



MEETING OF THE TEMPLE CITY COUNCIL

October 03, 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

Robert Hall with Corinth Missionary Baptist Church voiced the Invocation.

2. Pledge of Allegiance

City Secretary Jana Lewellen led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Myrna Dalton spoke regarding the downtown road construction and asked if any grants were available to businesses affected by the temporary road closures. Alan Lytle encouraged citizens to attend the 2024 Community Summit scheduled for October 4, 2024 and the Life Chain Event scheduled for October 6, 2024.

III. SPECIAL RECOGNITIONS

3. Recognize HEB and Suzy Q's Cafe for their support of Keep Temple Beautiful in FY24.

Keep Temple Beautiful Board Members presented plaques to HEB and Suzy Q's recognizing them for their support.

4. Recognize October 2024 as Czech Heritage Month.

Mayor Davis presented a Proclamation to SPJST President Brian Vanicek recognizing October as Czech Heritage Month.

5. Recognize October 6th-12th, 2024 as Fire Prevention week.

Mayor Davis presented a Proclamation to Fire Chief Mitch Randles recognizing October 6-12, 2024 as Fire Prevention Week.

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.

6. 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 Michael Pilkington

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) September 19, 2024 Regular Meeting Minutes.

Moved by Susan Long, seconded by Michael Pilkington

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) 2024-0297-R Consider adopting a resolution authorizing purchase requests, service requests, and anticipated expenditures in excess of \$50,000 during FY 2025 utilizing a cooperative contract with Iron Forge Systems, Inc.; contract renewal with Salt Exchange, Inc.; as well as purchases exempt from competitive bidding requirements from Chameleon Industries, Inc.; Focused Advocacy; Front Line Mobile Health, PLLC; Team Marathon Fitness; and Texas Municipal League Intergovernmental Risk Pool.

Moved by Susan Long, seconded by Michael Pilkington
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) 2024-0298-R Consider adopting a resolution authorizing the expenditure of funds for liquid sodium permanganate 20% from Chemrite, Inc. of Buford, GA in the estimated amount of \$50,345 for FY 2024.

Moved by Susan Long, seconded by Michael Pilkington
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) 2024-0299-R Consider adopting a resolution authorizing the expenditure of additional funds for the purchase of two residential trucks from Chastang Enterprises, Inc. of Houston in the amount of \$67,274.73.

Moved by Susan Long, seconded by Michael Pilkington
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) 2024-0300-R Consider adopting a resolution authorizing the purchase of one CNG powered, and one diesel powered 2025 Freightliner M2-106 chassis with Roll Offs USA roll-off bodies from Lonestar Truck Group of Temple in the estimated amount of \$425,450, as well as declare an official intent to reimburse the expenditures with the issuance of 2025 Limited Tax Notes.

Moved by Susan Long, seconded by Michael Pilkington
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

- (F) 2024-0301-R Consider adopting a resolution authorizing the purchase of two 2025 Freightliner chassis with Versalift chipper/forestry body from Lonestar Truck Group of Temple in the estimated amount of \$490,758, as well as declare an official intent to reimburse the expenditures with the issuance of 2025 Limited Tax Notes.

Moved by Susan Long, seconded by Michael Pilkington

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) 2024-0302-R Consider adopting a resolution authorizing the purchase of two Ford Transit vans with sewer inspection upfit from Rush Truck Center of New Braunfels in the estimated amount of \$616,869.99, as well as declare an official intent to reimburse the expenditures with the issuance of 2025 Limited Tax Notes.

Moved by Susan Long, seconded by Michael Pilkington

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) 2024-0303-R Consider adopting a resolution authorizing the purchase of three residential side-load refuse trucks from Chastang Enterprises, Inc. of Houston in the estimated amount of \$1,396,640, as well as declare an official intent to reimburse the expenditures with the issuance of 2025 Limited Tax Notes.

Moved by Susan Long, seconded by Michael Pilkington

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) 2024-0304-R Consider adopting a resolution authorizing the purchase of one CASE 580 Super N backhoe from Associated Supply Company, Inc. (ASCO) of Belton in the estimated amount of \$149,000.

Moved by Susan Long, seconded by Michael Pilkington

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) 2024-0305-R Consider adopting a resolution authorizing the purchase of three 2025 Freightliner chassis with dump body from Lonestar Truck Group of Temple in the estimated amount of \$404,958.

Moved by Susan Long, seconded by Michael Pilkington

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) 2024-0306-R Consider adopting a resolution authorizing the purchase of three (3) marked and two (2) unmarked Police vehicles from Silsbee Ford of Silsbee in the estimated amount of \$383,433.23.

Moved by Susan Long, seconded by Michael Pilkington

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) 2024-0307-R Consider adopting a resolution authorizing the purchase of four detective vehicle upfits from DANA Safety Supply of Round Rock in the estimated amount of \$51,916.68.

Moved by Susan Long, seconded by Michael Pilkington

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

- (M) 2024-0308-R Consider adopting a resolution authorizing a services agreement for building inspections and related services as needed with SAFEbuilt Texas, LLC of Fort Worth in the estimated amount of \$114,656 for FY 2025.

Moved by Susan Long, seconded by Michael Pilkington

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) 2024-0309-R Consider adopting a resolution authorizing a 24-month extension to the lease agreement with Central Texas Housing Consortium (CTHC) for rental space 3 and 4 in the Kyle Building for use by the City Archives in the estimated amount of \$28,200.

Moved by Susan Long, seconded by Michael Pilkington

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

- (O) 2024-0310-R Consider adopting a resolution authorizing a professional services agreement with CambridgeSeven in the estimated amount of \$336,500 for an economic feasibility study and master plan for the Temple Railroad and Heritage Museum and a Museum District for the City of Temple.

Moved by Susan Long, seconded by Michael Pilkington
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

- (P) 2024-0311-R Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc. in an estimated amount of \$250,000 for easement acquisition services for the Leon River Trunk Sewer Phase 2 Project.

Moved by Susan Long, seconded by Michael Pilkington
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) 2024-0312-R Consider adopting a resolution authorizing contract amendment #1 to the professional services agreement with Wiss, Janney, Elstner Associates, Inc. of Austin for expanded testing at the Solid Waste Complex in the estimated amount of \$8,500 for a revised contract value of \$54,450.

Moved by Susan Long, seconded by Michael Pilkington
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

- (R) 2024-0313-R Consider adopting a resolution authorizing contract amendment #2 to the professional services agreement with Clark Associates, PLLC of Temple for bridge design services related to the construction of Poison Oak Road Realignment in the estimated amount of \$95,000.

Moved by Susan Long, seconded by Michael Pilkington

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

- (S) 2024-0314-R Consider adopting a resolution authorizing contract amendment #6 to the professional services agreement with MRB Group, P.C. of Temple for construction phase services of the North Pea Ridge Phase 1 project in the estimated amount of \$380,774.

Moved by Susan Long, seconded by Michael Pilkington

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) 2024-0315-R Consider adopting a resolution authorizing a construction contract with RT Schneider Construction Co., Ltd. of Belton for the construction of North Pea Ridge Road Improvements Phase 1 in the estimated amount of \$5,591,713.86.

Moved by Jessica Walker, seconded by Susan Long

Approve Consider adopting a resolution authorizing a construction contract with RT Schneider Construction Co., Ltd. of Belton for the construction of North Pea Ridge Road Improvements Phase 1 in the estimated amount of \$5,591,713.86.

For: 4 – Timothy Davis, Jessica Walker, Zoe Grant, Susan Long

Against: 0 – **Final Result:** Pass

- (U) 2024-0316-R Consider adopting a resolution authorizing a construction contract for the Santa Fe Community Market project with Wright Builders of Temple in the estimated amount of \$3,461,760.

Moved by Susan Long, seconded by Michael Pilkington

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

- (V) 2024-0317-R Consider adopting a resolution authorizing change order #2 to the construction contract with Emerson Construction Company, Inc. of Temple, for changes related to the construction of IH-35 Landscaping Development at SH 53 and FM 2305 in the estimated amount of \$111,727.

Moved by Susan Long, seconded by Michael Pilkington
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

- (W) 2024-0318-R Consider adopting a resolution ratifying contract amendment #3 to a services agreement with Simpleview, LLC of Tucson, AZ for a three-year renewal of the destination marketing website and related services for the total estimated contract value of \$130,390.86.

Moved by Susan Long, seconded by Michael Pilkington
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

- (X) 2024-0047-O SECOND & FINAL READING – FY-24-40-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow an auto storage business at 1030 N 31st Street, Temple, Texas.

Moved by Susan Long, seconded by Michael Pilkington
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

- (Y) 2024-0048-O SECOND & FINAL READING – FY-24-2-AMND: Consider adopting an ordinance approving a City-Initiated amendment to the 2020 Comprehensive Plan future development category from Business Park to Residential and Neighborhood Services on 68 +/- acres, generally located near the northwest corner of Cedar Creek Road and Old Howard Road to include the Long View Estates Subdivision, addressed as 6000 Old Howard Road, 4170, 4318, 4324, 4332, 4340, 4346, 4356, 4394, 4404, 4412, 4422, 4430, 4434, 4440, 4448, and 4474 Cedar Creek Road, Temple, TX.

Moved by Susan Long, seconded by Michael Pilkington
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

- (Z) 2024-0032-O SECOND & FINAL READING – FY-24-5-ANX: Consider adopting an ordinance authorizing 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.

Moved by Susan Long, seconded by Michael Pilkington

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

- (AA) 2024-0049-O SECOND & FINAL READING – FY-24-23-ZC: Consider adopting an ordinance authorizing a rezoning request from Agricultural (AG) to Two-Family Dwelling (2F), and a comprehensive plan amendment from Business Park to Residential and Neighborhood Services, on 13.004 +/- acres addressed as 4170 Cedar Creek Rd.

Moved by Susan Long, seconded by Michael Pilkington

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

- (AB) 2024-0319-R Consider adopting a resolution authorizing the Temple Revitalization Corporation to sell 503 N. General Bruce Drive, a 2.5661-acre property located in the Interstate 35 Corridor District, to Cerco Development, Inc., a Texas corporation, for the contracted purchase price of \$1,173,682.82.

Moved by Susan Long, seconded by Michael Pilkington

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

- (AC) 2024-0320-R Consider adopting a resolution authorizing the release of 0.444-acre +/- utility and drainage easement and a 0.469-acre +/- drainage easement, legally described as being parts of lots 3 through 9, block 2 of The Landing at Central Pointe, a subdivision in the City of Temple, Bell County, Texas, and located at 6142, 6206, 6228, 6238, 6248, 6326, and 6404 Airport Road.

Moved by Susan Long, seconded by Michael Pilkington

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

- (AD) 2024-0321-R Consider adopting a resolution authorizing the release of 0.0459 -acre +/- utility easement, legally described as being parts of lots 4 through 7, and lots 21 through 24 block 13 of Hildell Estates, a subdivision in the City of Temple, Bell County, Texas, and located at 18 S Pea Ridge Road.

Moved by Susan Long, seconded by Michael Pilkington

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

- (AE) 2024-0322-R Consider adopting a resolution authorizing budget amendments for fiscal year 2023-2024.

Moved by Susan Long, seconded by Michael Pilkington

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

- (AF) 2024-0323-R Consider adopting a resolution authorizing budget amendments for fiscal year 2024-2025.

Moved by Susan Long, seconded by Michael Pilkington

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

V. REGULAR AGENDA

Ordinances

7. 2024-0050-O FIRST READING – PUBLIC HEARING - FY-24-37-ZC: Consider adopting an ordinance authorizing rezoning from Central Area District to Planned Development – Central Area (PD-CA) to allow the application of permanent cosmetics as a permitted use at 102 E Central Avenue, Temple, Texas.

Moved by Jessica Walker, seconded by Susan Long

Approve FIRST READING – PUBLIC HEARING - FY-24-37-ZC: Consider adopting an ordinance authorizing rezoning from Central Area District to Planned Development – Central Area (PD-CA) to allow the application of permanent cosmetics as a permitted use at 102 E Central Avenue, Temple, Texas with an amendment to remove the time restriction condition.

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

Against: 0 – **Final Result:** Pass

Director of Planning and Development Brian Chandler presented this item and stated the applicant is leasing a suite space at the newly renovated Sears Building and intends to provide beauty shop services that include permanent makeup. Mr. Chandler stated the Unified Development Code Sec 11.2 includes permanent makeup under the tattoo definition. Mr. Chandler stated tattoos are not permitted within the Central Area District and the City of Temple is reviewing its definition of tattoos and looking to differentiate between permanent makeup and tattoos in its UDC update but seeks to move forward with this case as a planned development. Mr. Chandler stated 16 notices were mailed to surrounding property owners and as of this meeting, no responses were received. Mr. Chandler stated on September 16, 2024, the Planning and Zoning Commission met and reviewed this item and recommended approval with the above listed conditions by a vote of 6 to 0. Mr. Chandler stated Staff recommends approval of the requested planned development rezoning subject to the conditions below:

1. Allow permanent cosmetics as a permitted use within a beauty shop located in the suite addressed as 104 E Central Ave, Suite 110, as an incidental use as defined below:
 - a. Cosmetic Tattooing. Also known as permanent makeup, this practice occurs in an establishment with licensed personnel applying micropigmentation or intradermal cosmetics to permanently or semi-permanently mimic typical makeup applications such as eyeliner, lip liner, lip color, eyebrow enhancement, and beauty marks, or addressing cosmetic restoration needs for damaged or disfigured skin, restoring it to a more natural appearance. This use definition is distinct from what is practiced in a Tattoo Studio, which is defined separately, and as such this use shall not be subject to the limitations on a Tattoo Studio set forth in UDC Sec. 5.3.27.
2. Hours of operation for the suite addressed as 104 E Central Ave, Suite 110 are limited to between M-Sat 8am-7pm
3. Any person conducting permanent cosmetic services at the suite addressed as 104 E Central Ave, Suite 110 must follow all State of Texas Health and Human Services requirements for intradermal cosmetics.
4. All other Central Area requirements are to be followed.

Mayor Davis opened the Public Hearing. Alan Lytle requested clarification on the location of the proposed business and the estimated renovation completion date. After no additional comments or questions, the Public Hearing was closed. Councilmember Susan Long felt it was appropriate to remove the hours of operation condition to allow expanded hours in the future.

8. 2024-0051-O FIRST READING – PUBLIC HEARING – FY-24-43-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow retail sales of all alcoholic beverages for off-premise consumption at 1210 East Adams Avenue, Temple,

Texas.

Moved by Michael Pilkington, seconded by Susan Long

Deny FIRST READING – PUBLIC HEARING – FY-24-43-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow retail sales of all alcoholic beverages for off-premise consumption at 1210 East Adams Avenue, Temple, Texas.

For: 4 – Timothy Davis, Jessica Walker, Susan Long, Michael Pilkington

Against: 1 – Zoe Grant

Final Result: Pass

Principal Planner Jason Deckman presented this item and stated the applicant has requested a Conditional Use Permit to allow retail sales of alcohol within a retail building at 1210 East Adams. Mr. Deckman stated the applicant has a permit with the Texas Alcoholic Beverage Commission that he transferred from a previous package store located at the corner of E Central Ave and S Martin Luther King Jr Dr. Mr. Deckman stated the General Retail zoning allows a package store, subject to review and approval of a Conditional Use Permit. Mr. Deckman stated the applicant undertook renovations and installed the signs at his own risk prior to applying for the Conditional Use Permit on August 1, 2024. Mr. Deckman stated the surrounding area predominantly consists of homes. Some of the nearby properties on Adams have been developed for retail/commercial uses, and Ferguson Park is located directly across the street. The Neighborhood Planning District team has received feedback through surveys and stakeholder meetings voicing concern regarding the amount of liquor stores around the area and they didn't understand how the city could allow it. The residents questioned the need for so many liquor stores, fearful that allowing more would only increase the amount of violence and low opinion of the area. The survey collected during the neighborhood engagement event includes a response that specifically mentions this liquor store; other responses indicated a desire for more grocery stores or other retail. Mr. Deckman stated the applicant has a history of compliance issues. The city purchased the Central/MLK property from Mr. Khan at the end of March 2024. At that time the City Attorney's office directed him to work with Planning to apply for a Conditional Use Permit for alcohol sales. The Director of Planning emphasized the requirement in early April. Throughout April and May, the owner began renovations on the building at 1210 E Adams without applying for building permits. Code Compliance began enforcement in April for un-permitted electrical work, un-permitted signs, improper driveway paving, and rubbish around the building. During a follow-up visit in July, Code Enforcement officers determined that the owner was selling alcohol without the appropriate Conditional Use Permit. As of Monday, September 16th, the building permits have been approved and a follow-up visit from the Fire Marshal confirmed that all corrections have been made. Mr. Deckman stated 15 notices were mailed to the surrounding property owners and as of this meeting, 7 notices were returned in disagreement. Mr. Deckman stated on September 16, 2024, the Planning & Zoning Commission recommended denial by a vote of 6 to 0. Mr. Deckman stated Staff does not recommend approval of the requested Conditional Use Permit. The criteria in UDC 3.5 assess whether the request would be offensive to the neighbors or detrimental to the general welfare of the neighborhood. Based on negative feedback received through surveys and stakeholder engagement, the requested Conditional Use Permit would be in conflict with the East Downs Neighborhood Plan.

If approval is granted, then retail sales of all alcoholic beverages for off-premise consumption shall be subject to the following conditions:

1. Demonstrated compliance with building and fire safety codes.
2. Requiring compliance with Chapter 4 of the City Code of Ordinances related to alcoholic beverages.
3. Requiring compliance with UDC Section 5.3.17 related to sales of alcohol for off-premise consumption.
4. In accordance with TABC regulations, store hours shall be limited to Monday through Saturday from 10 a.m. to 9 p.m; the store shall be closed on Sundays, Thanksgiving Day, Christmas Day, and New Year's Day, when Christmas or New Years falls on a Sunday, the store shall be closed the following Monday;
5. The site plan attached as Exhibit A will be subject to review and approval by the Director of Planning & Development for compliance with this ordinance prior to approval of building permits.
6. Significant changes to use of the property related to the sales of alcoholic beverages shall require additional review and approval by City Council.

Mayor Davis opened the Public Hearing. Alan Lytle agreed with the Planning and Zoning Commission's recommendation to deny this request. After no additional comments or questions, the Public Hearing was closed. Mayor Pro Tem Walker asked if the applicant responded to the property owner notification letter. Mr. Deckman stated no.

9. 2024-0052-O FIRST READING – PUBLIC HEARING - FY-24-44-ZC: Consider adopting an ordinance authorizing a rezoning request from Light Industrial (LI) to Single-Family Attached 2 (SFA-2) on 0.75 +/- acres, located in the City of Temple, Bell County, TX addressed as 302 & 304 N 12th, 513 & 515 E Downs.

Moved by Zoe Grant, seconded by Jessica Walker

Approve FIRST READING – PUBLIC HEARING - FY-24-44-ZC: Consider adopting an ordinance authorizing a rezoning request from Light Industrial (LI) to Single-Family Attached 2 (SFA-2) on 0.75 +/- acres, located in the City of Temple, Bell County, TX addressed as 302 & 304 N 12th, 513 & 515 E Downs.

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

Against: 0 – **Final Result:** Pass

Director of Planning and Development Brian Chandler presented this item and stated the City of Temple, on behalf of the Housing and Community Development department and in accordance with the Downtown Neighborhood Planning District Plan, reviewed the subject properties as part of the Homeowner Assistance & Reconstruction Program Grant (HARP) program for a resident that qualifies for the program. Part of the grant recommends and prefers that the client remain at their original location. If there are extenuating circumstances that make this impossible or extremely difficult then a relocation can be proposed. Mr. Chandler stated during the discovery phase of the grant, it was identified that the current zoning would not permit a home to be constructed or reconstructed at these locations. After an evaluation of the area by staff, a determination was made that a city-initiated rezoning would be appropriate for the area. This rezoning is supported and recommended throughout the following plans, The Comprehensive Plan, Future Development Plan, and the Downtown Neighborhood Plan. Mr. Chandler

13 notices were mailed to the surrounding property owners and as of this meeting, 1 notice in agreement was received. Mr. Chandler stated on September 16, 2024, the Planning and Zoning Commission met and reviewed this item and recommended approval by a vote of 6 to 0. Mr. Chandler stated Staff recommends approval of the rezoning request from LI to SFA-2 district at 302 & 304 N 12th, 513 & 515 E Downs.

Mayor Davis opened the Public Hearing. There being no comments or questions, the Public Hearing was closed.

10. 2024-0053-O 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 for FY 2024 to transfer project savings to the Santa Fe Community Market Project.

Moved by Susan Long, seconded by Michael Pilkington

Approve 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 for FY 2024 to transfer project savings to the Santa Fe Community Market Project.

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

Against: 0 – **Final Result:** Pass

Director of Finance Traci Barnard stated this project is an adaptive re-use of an existing commercial feed store property into a City of Temple community market with outdoor venue spaces, open air steel framed pavilions, restrooms, and interior renovations of an existing conditioned building for future retail lease. Kasberg, Patrick & Associates was engaged on November 3, 2022, to create plans and specifications for this project. A Request for Competitive Sealed Proposals was released on July 15, 2024, to procure the construction services. An evaluation committee determined that Wright Builders would provide the best value to the City. Once the recommended amount of the construction contract award was determined, City staff stated project savings of \$827,000 from the Lorraine Drive extension project are available. This amendment will transfer \$572,943 of that savings to the Santa Fe Community Market project.

Mayor Davis opened the Public Hearing. Alan Lytle asked if this item was required to come before Council. Mrs. Barnard stated Council action is required by State Statute. After no additional comments or questions, the Public Hearing was closed.



Timothy A. Davis, Mayor

ATTEST:

A handwritten signature in blue ink that reads "Jana Lewellen". The signature is written in a cursive, flowing style.

Jana Lewellen, City Secretary, TRMC, CMC