

MEETING OF THE TEMPLE CITY COUNCIL

May 19, 2022

PRESENT

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

I. CALL TO ORDER

1. Invocation

Mayor Pro Tem Judy Morales voiced the Invocation.

2. Pledge of Allegiance

City Secretary Jana Lewellen led the Pledge of Allegiance.

II. PUBLIC COMMENTS

David Rowe, 1402 S 39th Street, Temple, Texas voiced concern regarding code violations in various locations throughout the City.

III. PRESENTATION

3. Administer Oath of Office to newly elected Councilmembers.

Judge Kathleen Person administered the Oath of Office to Councilmember Jessica Walker and Councilmember Wendell Williams.

IV. BOND ITEMS

- 4 2022-0031-O FIRST & FINAL READING - PUBLIC HEARING: Consider adopting a “Fourth Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program” to authorize the issuance of City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Bonds, Series 2022 A and Taxable Series 2022 B.

Moved by Jessica Walker, seconded by Susan Long

Approve FIRST & FINAL READING - PUBLIC HEARING: Consider adopting a “Fourth Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program” to authorize the issuance of City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Bonds, Series 2022 A and Taxable Series 2022 B.

For: 5 – Timothy Davis, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

Director of Finance Traci Barnard presented an overview of Items 4 and 5 which included delegation of ordinances and resolution summary, total projects, and timeline of events.

Mayor Davis opened the Public Hearing on Item 5. After no comments or questions, the Public Hearing was closed.

- 5 2022-0120-R Consider adopting a resolution authorizing proceeding with the issuance of City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022 and further directing the Publication of Notice of intention to issue Certificates of Obligation and other matters related to the issuance.

Moved by Judy Morales, seconded by Wendell Williams

Approve Consider adopting a resolution authorizing proceeding with the issuance of City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022 and further directing the Publication of Notice of intention to issue Certificates of Obligation and other matters related to the issuance.

For: 5 – Timothy Davis, Judy Morales, Susan Long, Wendell Williams, Jessica Walker
Against: 0 – **Final Result:** Pass

V. CONSENT AGENDA

All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.

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 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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker
Against: 0 – **Final Result:** Pass

Minutes

- (A) May 4, 2022 Special Called Meeting Minutes
May 5, 2022 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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker
Against: 0 – **Final Result:** Pass

Contracts, Leases, & Bids

- (B) 2022-00121-R Consider adopting a resolution ratifying a three-year natural gas supply contract for the City's CNG fueling station with Cokinos Energy Corporation of Houston in the estimated amount of \$276,000.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker
Against: 0 – **Final Result:** Pass

- (C) 2022-00122-R Consider adopting a resolution authorizing the purchase of five (5) 2022 Bad Boy Rogue riding mowers from Texstar Equipment of Waco in the estimated amount of \$64,051.39.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

- (D) 2022-0123-R Consider adopting a resolution authorizing a lease agreement with WC&R, LLC of Austin for lease of commercial hangars #20 and #26 at the Draughon-Miller Central Texas Regional Airport.

Moved by Wendell Williams, seconded by Judy Morales

Approve Consider adopting a resolution authorizing a lease agreement with WC&R, LLC of Austin for lease of commercial hangars #20 and #26 at the Draughon-Miller Central Texas Regional Airport.

For: 5 – Timothy Davis, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

Assistant City Manager Erin Smith presented this item to include an overview of the proposed lease as well as the recommended changes to include the following:

- Purpose & Use: Aircraft hangaring and no less than 70% aeronautical business operations
- Term: Reduce initial term to 20 years with (2) 10-year renewals
- Rental Rate Adjustment: Rental rate will be adjusted every 5 years according to prevailing market rate (as determined by an appraisal) or CPI, whichever is higher
- Periodic Business Review: Reduce period for review to every 2.5 years

- (E) 2022-0124-R Consider adopting a resolution authorizing a second amendment to the airport lease agreement with Center Point Aviation, LLC to allow the lessee the right of first option to lease an adjacent plot of land at the Draughon-Miller Central Texas Regional Airport.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

- (F) 2022-0125-R Consider adopting a resolution authorizing a professional services agreement with FGM Architects, Inc. of Austin for programming and schematic design services for the public safety training campus in an amount not to exceed \$189,623.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

- (G) 2022-0126-R Consider adopting a resolution authorizing an Interlocal Agreement with the Belton Independent School District to provide after school programming at five school locations.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

- (H) 2022-0127-R Consider adopting a resolution authorizing an Interlocal Agreement with the Temple Independent School District to provide after school programming at four school locations.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

Ordinances - Second & Final Reading

- (I) 2022-0026-O SECOND & FINAL READING - FY-22-22-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow sales of all alcoholic beverages for off-premise consumption on Lots 1 thru 5, Block 18 Original Town subdivision, addressed as 313 & 315 East Central Ave.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

- (J) 2022-0028-O SECOND & FINAL READING - FY-22-4-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 63.491 +/- acres of land situated in the John Kizzier Survey, Abstract No. 493 and being a portion of a tract of land conveyed to Dixie Smythe by Probate as recorded in Volume 2523, Page 446, Official Public Records of Bell County, Texas, located on the north side of FM 2483 approximately 1,375 feet west of its intersection with SH 317.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

- (K) 2022-0029-O SECOND & FINAL READING: Consider adopting an ordinance which will make permanent an extended outdoor dining and seating and mobile food unit (MFU) operation program (downtown parklet program) within the City's Central Area (CA) Zoning District.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

- (L) 2022-0030-O SECOND & FINAL READING – H-22-15: Consider adopting an ordinance designating a local historic district in East Temple, the African American Churches Historic District, bound by East Avenue A to the north, the Union Pacific Railroad to the east, East Avenue E to the south, and South MLK Jr. Drive to the west.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

Misc

- (M) 2022-0128-R Consider adopting a resolution authorizing the declaration of a public utility easement on City-owned property necessary for construction of the downtown City Center.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

- (N) 2022-0129-R Consider adopting a resolution authorizing the purchase of two rights of way necessary for the construction of Outer Loop West Project Phases One and Two and authorizing closing costs associated with the purchases in an estimated amount of \$325,000.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

- (O) 2022-0130-R Consider adopting a resolution approving second quarter financial results for fiscal year 2022.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

- (P) 2022-0131-R Consider adopting a resolution authorizing budget amendments for fiscal year 2021-2022.

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, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

VI. REGULAR AGENDA

Ordinances

7. 2022-0025-O SECOND & FINAL READING – FY-22-21-ZC: Consider adopting an ordinance authorizing a rezoning from General Retail (GR) to Commercial (C) Zoning District on 1.4940 +/- acres in the City of Temple, Bell County, Texas addressed as 21915 SE H. K. Dodgen Loop.

Moved by Susan Long, seconded by Jessica Walker

Approve SECOND & FINAL READING – FY-22-21-ZC: Consider adopting an ordinance authorizing a rezoning from General Retail (GR) to Commercial (C) Zoning District on 1.4940 +/- acres in the City of Temple, Bell County, Texas addressed as 21915 SE H. K. Dodgen Loop.

For: 4 – Timothy Davis, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

8. 2022-0027-O SECOND & FINAL READING - FY-22-23-ZC: Consider adopting an ordinance authorizing a rezoning request from Agricultural (AG) to Single-Family-3 (SF-3) on 23.46 +/- acres, in the City of Temple, Bell County Texas addressed as 220 N. 36th Street.

Moved by Wendell Williams, seconded by Judy Morales

Approve SECOND & FINAL READING - FY-22-23-ZC: Consider adopting an ordinance authorizing a rezoning request from Agricultural (AG) to Single-Family-3 (SF-3) on 23.46 +/- acres, in the City of Temple, Bell County Texas addressed as 220 N. 36th Street.

For: 5 – Timothy Davis, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

Director of Planning and Development Brian Chandler presented this item and stated staff recommends approval with the following conditions:

- Substantial compliance with concept plan
- SF-2 regulations (5,000 sq. ft. area, 20' front BL, etc.)
- SF3 lot widths allowed (40')
- Trail connectivity shall be provided to Prewitt Park – Compliance to be determined at DRC process
- That the Director of Planning & Development may approve minor modifications to the City Council-approved concept plan, including related to lot configuration changes due to easement and floodplain impacts

9. 2022-0032-O FIRST READING – PUBLIC HEARING – FY-22-18-ZC: Consider adopting an ordinance authorizing a rezoning from Single-Family-1 (SF-1) to Central Area (CA) on 1.00 +/- acres in the City of Temple, Bell County, Texas addressed as 204 North 7th Street.

Moved by Jessica Walker, seconded by Susan Long

Councilmember Walker motioned to disapprove the ordinance authorizing a rezoning from Single-Family-1 (SF-1) to Central Area (CA) and approval of an ordinance authorizing a rezoning from Single-Family-1 (SF-1) to Office – 1 on 1.00 +/- acres in the City of Temple, Bell County, Texas addressed as 204 North 7th Street.

For: 3 – Timothy Davis, Susan Long, Jessica Walker

Against: 2 – Judy Morales, Wendell Williams

Final Result: Pass

Director of Planning and Development Brian Chandler presented this item and stated this property is for sale and the applicant wishes to enhance development opportunities for this site by expanding the CA zoning district. CA District properties are exempted from the City's parking ratio requirements, which desired by the applicant due to limited space on-site. Office -1 District allows residential (single and two family) and limited non-residential uses to include institutional and office uses. The CA zoning district is a special purpose district intended to promote the City's downtown as a live, work, and play destination and allows considerably more uses to include single family as well as multi-family; various educational/institutional uses; office; hotel; restaurant without drive-in; alcohol sales for on and off-premise consumption; and most retail uses. Mr. Chandler stated 12 notices were sent to the surrounding property owners and as of this meeting, two property owners representing four properties returned responses in favor and one response has been returned in opposition. Mr. Chandler stated on April 18, 2022 the Planning and Zoning Commission met and reviewed this item and recommended disapproval of zoning change from SF-1 District to Central Area, and approval of zoning change to Office -1 by a vote of 3 to 2. Mr. Chandler stated Staff does not recommend approval of the requested rezoning from SF-1 to Central Area Zoning District, but does support rezoning to Office -1 for the following reasons:

1. Office -1 District is compatible with the residential uses and SF-1 zoning north of this property and provides a transition between the CA and SF-1 Zoning Districts. Office -1 uses

are generally low traffic generators, minimizing potentially negative impacts of integrating non-residential uses into a residential neighborhood.

2. Although the proposal for CA is in compliance with approved plans for this area to include the 2020 Comprehensive Plan, the Downtown Core future land use designation may be premature, given the existing single family residential uses that are solidly established in the SF-1 Zoning assigned to the majority of properties in this vicinity. The Office -1 District allows some non-residential uses but does not include the full range of uses that would be allowed in the CA District.

3. Public facilities are available to serve the subject property, regardless of the assigned zoning district.

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

10. 2022-0033-O FIRST READING – PUBLIC HEARING: Consider adopting an ordinance approving the Temple Parks & Recreation Department's Youth Programs Standards of Care and approving the 2021 annual report.

Moved by Judy Morales, seconded by Susan Long

Approve FIRST READING – PUBLIC HEARING: Consider adopting an ordinance approving the Temple Parks & Recreation Department's Youth Programs Standards of Care and approving the 2021 annual report.

For: 5 – Timothy Davis, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

Assistant Director of Parks and Recreation Mike Hemker presented this item and provided an overview of the City of Temple's Youth Programs Standards of Care which includew the following:

- 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 and disqualifying certain candidates from employment based on certain criminal history records.
- 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 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.

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

Resolutions

11. 2022-0132-R Consider adopting a resolution authorizing a first amendment to a 2005 Airport Lease Agreement with James R. Fikes d/b/a JF Air Traffic, Inc. for Hangar #10A at the Draughton-Miller Central Texas Regional Airport.

Moved by Jessica Walker, seconded by Judy Morales

Approve Consider adopting a resolution authorizing a first amendment to a 2005 Airport Lease Agreement with James R. Fikes d/b/a JF Air Traffic, Inc. for Hangar #10A at the Draughton-Miller Central Texas Regional Airport.

For: 4 – Timothy Davis, Judy Morales, Susan Long, Jessica Walker

Against: 0 – **Final Result:** Pass

City Manager Brynn Myers stated this item was pulled from Consent for voting purposes only. No presentation was requested.

12. 2022-0133-R Consider adopting a resolution authorizing the purchase of two medium-sized 4x4 sport utility vehicles from Lake Country Chevrolet of Jasper for an estimated amount of \$66,649.50.

Moved by Wendell Williams, seconded by Susan Long

Councilmember Williams made a motion stating in recognizing that Don Ringler Chevrolet of Temple is a local vendor that offers the City the best combination of price and additional economic development opportunities under the City's Local Preference Policy, I make a motion to purchase two medium-sized 4x4 sport utility vehicles from Don Ringer Chevrolet in the amount of \$68,110.

For: 5 – Timothy Davis, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

Director of Purchasing and Facility Services Belinda Mattke presented this item and stated on March 22, 2022, five vendors submitted pricing on 12 independent vehicle bids in response to Invitation for Bids #13-15-22. On April 21, 2022, Council authorized an award of Bid J for two medium-sized 4x4 sport utility vehicles to Randall Reed Chevrolet of Temple. Upon award, Randall Reed Chevrolet informed the City that they are unable to honor the submitted bid. Mrs. Mattke stated per the City's Local Preference Policy, for non-construction expenditures less than \$500,000, Council can award a competitive sealed bid to the second lowest bidder within 5% if the bidder's principal place of business is within the City limits and Council

determines that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the award.

13. 2022-0134-R Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

Moved by Susan Long, seconded by Jessica Walker

Approve Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

For: 5 – Timothy Davis, Judy Morales, Susan Long, Wendell Williams, Jessica Walker

Against: 0 – **Final Result:** Pass

Mayor Davis presented this item and nominated Judy Morales as Mayor Pro Tem for the City of Temple for a one-year Term.



Timothy A. Davis, Mayor

ATTEST:



Jana Lewellen, City Secretary, TRMC, CMC