

## TEMPLE CITY COUNCIL

**SEPTEMBER 19, 2013**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, September 19, 2013 at 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud  
Councilmember Timothy Davis  
Councilmember Russell Schneider  
Mayor Daniel A. Dunn

Absent:

Mayor Pro Tem Judy Morales

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 19, 2013.**

Councilmember Schnieder stated that he would abstain from item #8.

- 2. Discuss the Mobility 2035 Metropolitan Transportation Plan.**

Mr. Blackburn introduced this item. He stated this document is used as a starting point for prioritizing projects and allocating funds; and that if a project is listed it isn't necessarily going to be funded. The deadline to file with KTMPO is September 30, 2013. The MTP is updated every five years.

Phillip Melton, Intern in Planning presented this item to the Council. He noted the MPO is required in every urbanized area with more than 50,000 people. He also stated the MTP is a 25 year plan while the TIP is a 4 year plan. The MPT (Metropolitan Transportation Plan) is updated every 5 years and considers impacts of national and local travel trends in the Killeen-Temple area; and identifies areas of investment. It also establishes regional priorities for funding. Temple currently has 63 projects on the list; with the top project to be the widening of i-35 between North Loop 363 and South Loop 363; the Outer Loop (new road); Kegley Road (widening); Prairie View (extend and widen); and Poison Oak (extend and widen). The TCIP Projects added are, Westfield Boulevard (extension); Aven U & 13th/17th connector (extend and widen); Hogan Road (widen); South Pea Ridge (widen); and North Pea Ridge (widen).

Next Mr. Melton reviewed the RZ Projects added - 1st Street; Loop 363 and 1st Street intersection; Realignment of 1st Street to 5th Street south of

Loop 363; and 5th Street Trail. There are also Tail and Bike Projects, as well as others to include SH 317 widening from FM 2305 to Oak Hills Drive; and the West Outer Loop from North IH-35 to South IH-35.

Mr. Melton also noted there were two project removed from the list due to construction being completed, Wendland Road and Waters Dairy Road.

At this time, approximately 3:58 pm, Mayor Dunn stated that the Temple City Council would enter into an executive session with possible action item on the regular.

3. **Discuss letter of intent between the City of Temple, Temple Historic Arcadia Theatre, Inc., and Criterion Management Group, LLC, for redevelopment of the Hawn and Arcadia Theatre properties located at 114 and 110 East Central Avenue.**

***Executive Session - Pursuant to Chapter 551, Government Code, §551.087, the City Council will enter into executive session at this time to discuss certain economic development prospects with representatives from the Temple Economic Development Corporation.***

***Executive Session - Pursuant to §551.072 of the Open Meetings Act, the City Council will discuss in executive session the purchase of real property, the public discussion of which would have a detrimental effect on the position of the City in negotiations with a third party***

At this time approximately, 4:40 pm, Mayor Jones reconvened the Work Shop of the Temple City Council and adjourned the meeting due to no further business.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 19, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Perry Cloud  
Councilmember Timothy Davis  
Councilmember Russell Schneider  
Mayor Daniel A. Dunn

**Absent:**

Mayor Pro Tem Judy Morales

**I. CALL TO ORDER**

**1. Invocation**

Councilmember Schneider voiced the Invocation.

**2. Pledge of Allegiance**

Nicole Torralva, Director of Public Works, led the Pledge of Allegiance.

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS****3. (A) Present Proclamation to Johnnie Reisner recognizing his many years of service with the City of Temple.**

Mayor Dunn presented this Proclamation to Johnnie Reisner and thanked him for his dedication to the City of Temple.

Mr. Blackburn also expressed his thanks to Mr. Reisner.

**III. PUBLIC COMMENTS**

Jessie Jeffcoat of 2606 Red Wing Drive addressed the City Council with his concerns related to a dog attack that occurred on September 10, 2013. City Animal Control will not address the issue.

Mr. Milton Hensley, 301 Mitchell Drive invited the Council to attend the Annual National Life Chain on Sunday, October 6th from 2:00 - 3:00 at either South 31st Street (Chik-Fil-A); North 31st Street (Immanuel Baptist Church parking lot); or North Main and Sparta in Belton.

Eva Hamby, 214 East Munroe addressed the Council with her concerns for the trains behind her residence and the whistles.

Mr. Amos Martinez, 4905 J I Bruce Drive expressed the importance of the Constitution of the United States.

Tanya Reed, 1317 North 9th stated that she would speak on item 9 once read.

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

**(A) August 29, 2013 Special Called Meeting**

**(B) 2013-7102-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick &**

**Associates, LP of Temple for the design of the Friar's Creek Trail to Avenue R Trail located in the TMED area in the amount of \$75,000.**

**(C) 2013-7103-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP for designing, preparing specifications and developing construction estimates for Airport enhancement projects including fuel farm loop roadway, Airport terminal access, northwest Airport parking and entrance and Airport entry and landscaping at the Draughon-Miller Central Texas Regional Airport in the amount of \$170,000.**

**(D) 2013-7104-R: Consider adopting a resolution authorizing a professional services agreement with BSP Engineering Inc. of Temple for engineering services including design, surveying and construction administration required for Jefferson Manor waterline replacement (Alamo, Bowie, Crockett, Duval and Erath Loop) in an amount not to exceed \$41,125.**

**(E) 2013-7105-R: Consider adopting a resolution authorizing a Second Amendment to the Office Space Lease between the City of Temple and Morgan Stanley Smith Barney Financing, LLC for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).**

**(F) 2013-7106-R: Consider adopting a resolution authorizing the single-source purchase of Heil repair parts from Heil of Texas of Irving in the estimated amount of \$100,000.**

**(G) 2013-7107-R: Consider adopting a resolution authorizing the purchase of a yearly 2013-2014 maintenance contract with Intergraph Public Safety in the amount of \$41,136.**

**(H) 2013-7108-R: Consider adopting a resolution authorizing the purchase of jail services from Bell County Law Enforcement Center in the estimated amount of \$74,500 for FY 2014.**

**(I) 2013-7109-R: Consider adopting a resolution authorizing the purchase of 50 metal refuse containers for the Solid Waste Division from Rolloffs USA., Durant, OK, through the H-GAC Contract in the amount of \$40,170.**

**(J) 2013-7110-R: Consider adopting a resolution authorizing a construction contract for the base bid and bid alternate #1 with Alpha Constructors, of Temple for the construction of sidewalks on South 1st Street in the amount of \$182,850.65.**

**(K) 2013-7111-R: Consider adopting a resolution ratifying an Interlocal Cooperation Contract with Texas State University for the acceptance of Tobacco Enforcement funding in the amount of \$9,450 for the purposes of enforcing Subchapter H, Chapter 161 of the Texas Health and Safety Code for fiscal year 2014.**

**(L) 2013-4611: SECOND READING - Z-FY-13-26: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a freestanding personal wireless cell tower in an existing Commercial District, located on 0.02 ± acres out of Lot 2, Block 1, Glendale Park, Section VI at 2615 South 37th Street and Tract A, Block 3, Glendale Park Section III, at 2707 South 37th Street.**

**(M) 2013-7112-R: Consider adopting a resolution authorizing acceptance of the FY 14 Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant, in the amount of \$100,000 (City match of \$50,000), to help assist with lower cost airside and landside Airport improvements and maintenance items at the Draughon-Miller Central Texas Regional Airport.**

**(N) 2013-7113-R: Consider adopting a resolution authorizing the renewal of the Emergency Management Performance Grant for FY 2013, which funds a portion of the administration cost for Emergency Management for the City of Temple in the amount of \$38,119.48.**

**(O) 2013-7114-R: Consider adopting a resolution designating the Temple Daily Telegram as the official newspaper for the City for fiscal year 2013-2014, in accordance with Section 4.20 of the Charter of the City of Temple.**

**(P) 2013-7115-R: Consider adopting a resolution authorizing payment of the annual invoice from Brazos River Authority in the amount of \$91,494.23 which covers operation and maintenance costs associated with the City's portion of raw water storage in Lake Belton and costs associated with repair work on the Belton Dam which was recently completed by the Corps of Engineers.**

**(Q) 2013-7116-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.**

Motion by Councilmember Perry Cloud adopt Resolution approving Consent Agenda. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

## V. REGULAR AGENDA

### ORDINANCES

At this time Mayor Dunn read both items 5 and 6 into the record for presentation.

5. **2013-4606: THIRD AND FINAL READING - PUBLIC HEARING: Consider adopting an ordinance authorizing a five year franchise with Acadian Ambulance Service, Inc., to provide non-emergency ambulance transfer services within the City.**
6. **2013-4607: THIRD AND FINAL READING - PUBLIC HEARING: Consider adopting an ordinance authorizing a five year franchise with Scott & White EMS, Inc., to provide non-emergency ambulance transfer services within the City.**

Jonathan Graham, City Attorney, presented this item to Council. He noted that both items 5 and 6 are renewals for franchise services within the City. First he discussed item 6 - and stated that Scott and White has been providing non-emergency ambulance transfer service in the City for several years and the current agreement will expires on November 7, 2013. This renewal is for an additional 5 years. Scott and White will pay to the City 3-1/2% of the total amount billed for non-emergency services per year.

Next, Mr. Graham reviewed item 5 - the franchise agreement with Acadian. He noted that in 2011 Council approved an assignment of the Central Texas Regional EMS's franchise to Acadian. The current franchise agreement with the City expires on November 7, 2013. Acadian would like to renew the franchise for an additional 5-years; and will pay to the City 3-1/2% of the total amount billed for non-emergency services per year.

Mayor Dunn declared the Public Hearing open with regards to Agenda Items 5 and 6 and asked if anyone wished to address either item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Timothy Davis adopt Ordinances (5 and 6) as presented, on third and final reading. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

7. **2013-4612: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance establishing certification pay in the amount of \$150 per month for the certification of Master Peace officer in the Police Department.**

Denny Hainley, Benefits Specialist / Acting Civil Service Director, presented this item to Council. She noted that this is brought forward as per Chapter 143. This is to bring the Police Department up to the same standards of the Fire and Police Departments within the community.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 7 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Russell Schneider adopt Ordinance as presented, with second and final reading set for October 3, 2013. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

8. **2013-4613: FIRST READING - PUBLIC HEARING - Z-FY-13-30: Consider adopting an Ordinance authorizing a zone change from Agricultural District (AG) to General Retail District (GR) on 21.59 ± acres, part of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road and the east side of South Pea Ridge Road, east of Westwood Estates.**

Tammy Lyerly, Planner, presented this case to Council. Ms. Lyerly noted the applicant for this request is John Martin for Jack Hilliard Jr. The subject property is surrounded by existing and future residential uses, as well as future offices to the north. The Land Use and Character map has a split recommendation for this property. Ms. Lyerly reviewed both the allowed and prohibited uses in GR for both residential and non-residential. Per the Development Standards, the requested GR District is the standard retail district and allows most retail uses, except apartments. The GR District should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the

confines of the retail facility. Ms. Lyerly noted, that adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Ms. Lyerly then provided a visual for the Council to understand the split use. She also noted that Old Waco Road requires right-of-way dedication through the platting process, per UDC Section 8.2.1. UDC Section 8.2.3 (Sidewalks) defines South Pea Ridge Road, as a collector, and requires a 4-foot wide sidewalk; defines Old Waco Road, as a major arterial (Outer Loop), and requires a 6-foot wide sidewalk; and since a 10-foot wide spine trail is required along Old Waco Road, the required 6-foot wide sidewalk will need to be upsized to a 10-foot width, with a City oversized participation agreement for the additional 4 feet.

Ms. Lyerly stated there were seven notices mailed out with one returned in favor and one in opposition. Staff recommends denial of the requested zone change from AG to GR for the following reasons: (1) the west half of the property does not comply with the Future Land Use and Character Map; and does not offer sufficient buffering between residential uses and retail uses; (2) although the arterial classification of Old Waco Road complies with the Thoroughfare Plan; Old Waco Road is not built to arterial standards and requires right-of-way dedication and widening; and (3) the existing street facilities are insufficient to support 21 acres of General Retail development; and Water and Wastewater facilities are available to subject property.

Planning and Zoning heard this case at its August 19, 2013, meeting and voted 7/1 to recommend approval of the zone change as requested. Commissioner Magana voted in opposition.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 8 and asked if anyone wished to address this item.

John Martin, the applicant was available for questions. He asked the Council for favorable consideration of this request.

There being none, Mayor Dunn declared the Public Hearing closed.

\*No motion made - item dies due to no motion

## **RESOLUTIONS**

9. **2013-7117-R: Consider adopting a resolution authorizing a letter of intent between the City of Temple, Temple Historic Arcadia Theatre, Inc., and Criterion Management Group, LLC, for redevelopment of the Hawn and Arcadia Theatre properties located at 114 and 110 East Central Avenue.**

Jonathan Graham, City Attorney, presented this item to Council. He stated this item authorizes a letter of intent between the City and Criterion Management Group, LLC for redevelopment purposes. Mr. Graham noted the City inherited this property six to seven years ago for the purpose of finding a private developer. This will allow for the developer to complete his due diligence and set up the financing. At that time, we will bring forward a 380 agreement. The developer will ask that the City convey the Hawn Property; intersection improvements; a 10 year tax abatement on the increased property value; assistance with some clean up; for permit fees to be waived; that the city clean up the old pool area. This is intended to be high-end condos and a performing arts area.

Ms. Tanya Reed, Architectural Edge was available for questions. She noted that this project will be for high-end condos and mixed use; and the arcadia building for performing arts activities. But asked the Council for favorable consideration so that the developer could complete the due diligence.

Motion by Councilmember Russell Schneider adopt Resolution. seconded by Councilmember Timothy Davis.

Motion passed unanimously.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary