol - On Premise Consumption >75% from Revenue (CUP)	All Recreational Uses
Vehicle Service Uses	Auto Leasing, Rental Auto Sales - New & Used (Outside Lot) Car Wash Vehicle Servicing (Minor & Major)	All Vehicle Service Uses
Restaurant Uses	With & Without Drive-In	All Restaurant Uses
Overnight Accommodations	Hotel or Motel RV Park (CUP)	None

Surrounding Property Uses

	<u>Surroundi</u>	ng Property	& Uses
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	Current Land Use
Site	Auto-Urban Mixed Use	2F & HI	Undeveloped
North	Auto-Urban Mixed Use	HI	Industrial Uses
South	Auto-Urban Mixed Use	2F	Residential Uses (E.E. Nettles Re-subdivision)
East	Auto-Urban Mixed Use	HI	Undeveloped & Industrial Uses
West	Parks & Open Space	HI & 2F	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 a	and Trails Plan

Dimensional Standards

	<u>Current</u> (HI) Non-Residential	<u>Proposed</u> (LI) Non-Residential
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	30 Feet from Centerline	30 Feet from Centerline
Side Setback	0 Feet	0 Feet
Side Setback (corner)	10 Feet Min	10 Feet Min
Rear Setback	0 Feet Min	0 Feet
Max Building Height	ALH	ALH

ALH – Any Legal Height not prohibited by other laws

❖ 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:

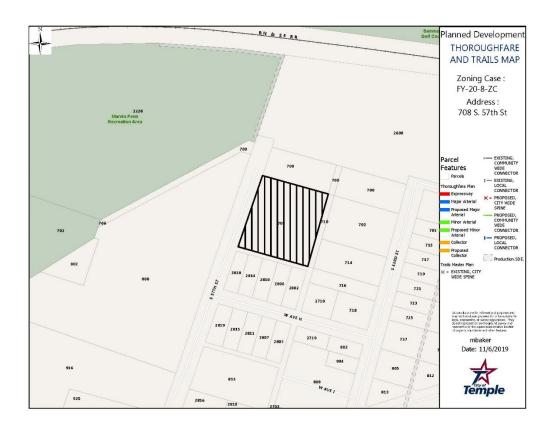
- * Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
- * Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- * Screened outdoor storage (UDC Section 7.7.8.B1).



Zoning Map



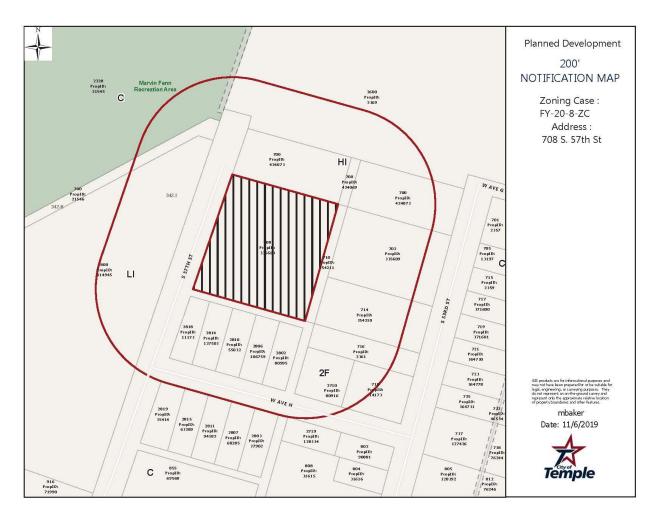
Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

114945 3040 VENTURES LLC - SERIES A 800 S 57TH ST TEMPLE, TX 76504-5118

TEIVII EE, TX 7000 TOTTO	
Zoning Application Number: FY-20-8-	ZC <u>Case Manager</u> : Mark Baker
Location: 708 S. 57 th Street	
own property within 200 feet of the requ	n in hatched marking on the attached map. Because you ested change, your opinions are welcomed. Please use avor of the possible rezoning of the property described on litional comments you may have.
∣ ∭ agree	() disagree with this request
Comments:	
Signature	Print Name Jon Glenzmin
	(Optional)
Provide email and/or phone number if	you want Staff to contact you
If you would like to submit a response, puthe Case Manager referenced above, much form to the address below, no later than	please email a scanned version of this completed form to baker@templetx.gov, or mail or hand-deliver this comment December 16, 2019.
	City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501
Number of Notices Mailed: 22	Date Mailed: December 4, 2019



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

335610 3040 VENTURES LLC - SERIES C 800 South 57th St Temple, TX 76504

Zoning Application Number:	FY-20-8-ZC	Case Manager:	Mark Baker
Location: 708 S. 57 th	Street		
The proposed rezoning is the autown property within 200 feet of this form to indicate whether you the attached notice, and provide	the requested change u are in favor of the <u>po</u>	e, your opinions are essible rezoning of the	welcomed. Please use ne property described on
l agree	() disa	agree with this requ	uest
Comments:			
Signature	Pri	nt Name Jan	Elmirman
Duraida anail an I/an ah)		(Optional)
Provide email and/or phone n	umber if you want Si	tatt to contact you	
If you would like to submit a rest the Case Manager referenced a form to the address below, no la	bove, mbaker@temple	<u>etx.gov,</u> or mail or ha	
	City of Temp Planning De _l 2 North Main Temple, Texa	partment Street, Suite 102	
Number of Notices Mailed: 22		Date Mailed: Dec	cember 4, 2019



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

94182 POLASEK, FRANCES D 2811 W AVENUE H TEMPLE, TX 76504-5122

TEMPLE, TX 76504-5122	
Zoning Application Number: FY-20-8	-ZC <u>Case Manager</u> : Mark Baker
Location: 708 S. 57 th Street	
own property within 200 feet of the req	vn in hatched marking on the attached map. Because you uested change, your opinions are welcomed. Please use favor of the possible rezoning of the property described on ditional comments you may have.
l (✔) agree	() disagree with this request
Comments:	
Frames. D. Polarik Signature	Print Name
	(Optional)
Provide email and/or phone number	if you want Staff to contact you
· ·	please email a scanned version of this completed form to baker@templetx.gov , or mail or hand-deliver this comment December 16 , 2019.
	City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501
Number of Notices Mailed: 22	Date Mailed: December 4, 2019



us at 254.298.5668.

RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

2369 ESTES, CARROLL ETUX ANNETTE 1698 EAGLE BLUFF DR TROY, TN 76579

Zoning Application	Number: FY-20)-8-ZC	Case Manage	r: Mark Ba	ker
Location:	708 S. 57 th Stree				
The proposed rezoni own property within this form to indicate the attached notice,	200 feet of the re whether you are i	equested change, you	our opinions a ible rezoning of	re welcomed the property	d. Please use
1 g/a	gree	() disagr	ee with this re	quest	
Comments:	B INFO AS	5 TO WHAT IS	PLANNE	Q	
Signature 3	5	Print	Name ARACH	4 157005	
* or	2 -	٤.			(Optional)
Provide email and/o	or phone numbe	er if you want Staff	to contact yo	<u>u</u>	
If you would like to s the Case Manager re form to the address b	ferenced above,	mbaker@templetx	.gov, or mail or		
		City of Temple Planning Depar 2 North Main St Temple, Texas	treet, Suite 102	DEC 1	
Number of Notices M	lailed: 22	D	ate Mailed: D	December 4,	2019

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

2361 BROWN, ROBERT 718 S 53RD ST TEMPLE, TX 76504-5113

Zoning Application Number: FY-20-8	-ZC <u>Case Manag</u>	<u>er</u> : Mark Baker
Location: 708 S. 57 th Street		
The proposed rezoning is the area show own property within 200 feet of the requ this form to indicate whether you are in f the attached notice, and provide any add	uested change, your opinions favor of the <u>possible</u> rezoning o	are welcomed. Please use of the property described on
I (4) agree	() disagree with this r	request
Comments: TYAFFIC ON	Ave H	
Signature College	Print Name Robe	ert B Brown
- ((Optional)
Provide email and/or phone number i	f you want Staff to contact y	<u>ou</u>
If you would like to submit a response, the Case Manager referenced above, ml form to the address below, no later than	<u>baker@templetx.gov</u> , or mail o	
	City of Temple Planning Department 2 North Main Street, Suite 10 Temple, Texas 76501	CRC 1 (2 CITY OF TEMPLE CLANNING & DEVELOPMENT
Number of Notices Mailed: 22	Date Mailed:	December 4, 2019



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

14173 BROWN, ROBERT B ETUX DONA K 718 S 53RD ST TEMPLE, TX 76504-5113

Zoning Application Number: FY-20-8-ZC <u>Case Manager</u> : Mark Baker
Location: 708 S. 57 th Street
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.
() disagree with this request
Comments: Traffic on Ave H
Signature Print Name
1/100
Millson Down ROBERT BBrown Dona (Optional)
Provide email and/or phone number if you want Staff to contact you Brown (Optional)
Provide email and/or phone number if you want Staff to contact you Blown If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than December 16, 2019.
If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov , or mail or hand-deliver this comment

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, DECEMBER 16, 2019

ACTION ITEMS

Item 2: <u>FY-20-8-ZC</u> – Hold a public hearing to discuss and recommend action for a rezoning from Two Family (2F) & Heavy Industrial (HI) zoning districts to Planned Development Light Industrial (PD-LI) with Development/ Site Plan approval on 1.339 +/- acres, addressed as 708 South 57th Street.

Ms. Mark Baker, Principal Planner stated this item is scheduled to go forward to City Council for first reading on January 16, 2020 and second reading February 5, 2020.

Background information for this item includes:

- No development or user has been identified
- Counterpart subdivision plat is currently in review, and Plat and Rezoning are not dependent on each other
- Downzoning to a more restrictive zoning is a compromise between the 2 Family (2F) and Heavy Industrial (HI)
- More than half of the site is currently zoned HI.

Planned Development, Unified Development Code (UDC), Section 3.4 is reviewed.

The Zoning Map is shown and found to be in compliance.

The Future Land Use Map is shown and found to be in compliance.

The existing Water and Sewer Map is shown and found to be in compliance.

Water is available through a two-inch line in South 57th Street.

Sewer is available through a ten-inch line in South 57th Street.

The Thoroughfare Plan and Trails map is shown and found to be in compliance.

Buffering and Screening Considerations as detailed:

- Truck entrance and loading docks limited to north side of property
- Parking lot location on south boundary of site
- Six-foot Privacy Fence (south boundary)

- Fifteen-foot landscape buffer, tree preservation and six-foot high privacy fence on the south boundary
- Ten-foot landscape buffer, tree preservation and six-foot high privacy fence on a portion of the east boundary

On-site photos shown.

Table of comparison between Light Industrial (LI) and HI uses shown.

Table of non-residential dimensional standards shown.

Twenty-two notices were mailed in accordance with all state and local regulations with four responses returned in agreement, zero responses returned in disagreement.

Compliance Summary shown, and all areas found to be in compliance.

Staff recommends approval of the requested Rezoning from Two-Family (2F) and Heavy Industrial (HI) districts to Planned Development Light Industrial (PD-LI) with Development Site plan approval subject to the following twelve conditions:

- 1. Fifteen-foot wide buffer (South boundary)
- 2. Ten-foot wide buffer (East boundary) only where residential uses abuts subject property
- 3. A minimum six-foot high privacy fence (South boundary)
- 4. Total area of buildings-not to exceed 24,000 square feet.
- 5. Truck and dock entrances north portion of the property (away from residential uses)
- 6. Car parking (IAW UDC Section 7.5) south portion only
- 7. Planned Development shall include all uses permitted or conditionally permitted in the LI zoning district.
- 8. Building shall have windows, real or faux, and one of the following elements:
 - a. A combination of two different materials- one as a base material (minimum three-feet high)
 - b. A parapet at least three feet tall.
 - c. Structural awnings
 - d. Front roof gables
 - e. Articulation
- 9. No outdoor storage is permitted.

- 10. Prior to construction plan submittal, applicant shall meet with development staff, including DRC, as needed, to discuss site plan, landscaping & elevations.
- 11. Director of Planning and Development approval of minor modifications to the development site plan; and
- 12. Significant changes require review by the Planning and Zoning Commission and City Council.

Chairman Langley opened the Public Hearing.

Being there no public speakers, Chairman Langley closed the Public Hearing.

Commissioner Armstrong made a motion to approve Item 2, **FY-20-8-ZC**, per Staff recommendation and Commissioner Alaniz made a second.

Motion passed: (7:0)

Vice-Chair Ward and Commissioners Fettig absent.

ORDINANCE NO. <u>2020-5016</u> (FY-20-8-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM TWO FAMILY & HEAVY INDUSTRIAL ZONING DISTRICTS TO PLANNED DEVELOPMENT LIGHT INDUSTRIAL WITH DEVELOPMENT/ SITE PLAN APPROVAL ON APPROXIMATELY 1.339 ACRES, ADDRESSED AS 708 SOUTH 57TH STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Turley Associates, on behalf of 3040 Ventures LLC, is requesting rezoning from Two Family (2F) and Heavy Industrial (HI) to Planned Development-Light Industrial (PD-LI) - the request includes a development/ site plan approval on approximately 1.339 acres located at 708 South 57th Street;

Whereas, the requested Planned Development proposes the HI-portion to be downzoned while at the same time intensifying the use of the 2F-portion to provide a consistent zoning designation for the entire property that is compatible with surrounding uses;

Whereas, no transitional zoning was provided when the property received its original zoning designations and as a compromise the LI is being requested as a suitable alternative;

Whereas, LI zoning is a good transition from the existing HI uses to the north and will be a good buffer with placement of adequate screening and buffering for the existing residential uses under the planned development process;

Whereas, he attached Development/ Site Plan provides room for parking and the placement of a maximum 24,000 square foot building footprint and since there are existing industrial uses to the north, truck and loading dock entrances will be restricted to the north side of the property away from residential uses;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, at its December 16, 2019 meeting voted 7 to 0 to recommend approval of the rezoning from Two Family & Heavy Industrial zoning districts to Planned Development Light Industrial with Development/ Site Plan approval on approximately 1.339 acres, addressed as 708 South 57th Street;

Whereas, Staff approval of the proposed Planned Development and development/site plan, attached hereto as Exhibit 'A,' more thoroughly described in the field notes, attached hereto as Exhibit 'B' and made a part hereof for all purposes, subject to the following conditions:

- A 15-foot wide buffer along the southern property boundary to be landscaped consistent with Unified Development Code (UDC) Section 7.4, including the preservation of mature existing trees;
- A 10-foot wide buffer be provided along the eastern property boundary to be landscaped consistent with UDC Section 7.4 and is only required where residential use abuts the subject property;
- A minimum 6-foot high privacy fence shall be provided along the southern property boundary;
- The total square footage of buildings shall not exceed 24,000 square feet;
- Truck and dock entrances shall be restricted to the northern portion of the property away from residential uses;
- Car parking shall be provided in accordance with UDC Section 7.5 and located only on the southern portion of the property;
- The Planned Development shall include all uses permitted or conditionally permitted in the Light Industrial (LI) zoning district;
- The building shall have windows, real or faux, and one of the following architectural elements:
 - a. A combination of 2 different materials one as a base material at least 3 feet in height;
 - b. A parapet at least 3 feet tall;
 - c. Structural awnings;
 - d. Front roof gables; and
 - e. Articulation.
- No outdoor storage is permitted;
- Prior to construction plan submittal, the applicant shall meet with development staff, including DRC, as needed, to discuss site plan, landscaping and elevations;
- The Director of Planning & Development may approve minor modifications to the City Council-approved Development Plan for the approximately 1.339-acre lot, including but not limited to, screening, buffering, landscaping, exterior building elevations and minor modifications to the overall site layout; and
- Significant changes to the Development/ Site Plan require review by the Planning & Zoning Commission and City Council; 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 of the rezoning from Two Family & Heavy Industrial zoning districts to Planned Development Light Industrial with Development/ Site Plan approval on approximately 1.339 acres, addressed as 708 South 57th Street, as outlined

in the development/site plan attached hereto as Exhibit 'A,' more thoroughly described in the field notes, attached as Exhibit 'B' and made a part hereof for all purposes, and subject to the following conditions:

- A 15-foot wide buffer along the southern property boundary to be landscaped consistent with Unified Development Code (UDC) Section 7.4, including the preservation of mature existing trees;
- A 10-foot wide buffer be provided along the eastern property boundary to be landscaped consistent with UDC Section 7.4 and is only required where residential use abuts the subject property;
- A minimum 6-foot high privacy fence shall be provided along the southern property boundary;
- The total square footage of buildings shall not exceed 24,000 square feet;
- Truck and dock entrances shall be restricted to the northern portion of the property away from residential uses;
- Car parking shall be provided in accordance with UDC Section 7.5 and located only on the southern portion of the property;
- The Planned Development shall include all uses permitted or conditionally permitted in the Light Industrial (LI) zoning district;
- The building shall have windows, real or faux, and one of the following architectural elements:
 - a. A combination of 2 different materials one as a base material at least 3 feet in height;
 - b. A parapet at least 3 feet tall;
 - c. Structural awnings;
 - d. Front roof gables; and
 - e. Articulation.
- No outdoor storage is permitted;
- Prior to construction plan submittal, the applicant shall meet with development staff, including DRC, as needed, to discuss site plan, landscaping and elevations;
- The Director of Planning & Development may approve minor modifications to the City Council-approved Development Plan for the approximately 1.339-acre lot, including but not limited to, screening, buffering, landscaping, exterior building elevations and minor modifications to the overall site layout; and
- Significant changes to the Development/ Site Plan require review by the Planning & Zoning Commission and City Council; and

<u>Part 3:</u> The City Council approves the Site Development Plan 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 **16**th day of **January**, 2020.

PASSED AND APPROVED on Second Reading on the 6th day of February, 2020.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Stephanie Hedrick	Kathryn H. Davis
Deputy City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #7 Regular Agenda Page 1 of 1

DEPT. / DIVISION SUBMISSION REVIEW:

Lynn Barrett, Assistant Planning and Development Director

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to Temple Unified Development Code Section 4.5.1, "Residential Dimensional Standards, Single Family Detached Dwelling," to allow 20 foot minimum front yard setbacks in SF-1 and SF-2 zoning districts and 10 foot minimum side (corner) yard setbacks for SF-1, SF-2 and SF 3 zoning districts.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its meeting on January 6, 2020, the Planning & Zoning Commission voted 8 to 0 to recommend approval per staff's recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the amendments to standardize the development standards frequently already in place in many subdivisions due to Planned Development setback conditions being added.

<u>ITEM SUMMARY:</u> In a continuing effort to ensure that residential development standards for setbacks reflect both the feel and applicability of differing densities, staff is proposing amendments to the Unified Development Code Article 4.5 which charts the minimum single family detached dwelling setbacks in various zoning districts.

Proposed amendments to Article 4.5.1 Single Family Detached Dwelling Setbacks include:

- Change the minimum front yard setbacks for Single Family-One (SF-1) and Single Family-Two (SF-2) zoning districts from 25 feet to 20 feet; SF-3 minimum front setback would remain unchanged at 15 feet.
- Reduce the minimum corner side yard setback to 10 feet in SF-1, SF-2 and SF-3 zoning districts from 15 feet.

<u>PUBLIC NOTICE:</u> The newspaper printed notice of the public hearing on December 23, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Proposed changes to setbacks chart Ordinance

Sec. 4.5. Residential Dimensional Standards

Single-Family Detached Dwelling 4.5.1

Type of Use	AG	UE	SF-I	SF-2	SF-3	SFA-I	SFA-2	SFA-3	TH	2F	MF-I	MF-2	MF-3	 -	0-2	NS	GR	CA	U	5	Ī
Min. Lot Area (sq. ft.)	I ac.	22,500	7,500	5,000	4,000	5,000	3,000	2,300	4,000	6,000	6,000	5,000		6,000	6,000	6,000	5,000	5,000	5,000		
Min. Lot Width (ft.)	100	80	60	50	40	50	30	20	40	50	50	50		50	50	50	50	50	50		
Min. Lot Depth (ft.)	150	125	100	100	100	100	100	100	100	100	100	100		100	100	100	100	100	100		
Min. Front Yard Setback (ft.)	50	30	25 20	25 20	15	25	15	15	15	25	25	25		25	25*	15	15	See 4.4	.4F.1.d*		
Min. Side Yard Setback (ft.)	15	15	of lot width 6 min 7.5 max	5	5	5	5	5	10% width of lot 5 min	5	10% width	of lot 5 min		10% of lot width 5 min	10% of lot width 5 min*	10% of lot width 5 min					
Min. Side (Corner)Yard Setback (ft.)	15	15	15 10	15 10	15 10	15	15	15	15	15	15	15		15	15*	15	15	15	15		
Min. Rear Yard Setback (ft.)	10	10	10	10	10	10	10	10	10	10	10	10		10	10	10	10	10	10		
Max. Building Coverage (%) for Rear Half of Lot	50	50	50	50	50	50	50	50	50	50	50	50		50	50	50	50	50	50		
Max. Height (stories)	3	3	2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4		3	ALH	2 ½	3	ALH	ALH	1	

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4, Measurements and Special Cases

ORDINANCE NO. 2020-5016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO TEMPLE UNIFIED DEVELOPMENT CODE SECTION 4.5.1, "RESIDENTIAL DIMENSIONAL STANDARDS, SINGLE FAMILY DETACHED DWELLING," TO ALLOW 20-FOOT MINIMUM FRONT YARD SETBACKS IN SINGLE FAMILY ONE AND SINGLE FAMILY TWO ZONING DISTRICTS AND 10-FOOT MINIMUM SIDE (CORNER) YARD SETBACKS FOR SINGLE FAMILY ONE, SINGLE FAMILY TWO, AND SINGLE FAMILY THREE ZONING DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in a continuing effort to ensure that residential development standards for setbacks reflect both the feel and applicability of differing densities, Staff and the Planning & Zoning Commission of the City of Temple recommend Council approve amendments to the Unified Development Code, Article 4.5 which charts the minimum single family detached dwelling setbacks in various zoning districts;

Whereas, the Single Family Detached Dwelling Setbacks in Article 4.5.1, the Residential Dimensional Standards chart, are amended as follows:

- The minimum front yard setback for Single Family One and Single Family Two zoning districts is reduced from 25 feet to 20 feet Single Family Three minimum front yard setback remains unchanged at 15 feet; and
- The minimum corner side yard setback is reduced from 15 feet to 10 feet in Single Family One, Single Family Two, and Single Family Three zoning districts;

Whereas, the amended Article 4.5.1 of the Unified Development Code, "Residential Dimensional Standards, Single Family Detached Dwelling" chart, is attached hereto as 'Exhibit A,' and incorporated herein for all purposes; 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 amends the Temple Unified Development Code Section 4.5.1, "Residential Dimensional Standards, Single Family Detached Dwelling," to allow 20-foot minimum front yard setbacks in Single Family One and Single Family Two zoning

districts and 10-foot minimum side (corner) yard setbacks for Single Family One, Single Family Two and Single Family Three zoning districts, as shown in 'Exhibit A' attached hereto and incorporated herein for all purposes.

<u>Part 3</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 4</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 5</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 **16th** day of **January**, 2020.

PASSED AND APPROVED on Second Reading on the 6th day of February, 2020.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Stephanie Hedrick	Kathryn H. Davis
Deputy City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/16/20 Item #8 Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution appointing Stephanie Hedrick as the interim City Secretary and setting compensation for the position.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> After 21 years of dedicated public service to the City of Temple, Lacy Borgeson retired as the City Secretary on January 9, 2020. The proposed resolution would appoint Stephanie Hedrick, Deputy City Secretary, to serve as Interim City Secretary as of Friday, January 17, 2020.

The proposed resolution appoints Ms. Hedrick as interim City Secretary and sets her compensation at \$61,068.80 annually. The appointment of Ms. Hedrick will be effective Friday, January 17, 2020.

FISCAL IMPACT: Funding for the compensation is available in the FY 2020 Operating Budget.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2020-9955-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING STEPHANIE HEDRICK AS THE INTERIM CITY SECRETARY; SETTING COMPENSATION FOR THE POSITION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, after 21 years of dedicated public service to the City of Temple, Lacy Borgeson retired as the City Secretary on January 9, 2020 - the proposed resolution would appoint Stephanie Hedrick, Deputy City Secretary, to serve as Interim City Secretary as of Friday, January 17, 2020;

Whereas, Council confirms the appointment of Stephanie Hedrick as the Interim City Secretary of the City of Temple and sets her compensation at \$61,068.80 annually;

Whereas, funding for this appointment is available in the fiscal year 2020 Operating Budget; and

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

Now, Therefore, Be it Resolved by the City Council of the City of Temple, Texas, That:

- <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 confirms the appointment of Stephanie Hedrick as Interim City Secretary for the City of Temple and sets her compensation at \$61,068.80.
- <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 16th day of January, 2020.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Stephanie Hedrick	Kathryn H. Davis
Deputy City Secretary	City Attorney