



## MEETING OF THE TEMPLE CITY COUNCIL

**August 15, 2024**

### **PRESENT**

Mayor Timothy Davis  
Mayor Pro Tem Jessica Walker  
Councilmember Zoe Grant  
Councilmember Susan Long  
Councilmember Michael Pilkington

### **I. CALL TO ORDER**

1. Invocation

Reverend Keith Pozzuto voiced the Invocation.

2. Pledge of Allegiance

City Secretary Jana Lewellen led the Pledge of Allegiance.

### **II. PUBLIC COMMENTS**

3. Discussion regarding crime and clean up of vacant lots located in the 900 block of East Barton – Mr. Gilroy Mendoza

None.

4. Discussion regarding multi family development – Mr. Todd Scott

None.

### III. SPECIAL RECOGNITIONS

5. Recognize September as National Library Card Sign-Up Month.

Mayor Davis presented a Proclamation recognizing September as National Library Card Sign-Up Month.

### IV. BOND ITEMS

6. 2024-0037-O FIRST & FINAL READING - PUBLIC HEARING: Consider adopting an Ordinance authorizing the issuance of the City of Temple, Texas Limited Tax Notes, Series 2024; Authorizing the levy of an ad valorem tax in support of the notes; Approving an Official Statement and a Paying Agent/Registrar Agreement; Awarding the Sale of the Notes; and Authorizing other matters related to the issuance of the Notes.

Moved by Jessica Walker, seconded by Susan Long  
Approve FIRST & FINAL READING - PUBLIC HEARING: Consider adopting an Ordinance authorizing the issuance of the City of Temple, Texas Limited Tax Notes, Series 2024; Authorizing the levy of an ad valorem tax in support of the notes; Approving an Official Statement and a Paying Agent/Registrar Agreement; Awarding the Sale of the Notes; and Authorizing other matters related to the issuance of the Notes.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington  
**Against:** 0 – **Final Result:** Pass

Director of Finance Traci Barnard and Dan Wegmiller with Specialized Public Finance presented this item providing an overview of the proposed project list and bid summary.

Mayor Davis opened the Public Hearing. Alan Lytle expressed his thanks to the Finance Department and City Staff for their efforts in keeping Temple's fleet running efficiently. After no additional comments or questions, the Public Hearing was closed.

### V. BUDGET ITEMS

7. 2024-0038-O FIRST READING – PUBLIC HEARING: Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the fiscal year 2025 (tax year 2024).

Moved by Michael Pilkington, seconded by Zoe Grant  
Approve FIRST READING – PUBLIC HEARING: Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the fiscal year 2025 (tax year

2024).

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

Director of Finance Traci Barnard presented items 7 and 8 providing a brief summary of the budget and tax rate adoption process, the FY 2025 proposed tax rate, certified tax roll and estimated tax revenue.

Mayor Davis opened the Public Hearing on items 7 and 8. Alan Lytle expressed his thanks to Staff for the well prepared budget and preferred the tax rate remain the same with no additional revenue.

8. 2024-0039-O FIRST READING – PUBLIC HEARING: Consider adopting an ordinance setting a tax rate \$0.6265 per \$100 valuation, comprised of \$0.2976 for maintenance and operations and \$0.3289 for debt service, for fiscal year 2025 (tax year 2024), and making the appropriation for the regular operation of the City.

Moved by Zoe Grant, seconded by Jessica Walker

I move that the property tax rate be increased by the adoption of a tax rate of \$0.6265, which is effectively a 6.38 percent increase in the tax rate.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

## VI. 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.

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

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

## Minutes

- (A) August 1, 2024 Regular Meeting Minutes.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

**Contracts, Leases, & Bids**

- (B) 2024-0229-R Consider adopting a resolution authorizing the expenditure of additional funds for emergency vehicle maintenance and repair services from Siddons Martin Emergency Group, LLC, in the estimated additional amount of \$125,000, for a total of \$225,000 for FY 2024.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (C) 2024-0230-R Consider adopting a resolution authorizing the purchase of an annual software subscription for CityWorks AMS asset management and work order software from Azteca Systems LLC of Sandy, UT in the estimated amount of \$70,106.40.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (D) 2024-0231-R Consider adopting a resolution authorizing the purchase of a three-year software subscription agreement for OpenGov software from Vertosoft of Leesburg, VA in the estimated total contract value of \$264,243.04.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (E) 2024-0232-R Consider adopting a resolution authorizing the purchase of annual software subscription and maintenance from Central Square Technologies of Lake Mary, FL in the estimated amount of \$110,312.38.

Moved by Michael Pilkington, seconded by Susan Long

Table the resolution authorizing the purchase of annual software subscription

and maintenance from Central Square Technologies of Lake Mary, FL in the estimated amount of \$110,312.38 to the September 5, 2024 City Council Meeting.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (F) 2024-0233-R Consider adopting a resolution authorizing the purchase of the 920 Elevated Storage Tank disinfection booster system from Environmental Improvements, Inc. of Austin in the estimated amount of \$108,500.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (G) 2024-0234-R Consider adopting a resolution authorizing the expenditure of additional funds for liquid chlorine from Brenntag Southwest, Inc. (Brenntag) of Lancaster in the estimated additional amount of \$58,849, for a total of \$478,044 for FY 2024.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (H) 2024-0235-R Consider adopting a resolution ratifying increase in the FY 2024 estimated expenditures by \$70,000, for a total of \$202,000, for the purchase of liquid ammonium sulfate from Chameleon Industries, Inc. of Mesquite for the Water Treatment Plant.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (I) 2024-0236-R Consider adopting a resolution ratifying an increase in the FY 2024 estimated expenditures of \$171,932, for a total of \$502,932, for the purchase of liquid polyaluminum chloride from USALCO, LLC of Dallas for the Water Treatment Plant.

Moved by Susan Long, seconded by Jessica Walker  
Approve Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:  
**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington  
**Against:** 0 – **Final Result:** Pass

- (J) 2024-0237-R Consider adopting a resolution authorizing a construction contract with B-Corp Utilities, LLC of Gatesville for the construction of the South 10th Street Waterline in the estimated amount of \$433,703.26.

Moved by Susan Long, seconded by Jessica Walker  
Approve Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:  
**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington  
**Against:** 0 – **Final Result:** Pass

- (K) 2024-0238-R Consider adopting a resolution authorizing a construction contract with Asphalt, Inc. dba Lone Star Paving of Temple for pavement preservation services for the FY 2024 Overlay Program in the estimated amount of \$2,659,959.20.

Moved by Susan Long, seconded by Jessica Walker  
Approve Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:  
**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington  
**Against:** 0 – **Final Result:** Pass

- (L) 2024-0239-R Consider adopting a resolution authorizing change order #3 to the construction contract with RT Schneider Construction Company, Ltd. of Temple for changes related to the construction of South Pea Ridge Road Improvements in the amount of \$49,116.38.

Moved by Jessica Walker, seconded by Susan Long  
Approve Consider adopting a resolution authorizing change order #3 to the construction contract with RT Schneider Construction Company, Ltd. of Temple for changes related to the construction of South Pea Ridge Road Improvements in the amount of \$49,116.38.  
**For:** 4 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long  
**Against:** 0 – **Final Result:** Pass

- (M) 2024-0240-R Consider adopting a resolution ratifying a professional consulting services agreement with Soundskilz, Inc. of New Braunfels for planning, producing, and promoting an inaugural iconic music festival, to be compensated in a percentage fee based on the event budget, talent booking fees, and the sponsorship, solicitation and support acquired by Soundskilz, as well as a profit

share split between the parties, if any is realized after expenditures and revenues are reconciled.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (N) 2024-0241-R Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and the Temple Economic Development Corporation (“TEDC”) wherein the City agrees to transfer approximately 171.81 acres in the Industrial Park to TEDC to market and sell to an economic development prospect.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

### **Ordinances - Second & Final Reading**

- (O) 2024-0036-O SECOND & FINAL READING – FY-24-4-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 80.40 +/- acres of land situated in the Stephen Frazier Survey, Abstract No. 311 and the Stephen Frazier Survey, Abstract No. 329, in the City of Temple's south Extra-Territorial Jurisdiction (ETJ) generally located south of FM 93 and west of Witter Lane identified as all, or portions, of Bell County Tax Appraisal Numbers 148512 and 79023 and addressed as 7948 & 8198 Witter Lane.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

### **Misc**

- (P) 2024-0242-R Consider adopting a resolution finding that Tommy Marshall Moore established title to an approximately 3.06-acre portion of City-owned property situated in the Nancy Chance Survey, Abstract 5, Bell County, Texas through adverse possession and authorizing conveyance by deed to the current owner, Floyd Dean Cox, to quiet title.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (Q) 2024-0243-R Consider adopting a resolution authorizing the Temple Revitalization Corporation to purchase a 0.551-acre property located in the Historic Neighborhood District, addressed as 1312 North 3rd Street, and authorizing closing costs associated with the purchase in an estimated amount of \$218,000.

Moved by Michael Pilkington, seconded by Susan Long

Table indefinitely the resolution authorizing the Temple Revitalization Corporation to purchase a 0.551-acre property located in the Historic Neighborhood District, addressed as 1312 North 3rd Street, and authorizing closing costs associated with the purchase in an estimated amount of \$218,000.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (R) 2024-0244-R Consider adopting a resolution authorizing the Temple Revitalization Corporation to sell a 0.551-acre property, addressed as 1312 North 3rd Street, located in the Historic Neighborhood Planning District, to Daybreak Construction, Inc., and authorizing closing costs associated with the purchase in an estimated amount of \$153,000.

Moved by Susan Long, seconded by Jessica Walker

Table indefinitely the resolution authorizing the Temple Revitalization Corporation to sell a 0.551-acre property, addressed as 1312 North 3rd Street, located in the Historic Neighborhood Planning District, to Daybreak Construction, Inc., and authorizing closing costs associated with the purchase in an estimated amount of \$153,000.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

- (S) 2024-0245-R Consider adopting a resolution approving third quarter financial results for fiscal year 2024.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass



- (T) 2024-0246-R Consider adopting a resolution authorizing budget amendments for fiscal year 2023-2024.

Moved by Susan Long, seconded by Jessica Walker

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

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

## VII. REGULAR AGENDA

### Ordinances

10. 2024-0032-O FIRST READING - PUBLIC HEARING - FY-24-5-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 16.776 +/- acres of land situated in the Henry Millard Survey, Abstract No. 552 in the City of Temple's Extra-Territorial Jurisdiction (ETJ) generally located north of Cedar Creek Road and addressed as 4170 Cedar Creek Rd and 6000 Old Howard Rd.

Moved by Susan Long, seconded by Jessica Walker

Table indefinitely – FIRST READING - PUBLIC HEARING - FY-24-5-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 16.776 +/- acres of land situated in the Henry Millard Survey, Abstract No. 552 in the City of Temple's Extra-Territorial Jurisdiction (ETJ) generally located north of Cedar Creek Road and addressed as 4170 Cedar Creek Rd and 6000 Old Howard Rd.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

11. 2024-0035-O SECOND & FINAL READING – FY-24-29-ZC: Consider adopting an ordinance approving a Conditional Use Permit (CUP) to allow a recreational vehicle (RV) park on approximately 30.9 acres of a 74.3 +/- acre property, located in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, TX, addressed as 16801 and 16803 NE H.K. Dodgen Loop.

Moved by Jessica Walker, seconded by Susan Long

Table to the September 5, 2024 or September 19, 2024 City Council Meeting - SECOND & FINAL READING – FY-24-29-ZC: Consider adopting an ordinance approving a Conditional Use Permit (CUP) to allow a recreational vehicle (RV) park on approximately 30.9 acres of a 74.3 +/- acre property, located in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, TX, addressed as 16801 and 16803 NE H.K. Dodgen Loop.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

12. 2024-0040-O FIRST READING - PUBLIC HEARING - FY-24-31-ZC: Consider adopting an ordinance authorizing a rezoning from General Retail (GR) and Manufactured Home

(MH) Districts to Planned Development - Agricultural (PD-AG) with a site development plan and Conditional Use Permit for a HUD-Code Manufactured Home Land Lease Community (expansion of Bluebonnet Estates Mobile Home Park) on 22.109 +/- acres near the southwest corner of East Young Avenue and East Shell Avenue, located in the Benjamin Stracener Survey, Abstract No. 746, in the City of Temple, Bell County, Texas, addressed as 901 E Young Ave.

Moved by Zoe Grant, seconded by Jessica Walker

Approve FIRST READING - PUBLIC HEARING - FY-24-31-ZC: Consider adopting an ordinance authorizing a rezoning from General Retail (GR) and Manufactured Home (MH) Districts to Planned Development - Agricultural (PD-AG) with a site development plan and Conditional Use Permit for a HUD-Code Manufactured Home Land Lease Community (expansion of Bluebonnet Estates Mobile Home Park) on 22.109 +/- acres near the southwest corner of East Young Avenue and East Shell Avenue, located in the Benjamin Stracener Survey, Abstract No. 746, in the City of Temple, Bell County, Texas, addressed as 901 E Young Ave.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

Assistant Director of Planning and Development Kelly Atkinson presented this item and stated the applicant is requesting rezoning to allow expansion of the MHP on the eastern 22 acres and is leaving the zoning of the existing park as it currently is, so the nonconforming status of the existing park will not change. The existing park contains 177 MH sites. An expansion of the MHP on the 22.109 acres to the east is proposed as Phase II, adding 123 new sites, for a total of 300. The majority of this property is zoned General Retail (GR) District and includes the existing MHP. Mrs. Atkinson stated notice of the public hearing was sent to owners for 12 properties located within 200-feet of the subject property and to the applicable Independent School District, and as of this meeting, one response in opposition has been received. Mrs. Atkinson stated on August 5, 2024, the Planning and Zoning Commission met and reviewed this item and unanimously recommended approval by a vote of 6 to 0. Mrs. Atkinson stated Staff recommends approval of the requested rezoning, CUP, and site/development plan, subject to the conditions below:

1. The use and development of the property shall conform to the Agricultural Zoning District standards.
2. Development of a HUD-Code Manufactured Home Land Lease Community is allowed subject to Compliance with UDC Section 5.3.2 HUD-Code Manufactured Home Development or Land Lease Community and City Code of Ordinances Chapter 23 Manufactured Housing, except as follow:
  - a) Single wide units shall be allowed. Minimum 25% of units shall be double-wide; all units along Young and Shell Avenues shall be double-wide.
  - b) Reduction in front yard setback along perimeter street frontages from 50 ft. to 30 ft.
3. Development of a HUD-Code Manufactured Home Land Lease Community shall substantially comply with the approved Site Plan (Exhibit A). The Director of Planning & Development may approve minor changes to the site plan. Major changes will require review/approval by Planning & Zoning Commission and City Council.
4. Compliance with UDC Section 3.5.4A-G for a CUP.
5. Perimeter fencing/screening required per UDC 5.3.2.B.
6. Landscaping along street frontages required per UDC Section 7.4.

7. No unit older than 15 years may be moved onto the property.
8. Entrances shall comply with Residential Subdivision Entrance/Access Design Standards.
- 9 Private streets shall be minimum 26 ft. wide pavement. Parking on either side is prohibited and streets shall be marked as such with either a no-parking sign or fire lane striping.
10. A subdivision plat is required prior to site development.
11. Sidewalks required along Young Ave and Shell Ave and will be evaluated with the subdivision plat.

Mayor Davis opened the Public Hearing. Alan Lytle asked if the applicant intends to purchase mobile homes and rent them, or have the tenant bring in their own mobile home. Dale Noordam with Bluebonnet TX, LLC stated they would offer both options but would prefer the tenant bring their own with the unit no older than 15 years. Mayor Davis and Mayor Pro Tem Walker requested an explanation regarding the removal process. Mr. Noordam stated if it has been determined that a unit no longer meets the requirements of the community, a notice of violation is sent to the tenant and assistance can be offered if available before legal action begins; however, the process tends to move quickly in most cases. After no additional comments or questions, the Public Hearing was closed.

13. 2024-0041-O FIRST READING – PUBLIC HEARING - FY-24-6-AB: Consider adopting an ordinance authorizing the release of a right-of-way easement subject to a public-utility easement being the entirety of the public right-of-way of the road known as Corporate Way, from its terminus at the intersection with McLane Parkway to its terminus at the intersection with Research Parkway/Outer Loop.

Moved by Susan Long, seconded by Michael Pilkington

Approve FIRST READING – PUBLIC HEARING - FY-24-6-AB: Consider adopting an ordinance authorizing the release of a right-of-way easement subject to a public-utility easement being the entirety of the public right-of-way of the road known as Corporate Way, from its terminus at the intersection with McLane Parkway to its terminus at the intersection with Research Parkway/Outer Loop.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington  
**Against:** 0 – **Final Result:** Pass

Assistant City Attorney Kyle Nuttall presented this item and stated this is a City-initiated request to release of the right-of-way easement for the entirety of the road known as Corporate Way, from its intersection with McLane Parkway to the intersection with Research Parkway/Outer Loop. Mr. Nuttall stated Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easements may be released. However, several utilities, including the Public Works Department have utility lines within the right-of-way and requested that a public utility easement be retained over the area to be abandoned to allow them to continue servicing those utility lines.

Mayor Davis opened the Public Hearing. Alan Lytle asked why the City would release the right-of-way if the City owns all of the surrounding property. City Attorney Kathy Davis stated the proposed release is in connection to a project that the Temple

Economic Development Corporation is currently working on which will assist them with marketing the entire location to a future prospect. After no additional comments or questions, the Public Hearing was closed.

## **Resolutions**

14. 2024-0247-R FY-24-2-SITE: Consider adopting a resolution approving a site plan in accordance with Ordinance 2016-4758 on Lot 1, Block 1, Waters Dairy Addition, in the City of Temple, Bell County, Texas, addressed as 5015 S 31st Street.

Moved by Susan Long, seconded by Jessica Walker

Approve FY-24-2-SITE: Consider adopting a resolution approving a site plan in accordance with Ordinance 2016-4758 on Lot 1, Block 1, Waters Dairy Addition, in the City of Temple, Bell County, Texas, addressed as 5015 S 31st Street.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

Assistant Director of Planning and Development Kelly Atkinson presented this item and stated this property is currently undeveloped and located on 31st Street south of Waters Dairy Rd, within Lot 1, Block 1 of the Moflo Addition subdivision. Mrs. Atkinson stated the property is zoned Planned Development-General Retail per Ordinance 2016-4758 which requires site plan review and approval by City Council. The original site plan layout associated with Ordinance 2016-4758 is specific to mini-storage and warehouse use.

The applicant is requesting café/restaurant use and cleaning and tailoring uses. Mrs. Atkinson stated on August 5, 2024, the Planning & Zoning Commission met and reviewed this item and recommended approval by a vote of 6 to 0. Mrs. Atkinson stated Staff recommends approval of the site plan, subject to the following conditions:

1. Include the minimum front yard setback, minimum side yard setback, and minimum side (corner) yard setback. Add a note the dimensional standards will comply with UDC 4.6 Nonresidential Dimensional Standards; and
  2. Include a note on the site plan that PD conditions per Ordinance No. 2016-4758 will be maintained. PD conditions include: 1) Metal awnings to provide additional architectural relief to the entrances of each building 2) Compliance with UDC Section 7.1.8. Performance Standards, to assure that exterior lighting will not create light trespass 3) Signage on the north, east and south building facades, externally illuminated to prevent glare and light trespass onto neighboring properties.
15. 2024-0248-R FY-24-2-APL: Consider adopting a resolution authorizing an appeal of standards from the Unified Development Code (UDC) Section 6.7.7.I to allow an exception to the sign height maximum in the I-35 Industrial Sub district overlay from 35ft to 75ft in height and to the sign size maximum of 200 sq. ft. to 300 sq. ft. for property addressed as 5501 N. General Bruce Dr.

Moved by Susan Long, seconded by Michael Pilkington

Deny FY-24-2-APL: Consider adopting a resolution authorizing an appeal of standards from the Unified Development Code (UDC) Section 6.7.7.I to allow an exception to the sign height maximum in the I-35 Industrial Sub district overlay from 35ft to 75ft in height

and to the sign size maximum of 200 sq. ft. to 300 sq. ft. for property addressed as 5501 N. General Bruce Dr.

**For:** 5 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long, Michael Pilkington

**Against:** 0 – **Final Result:** Pass

Assistant Director of Planning and Development Kelly Atkinson presented this item and stated the subject property fronts the I-35 service road and is within the I-35 Corridor Overlay District, Industrial Sub-District. The current zoning of the property is Light Industrial (LI), Ordinance No. 2022-0007-O, which was approved for a rezoning from Agricultural (AG) to Light Industrial (LI). The UDC permits one sign per public or private access driveway. The applicant is requesting one pylon sign adjacent to the driveway onto General Bruce Drive. Mrs. Atkinson stated according to Sec. 6.7.7.I. of the UDC related to freestanding signs in the I-35 Corridor Overlay: All sites are permitted one freestanding sign (monument or pylon) per driveway. Per the UDC, Pylon signs follow the below standards: • Maximum Height of 35 ft. • Maximum Area of 200 sq. ft per sign face. Mrs. Atkin stated the applicant is making this appeal to allow an exception to both the sign height and the sign size as follows:

- Maximum Sign height 75 ft. (35 ft. allowed per UDC)
- Maximum Sign size 300 sq.ft. (200 sq.ft. allowed per UDC)

Mrs. Atkinson stated after the DRC review, the applicant submitted other options for consideration of the board. The applicant submitted alternative options including different variations.

Option 1

- Maximum Sign height 75 ft. (35 ft. allowed per UDC)
- Maximum Sign size 300 sq.ft. (200 sq.ft. allowed per UDC)

Option 2

- Maximum Sign height 50 ft. (35 ft. allowed per UDC)
- Maximum Sign size 247 sq.ft. (200 sq.ft. allowed per UDC)

Mrs. Atkinson stated on August 5, 2024, the Planning and Zoning Commission unanimously recommended approval of Option 1 of the appeal request by a vote of 6-0. Mrs. Atkinson stated Staff recommends disapproval of the appeal request and that the proposed signage conform to the UDC requirements in Sec. 6.7.7.I, including maximum height and maximum square footage.



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Timothy A. Davis, Mayor

ATTEST:

A handwritten signature in blue ink that reads "Jana Lewellen". The signature is fluid and cursive, with the first name "Jana" and last name "Lewellen" clearly distinguishable.

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Jana Lewellen, City Secretary, TRMC, CMC