

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR - CONFERENCE ROOM

THURSDAY, FEBRUARY 17, 2011

4:00 P.M.

WORKSHOP AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 17, 2011.
- 2. Receive legislative update from the City Manager.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – 2^{ND} FLOOR

TEMPLE, TX

REGULAR MEETING AGENDA

I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Severe Weather Awareness Week

February 20 – 26, 2011

III. PUBLIC COMMENTS

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No <u>discussion</u> or final action will be taken by the City Council.

IV. REPORTS

4. Receive a report from the Police Department as required by the Racial Profiling Statute contained in the Texas Code of Criminal Procedure.

V. BOND ITEM

5. 2011-4427: FIRST & FINAL READING - PUBLIC HEARING- Consider adopting an ordinance authorizing the issuance of City of Temple, Texas Limited Tax Notes, Series 2011; authorizing the levy of an ad valorem tax in support of the notes; approving a paying agent/registrar agreement, an official statement and other agreements related to the sale and issuance of notes; establishing the procedures for selling and delivering the notes; authorizing the reimbursement of certain project costs prior to issuance of the notes and authorizing other matters related to the issuance of the notes, to be considered on an emergency basis.

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.

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

<u>Minutes:</u>

- (A) February 2, 2011 Special Called Meeting
- (B) February 3, 2011 Special Called and Regular Meeting

Contracts, Leases & Bid

- (C) 2011-6241-R: Consider adopting a resolution authorizing the execution of an Interlocal Agreement between the County of Bell, the Bell County Sheriff's Office, and the cities of Temple, Belton, Harker Heights and Killeen, pursuant to the Interlocal Cooperation Act, Texas Government Code Chapter 791, in support of the Bell County Organized Crime Unit.
- (D) 2011-6242-R: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with McCreary & Associates, Inc., for engineering services required to implement Phase 2 of the Water Treatment Plant Emergency Power Improvements in an amount not to exceed \$168,500.
- (E) 2011-6243-R: Consider adopting a resolution authorizing a guaranteed maximum price construction contract with American Constructors, Inc. of Austin, for package #1 renovations to the Police Headquarters facility in an amount of \$2,693,778, and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.
- (F) 2011-6244-R: Consider adopting a resolution granting a street use license for a proposed encroachment of a Family Dollar Store in the south 150.91 feet of the alley located between Lots 4-6 and Lots 10-12, Block 5, Eugenia Terrace Addition, at 1510 South 1st Street.
- (G) 2011-6245-R: Consider adopting a resolution authorizing a contract with the Texas Lobby Group to represent the City of Temple before the State Legislature, Texas Municipal League and various other state agencies such as, but not limited to, the Texas Commission on Environmental Quality and the Texas Department of Transportation in an amount not to exceed \$66,000.

Ordinances – Second and Final Reading

(H) 2011-4426: SECOND READING – Z-FY-11-14: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single Family One District (SF1) on 47.36± acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point Road, south of Bonnie Lane.

<u>Misc.</u>

- (I) 2011-6246-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.
- (J) 2011-6247-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2011.

VI. REGULAR AGENDA

ORDINANCES

7. 2011-4428: FIRST READING – PUBLIC HEARING - A-FY-10-15: Consider adopting an ordinance closing 650 feet of the 11-foot wide alley in Block 9, South Park Addition, located on the east side of Scott & White Park, between West Avenue R and West Avenue P; and closing 575.9 feet of the 11-foot wide alley in Blocks 1 and 5, South Park Addition, between West Avenue P and the northwest corner of Lot 1, Block 1 of South Park Addition; and retaining 11-foot wide blanket utility easements for each.

BOARD APPOINTMENTS

- 8. 2011-6248-R: Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Building & Standards Commission two regular members and three alternate members to fill expiring terms through March 1, 2013
 - (B) Development Standards Advisory Board three members to fill expiring terms through March 1, 2014
 - (C) Electrical Board three members to fill expiring terms through March 1, 2014
 - (D)Parks and Leisure Services Advisory Board two members to fill expiring terms through March 1, 2014
 - (E) Tree Board two members to fill expiring terms through March 1, 2014
 - (F) Zoning Board of Adjustment two regular members and two alternate members to fill expiring terms through March 1, 2013

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:30 PM, on February 11, 2011.

Clydette Enzminger

Clydette Entzminger City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at ______ on the ______day of _____2011.



COUNCIL AGENDA ITEM MEMORANDUM

02/17/11 Item #3 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

Severe Weather Awareness Week February 20 – 26, 2011

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY:

This proclamation was requested by, and will also be received by, Fire Chief Lonzo Wallace.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

02/17/11 Item #4 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Receive a report from the Police Department as required by the Racial Profiling Statute contained in the Texas Code of Criminal Procedure.

STAFF RECOMMENDATION: Receive report as presented in item description.

ITEM SUMMARY: The Code of Criminal Procedure requires a report to the governing body of the municipality that details the department's activities related to traffic stops that result in citations, arrests, and searches of persons and/or vehicles. The statute requires the head of the agency to use comparative data to make a determination as to the possible presence of racial profiling within the agency.

The report includes the totals for each category mentioned above. Census data for Temple and Bell County are used for comparisons where appropriate.

It is recommended that the Council receive this report. No other action is required.

FISCAL IMPACT: None

ATTACHMENTS:

Report

Temple Police Department 2010 Bias-Based Policing Report

The Temple Police Department, in accordance with the Texas Code of Criminal Procedure (CCP) Articles 2.131 through 2.138, has collected police contact data from motor vehicle stops for the purpose of analysis required by statute. As a part of the review of this data, the department is required to determine if racial profiling is occurring and to respond appropriately if such a determination is made. It is my hope that the findings provided in this report will serve as evidence that the Temple Police Department continues to strive toward the goals of maintaining strong relations with the community and providing open channels of communication between citizens and the Department.

CCP 2.131 through 2.138 identifies three types of agencies that must file reports to the Texas Commission on Law Enforcement Standards and Education. The Temple Police Department is a tier one agency, which means the department has a partial exemption from the reporting requirements found in the CCP. This status is due to the video and audio equipment that is installed in all marked Temple Police vehicles. Tier one data includes information on traffic citations, arrests arising from motor vehicle stops, and searches conducted during motor vehicle stops. This information is then categorized by the racial groups specified in the CCP.

This report provides statistical data relevant to public contacts made by police officers while conducting motor vehicle stops during 2010. Two different data sets have been employed to evaluate the agency's operations. First, the United States Census Bureau's 2009 estimate for Bell County is used to relate the Department's enforcement activities related to motor vehicle stops with racial and ethnic distributions in the county. The other data set is the also from the Census Bureau, the 2005-2009 demographic estimates related to the City of Temple. This information is also used to compare enforcement activity with racial and ethnic breakdowns as estimated by the Census Bureau.

The reasons for using Bell County data are rather straight forward. Bell County census data is appropriate because just over half of the citations written in 2010 were issued to persons that do not reside in the City of Temple. Temple has long been recognized as a hub of activity in Bell County that draws many people for employment, shopping, and entertainment. Further, a significant number of people travel to Temple to utilize the superior medical facilities that are located here. Finally, Temple has several major highways which run through and around the city. These factors show the traffic situation confronting the Temple Police Department is influenced by regional as well as local factors.

Temple census data is included in the report for the similar reasons. About half of the citations issued were given to residents of Temple. Further, at one time, the department did not include Temple data. At the request of various citizen groups, the decision was made to include this data in the spirit of cooperation and openness.

Overall, this document provides a certain degree of analysis, identifies recommendations for continuing the department's operations not only within the law, but to a level of excellence, and offers my conclusions as to the state of operations by police personnel in Temple. In the final

portions of this report, the reader will encounter sections designed to provide information relevant to the institutional policies adopted by the Temple Police Department that prohibit the use of bias by officers, and other supporting information. See appendix A - C for more details.

Distribution of Race:

The law requires the Department to report racial and ethnic data for arrests and citations from motor vehicle stops. The six races listed in the law are Hispanic, Caucasian, African, Asian, Native American, and Middle Eastern. As you read this report, you will notice comparisons between motor vehicle stop data and these six races.

Census data, though arguably the best measure available, is not without some areas of confusion. The 2009 U.S. Census estimates provide information for five of the six required races of descent. There is one racial category the department is required to track that is not directly identified in the census data. This category is Middle Eastern descent. The Temple Police Department uses the census category "Other Asian" to estimate this population. Additionally, there are other categories in the census data, such as "Other" and "two or more races", that are included in the estimates. The Department uses this information to greatest degree possible when completing this report. Because Police Officers are required to identify an individual within a single racial category, individuals that can be identified in more than one racial group present obstacles for precise data tracking. Please keep this in mind as you view this report.

The greatest concern about using the census data is that the information is an estimation based on perceived changes in the demographics of Temple and Bell County since 2000. However, this data is what is available to work with, regardless of the concerns that may exist.

Motor Vehicle Stops Resulting in a Citation:

Calendar 2010 Traffic Stops: 26,048 Citations resulting from Motor Vehicle Stops: 14,766 Average number of citations written per day: 40 **Non-Residents: 7,478 citations Temple Residents: 7,288 citations** NOTE: Over half (50.6%) of the citations were issued to NON-Temple Residents.

RACE/ETHNICITY	# of Citations	% OF Total	2005-2009 CITY OF TEMPLE CENSUS	Comparison
HISPANIC**	2,719	18.4%	19.6%	- 1.2%
CAUCASIAN (Non-Hispanic)	9,188	62.2%	62.5%	- 0.3%
AFRICAN	2,632	17.8%	15.1%	+ 2.7%
ASIAN	187	1.3%	2.3%	- 1.0%
NATIVE AMERICAN	25	0.2%	0.5%	- 0.3%
MIDDLE EASTERN	15	0.1%	0.1%	
TOTAL	14,766		*Source: 2009 U.S. Census Bureau Census does NOT equal 100%	

(Chart 1)

(Chart 2)

RACE/ETHNICITY	# of Citations	% OF Total	2009 BELL COUNTY CENSUS	Comparison
HISPANIC**	2,719	18.4%	20.2%	- 1.8%
CAUCASIAN (Non-Hispanic)	9,188	62.2%	52.6%	+ 9.6%
AFRICAN	2,632	17.8%	21.3%	- 3.5%
ASIAN	187	1.3%	4.3%	- 3.0%
NATIVE AMERICAN	25	0.2%	1.1%	- 0.9%
MIDDLE EASTERN	15	0.1%	0.5%	- 0.4%
TOTAL	14,766		*Source: 2009 U.S. Census Bureau Census does NOT equal 100%	

**Hispanic is considered a race according to the Texas Racial Profiling Act. However, the U.S. Census does not use this same distinction. The U.S. Census recognizes Hispanic as an ethnicity that can be related to any race.

The TPD Records Management System captures race and ethnicity. Race can be listed as white, black, Asian/Pacific Islander or Indian/Alaskan Native, and Middle Eastern. Also, the records management system captures ethnicity. Ethnicity can be (N) for Non-Hispanic or (H) for Hispanic. Thus, a white person can be listed as (W) in the race block and (H) in the ethnicity block. The total above for Hispanics can include white, black, Asian/Pacific Islander or Indian/Alaskan Native. Any person (regardless of race), listed as Hispanic, is automatically added to the Hispanic total.

As one might expect, there are slight deviations between the census population estimates and the citations issued for each race/ethnicity/descent. The column labeled Comparison in the charts above show the difference between police activity and population distribution.

Race Known Prior to Motor Vehicle Stop

New to the report this year is an account of whether an officer knew the race of an individual prior to conducting a stop. It would not be reasonable to assume that a police officer, especially in an urban setting, would never know the race of the person being stopped prior to making a decision to stop a vehicle. In fact, officers may even know the actual identity of a person being stopped prior to or simultaneous with a decision to make a motor vehicle stop.

	(Chart 3)			
Race Known Prior to Stop				
Action	Yes	No	Total	% Known
CITATION	621	14,125	14,746	4.2 %
ARREST	218	1055	1,273	17.1 %
CITATION & ARREST	4	16	20	20.0 %
TOTAL	843	15,196	16,039	5.3 %

Motor vehicle Stop with Citation Leading To a Search

The chart below represents searches conducted during motor vehicle stops when a citation was issued. From a total of 14,766 citations issued, only 111 (0.8%) of these stops resulted in a search. In 77% of these situations, a motorist agreed to the search. (Chart 4)

Citation with search		
DESCENT	# of searches	% of Total
HISPANIC	22	19.8%
CAUCASIAN (Non-Hispanic)	35	31.5%
AFRICAN	54	48.6%
ASIAN	0	0.0%
NATIVE AMERICAN	0	0.0%
MIDDLE EASTERN	0	0.0%
TOTAL	111	

Of the 111 searches, 85 individuals gave consent to the searches.

Citation with a search by consent		
DESCENT	# by consent	% of Total
HISPANIC	17	20.0%
CAUCASIAN (Non-Hispanic)	29	34.1%
AFRICAN	39	45.9%
ASIAN	0	0.0%
NATIVE AMERICAN	0	0.0%
MIDDLE EASTERN	0	0.0%
TOTAL	85	

(Chart 5)

The percentages in charts four and five do not directly follow the census data. This may be due to the small number of searches and consents. Further, searches resulting from motor vehicle stops are strongly influenced by citizen complaints of illegal activities and police operations in areas that have higher incidences of crime and disorder. Finally, officers do not determine the socio-economics of crime or other urban issues. They merely respond to situations using the best practices available.

Motor vehicle Stop Leading to an Arrest

In 2010, Temple police officers made 4,813 arrests, of which 1,293 were the result of a motor vehicle stop. Charts six, seven, and eight reflect the number of arrests resulting from motor vehicle stops, the number of searches conducted during stops that led to an arrest, and the number of persons that consented to being searched during a stop.

	(Chart 6)			
Traffic stop leading to arrest				
DESCENT	# of arrests	% of Total		
HISPANIC	364	28.2%		
CAUCASIAN (Non-Hispanic)	480	37.1%		
AFRICAN	447	34.6%		
ASIAN	2	0.2%		
NATIVE AMERICAN	0	0.0%		
MIDDLE EASTERN	0	0.0%		
TOTAL	1,293			

(Chart 6)

(Chart 7)

Traffic stop leading to arrest – w/ search			
DESCENT	# of searches	% of Total	
HISPANIC	81	24.5%	
CAUCASIAN (Non-Hispanic)	117	35.5%	
AFRICAN	131	39.7%	
ASIAN	1	0.3%	
NATIVE AMERICAN	0	0.0%	
MIDDLE EASTERN	0	0.0%	
TOTAL	330		

Of the 330 searches, 152 individuals gave consent to the searches.

(Chart 8)

Traffic stop leading to arrest $- w/$ consent to search			
DESCENT	# by consents	% of Total	
HISPANIC	37	24.3%	
CAUCASIAN (Non-Hispanic)	58	38.2%	
AFRICAN	57	37.5%	
ASIAN	0	0.0%	
NATIVE AMERICAN	0	0.0%	
MIDDLE EASTERN	0	0.0%	
TOTAL	152		

If you compare the percentages in charts six through eight with the census information, you will notice they do not follow the census distributions. The reasons for this are the same as those identified in the section concerning searches of individuals that received a citation, such as the small number of searches, using appropriate methods of investigation, and responding to citizen complaints of crime and disorder. When concentrating on identified problems, like high levels of drug activity, individuals may be searched and arrested in numbers that are not representative of the census data.

Employee Training and Public Education

Police officers receive extensive training about racial profiling, cultural diversity, and other social issues of concern. Officers are initially trained in these topics during the basic police academy. Following that training, every police officer must receive continuing education on these topics during regularly scheduled intervals established by the Texas Commission on Law Enforcement Officer Standards and Education.

State law also requires the department to establish a method for citizens to file complaints against police officers that a citizen believes is engaging in racial profiling. Additionally, the department must educate the public on this process. The department has developed a form for citizens to make complaints or commendations regarding police conduct. The department also accepts any written complaint if a citizen prefers to send a letter in lieu of using the form.

The public is educated about the complaint process in two ways. First, the city's public television channel displays a continuous slide show. The department has developed an educational slide that is presented on this public access channel. The department also addresses this issue in various press releases and community events. A form is available for citizens to file complaints with the department (see Appendix A).

Addressing Biased-Based Policing:

The Temple Police Department remains committed to providing fair and unbiased policing services to the community. To ensure this we will continue to do the following:

- Provide sensitivity training to police personnel and comply with regulations established by the Texas Commission on Law Enforcement Officer Standards and Education.
- Disseminate information to all officers regarding the guidelines of behavior acceptable under the Texas Racial Profiling Law.
- Keep the City Council, City Manager, and other appropriate officials posted on measures being implemented by the Department.
- Provide an atmosphere in which officers are constantly aware of the inappropriateness of using bias in policing, and that the Department prohibits any practice that is based on improper or illegal foundations.
- Monitor data entry to ensure the accuracy of information in police records.

Conclusion:

The information drawn from the motor vehicle stop data shows the Department operates in a fair and consistent manner with the diversity within the population. There is no evidence that racial profiling is used by officers to make enforcement decisions. This is further supported by the fact that during 2010 there were no citizen complaints of racial profiling by officers.

Though the department experienced arrests and searches that were not in direct correlation to the census data, we feel there are many factors that are out of the Department's control that contributed to this outcome.

The Department will continue to collect police contact data in its on-going evaluation of the practices of our officers. The intent of this continued vigilance is not only to work within the law, but to provide the citizens of Temple, and others, with highly professional and courteous service while the department strives to operate using the best practices and ethical behaviors that are expected of American law enforcement.

APPENDIX A – Temple Police Department Commendation/Complaint Form

(Citizen Commendation / C	Complaint Form
I,		, wish to make a
commendation / complain strike one	t on (employee)	Employee's Name
My commendation / comp	laint is based on the follow	ving facts:
Date Occurred:	Day of Week:	Time Occurred: AM / PM
(Please print the following information)		
Date of Birth: Address:		
	ns to be false, I may be liable to b	ed diligently. I further understand that if the oth criminal and civil prosecution. I also understand ation as part of the investigation.
(If this form is used for a commendation	the form does not require a Notary's si	gnature.)
Signature		Date
Subscribed and sworn to me on this the _	Day of	
		Notary's Signature

My Notary Public Commission expires:

APPENDIX B – Temple Police Department Policy 538

538 VIDEO AND AUDIO RECORDING

The Temple Police Department has adopted the use of video and audio recording systems in order to accomplish several important objectives. These objectives include, but are not limited to:

- They are vital in defending officer against false accusations that include demeanor complaints, excessive force complaints, and criminal charges.
- They can be vital in the prosecution of certain cases.
- State law and our rules require them.
- They are considered to be a measure to safeguard the public from official misconduct.

It is the policy of this department to utilize video and audio recording equipment in such a manner as to enhance the effective and efficient delivery of police services.

.01 Terms and Definitions

- A. MVR In this Order, "MVR" shall mean all elements of the mobile video/audio recording equipment that is issued to an officer and mounted in a police vehicle. Wherever the operation of the MVR is referenced, such operation includes <u>both</u> the audio and video capabilities of this equipment (wireless body microphone and vehicular equipment).
- B. **DVR** Digital Voice Recorder. This is a small pocket sized device that records sound in a digital format. The digital files can then be down loaded to a computer where it is stored according to the requirements of this policy. Also referred to as a pocket recorder.
- C. **Other Recording Device** This refers to any other device used by employees to record events. After the MVR and pocket recorder, other recording devices could also include camcorders, digital cameras, and cellular telephones.

.02 Requirements

A. When is a recording required?

The primary method for recording shall be on the vehicle mounted MVR. The DVR or pocket recorder shall be the backup system to the MVR. Situations in which officers are required to make a recording are listed below.

- 1. Traffic stops;
- 2. Pedestrian stops;
- 3. Vehicular pursuits;
- 4. Emergency response driving;
- 5. Arrest transports;
- 6. Traffic crash investigations;
- 7. Anytime an officer has contact with the suspect of a crime during a field interview or an investigation. Be aware that this could happen inadvertently during the course of an investigation.

- 8. Any on-going serious incident such as burglaries in-progress, armed subjects, large fights, hostage situations, etc.
- B. All other recording activities are permissive. In other words, anytime the officer believes it would be wise to record a situation, he should do so but it is not required that he do so.
- C. All on-duty patrol officers at a scene shall record when required.
- D. Secondary responders to a scene are not required to record. Secondary responders include, but are not limited to Detectives, Narcotics Agents, SWAT Officers, Administrative Officers, etc.

E. Supervisor Recording Requirements

In addition to the requirements listed above, supervisors shall record all contacts with individuals who make a complaint against an employee of the Temple Police Department.

.03 Equipment

- A. The MVR has the primary function of recording traffic stops as per the requirements of state law and those events required by this general order. MVR equipment, including the wireless microphone, will be activated when required.
 - 1. MVR equipment will automatically activate when the vehicle's emergency lights are activated.
 - 2. MVR equipment may be manually activated at any time.
 - 3. If the vehicle driven by an officer has an MVR, that MVR is considered issued to that officer for however long he drives the vehicle.
 - 4. It is understood that the MVR system has range and obstacle limitations and may not record an entire stop if the system limits have been met.
- B. The DVR or pocket recorder is issued as a backup to the MVR system. Pocket recorders do not have the range and obstacle limitations of the MVR and can be used when outside of the system limitations of the MVR.
- C. Officers shall only use equipment, DVDs, and tapes issued or authorized by the department.
- D. DVR downloading and evidence procedures are located in the Patrol SOP.

.04 Video and Audio Recording Procedures

A. Every employee shall carry their pocket recorder on duty and have it available as a backup for the MVR.

- B. It is incumbent upon the officer to begin recording as soon as practical allowing for the safety of everyone involved. Generally, the recording should begin just prior to any contact with a citizen. It is, however, understood that on rare occasions a recording may not be started until after the officer has had to take an action. For example, if the officer arrives on a scene where the suspect is crouched over and assaulting the victim, the officer's primary responsibility is the safety of the victim. In this example, once the suspect has been subdued, the officer should then, as soon as possible, activate his recording equipment.
- C. The officer is responsible for insuring that his recording equipment is activated when required. Officers may deactivate their recording equipment during non-enforcement activity at a scene when recording is no longer required.
- D. Only a supervisor can require an employee to terminate a required recording. There must be a justifiable reason why the supervisor orders the termination of a required recording.

.05 Officer Responsibilities

- A. MVR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle and will be maintained according to manufacturer's recommendations. Officers are responsible for the key control and the proper installation and removal of videotapes or DVDs from their MVR units.
- B. Officers must inspect and functionally check MVR equipment in their assigned vehicles prior to the beginning of each shift to ensure that MVR equipment is operating properly.
 - 1. This functional check shall include audio and video testing and setting up the system for recording.
 - 2. The check shall also ensure the proper alignment, focusing, and positioning of MVR equipment to provide quality documentation.
 - 3. Officers will document any malfunction of their recording equipment in an email to their supervisor as soon as practical upon discovery of the malfunction.
 - 4. If an officer's MVR is not functioning and there is not an immediate replacement, the officer shall use his DVR to record required events until a vehicle with a functioning MVR is available.

C. Spare DVDs and VHS Tapes

1. Officers shall have a spare VHS tape or DVD in their vehicle for use when needed, however, due to damage caused by heat no more than two extra tapes or disks should be carried.

- 2. Officers should change tapes when the tape in the MVR reaches approximately 30 minutes or less remaining on the tape. Non-evidentiary tapes should be turned in to the immediate supervisor for storage in the designated area.
- 3. When the hard drive memory is full, officers shall burn their recordings to a DVD and turn the disk in as required by policy.
- D. Officers shall not erase, reuse, delete, or in any manner alter or destroy any video or audio recordings except as allowed by department policy; doing so shall result in disciplinary action.
- E. Officers will be responsible for the security of the recordings in their possession.

.06 Supervisor Responsibilities

- A. Supervisors shall ensure:
 - 1. The officers who are assigned MVR equipment will be trained in its proper use.
 - 2. All personnel who are required to record have been issued a pocket recorder as a backup to the MVR.
 - 3. That officers follow established procedures for the use and maintenance of recording equipment, digital files, and tapes.
 - 4. All repairs and replacements of damaged or nonfunctional recording equipment are completed.
 - 5. Their officers have a sufficient number of videotapes and DVDs at the beginning of each shift.
 - 6. Recording equipment is inspected in conjunction with the monthly vehicle inspections.
- B. If an officer's MVR is not functioning and there is not an immediate replacement, the supervisor shall insure the officer has a functioning DVR to record required events until a vehicle with a functioning MVR is available.
- C. At least once per calendar quarter, Supervisors shall be responsible for conducting a review of random samplings of the recordings turned in by one quarter of their subordinates. When determining the number of subordinates to be reviewed, fractions shall be rounded up to the next whole number. This review should encompass non-evidentiary recordings.
 - 1. At the end of the calendar year the Supervisor will have reviewed 100% of their subordinates, at least once, using either video or audio records.

2. The supervisor shall resolve any discrepancies that result from the periodic review process.

D. The Use of Recordings in Supervisory Investigations

Upon being informed of a complaint from a citizen or employee, the officer's supervisor will review any available recordings of the incident. This review is to determine if any violations of departmental policies or procedures have occurred.

- 1. If the complaint is a demeanor complaint, the supervisor shall complete the investigation.
- 2. If the violation discovered is serious as defined by General Order 401, the information shall be forwarded to the Chief through the appropriate Deputy Chief. Serious complaints shall be investigated by Internal Affairs.
- 3. Any recordings shall become part of the investigation file and will be retained as per the requirements of state law and department policy.

.07 Legal Considerations

State and Federal law is clear in the allowance of recording conversations as long one party (the law enforcement official) is aware that a recording is being made. In addition, there is no expectation of privacy inside of a police car. However, there are legal considerations when using recording devices beyond the scope of this general order. Recording equipment shall not be utilized as a "bug" or an illegal listening device. For example, an officer cannot place his MVR microphone on a window sill to covertly listen to a conversation inside a residence.

.08 Documentation

- A. When an officer makes a recording of an incident, he shall note this fact in any report he makes of the incident. The officer shall do this regardless of whether the recording was required. If a recording is made, the note in the report shall have a brief description of what the recording contains. For example, "Recording of conversation with the suspect John Smith submitted as evidence."
- B. Officers are advised to review video and audio recordings prior to entering them into evidence to insure that the event is adequately documented.

.09 Duplication of Recordings

A. Video and audio recordings are considered departmental documents intended only for law enforcement and management functions of the Department. The Records Supervisor is the Records Custodian for the Department and the specific designee to handle open records requests.

B. Internal Requests

All internal requests for either access to or copies of video and audio recordings that are not for specific law enforcement purposes, will be forwarded to the Deputy Chief of Operations as an open records request. After review, the request shall be sent to the Records Supervisor for response in accordance with Department policy and the rules set forth in the Public Information Act.

1. Video and audio recordings shall only be used for approved police business. Police personnel may not take recordings home to review, nor may they obtain copies of a recording except through formal channels as specified in the paragraph above.

C. External Requests

External requests from non-law enforcement entities or individuals shall normally be received by the Records Supervisor. The Records Supervisor shall begin the review and response process. Part of that process is to notify the Deputy Chief of Operations of all open records requests received.

- 1. Open records requests received from other law enforcement agencies and governmental entities, will be processed by the Records Supervisor.
- 2. No video or audio recording shall be copied or otherwise viewed, distributed, disseminated or released for use outside the Department, unless authorized by the Office of the Chief of Police.
- 3. The open records request procedures in this section may apply to copies made for training purposes if the class is taught to external entities or individuals.
- C. All video and audio recording duplicates shall be made by the Evidence Unit.
- D. The open records procedures specified in the above sections do not apply to video and audio recordings used for law enforcement purposes. Law enforcement purposes include but are not limited to the following.
 - 1. Case files sent to the Prosecuting Attorney's Office.
 - 2. Original recordings or copies taken to court as evidence by employees.
 - 3. Copies made for another law enforcement agency for a criminal investigation.
 - 4. Copies made for internal training purposes.
 - 5. Copies made for supervisor investigations.

.10 Video and Audio Evidence

- A. Video and audio recordings that are evidence in, or show probable cause for, Class B and above charges shall be entered into evidence in those cases.
 - 1. Generally, officers will not record more than one Class B or above charge on a single videotape or DVD.

- 2. Original evidentiary recordings will remain in evidence until the case is disposed.
- 3. Recordings of disposed cases will be erased and recycled, deleted, or destroyed as per Department policy.

.11 Retention of Recordings

- A. Non-evidentiary video and audio recordings shall be retained for a minimum of 120 days. Video and audio tapes shall be stored in a designated area inside of the police facility. Digital recordings shall be stored on the designated computer hard drive and shall be stored by date (see Patrol SOP).
 - 1. At the end of the 120 days, non-evidentiary recordings shall be either erased and recycled or deleted.
 - 2. If a complaint is filed against an officer, the recordings of the alleged incident shall be maintained until the final disposition of the complaint.

APPENDIX C – Temple Police Department Policy 519

519 BIAS-BASED POLICING

Good policing, of necessity, involves the lawful exercise of discretion. Law enforcement officers must make decisions that balance the need for public order and safety with the legal protection guaranteed to all citizens. Law enforcement officers' decisions and behavior must therefore be lawful and sensitive to individual rights and liberties. The Temple Police Department does not condone the use of any practices that diminish the constitutionality of law enforcement practices, and undermine community confidence in the police, including Biased-Based Policing.

This policy is intended to reaffirm the Temple Police Department's commitment to unbiased policing, to clarify the circumstances in which officers can consider race/ethnicity, gender, sexual orientation or religion when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

.01 Biased-Based Policing Defined

Biased-Based Policing is the selection of individuals for a law enforcement - initiated action based solely on **race**, ethnic background, gender, sexual orientation, and/or religion; rather than on the individual's behavior, or on information identifying the individual as having engaged in some form of criminal activity.

.02 Prohibition Against Biased-Based Policing

Members of the Temple Police Department shall not engage in any form of Biased-Based Policing with regard to citizen contacts of any type, or the seizure of assets or property.

- A. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.
- B. Except as provided in paragraph C below, officers shall not consider race/ethnicity, gender, sexual orientation or religion in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity, gender, sexual orientation or religion in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
- C. Officers may take into account the reported race/ethnicity, gender, sexual orientation or religion of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific

race/ethnicity, gender, sexual orientation or religion to a particular unlawful incident(s).

D. Race/ethnicity, gender, sexual orientation or religion can never be used as the sole basis for probable cause or reasonable suspicion.

.03 Complaint Process

Any person who believes that he has been stopped, arrested, searched or otherwise detained by an officer based solely on his race, ethnic background, gender, sexual orientation, or religion may file a complaint against that officer by:

- A. Making a complaint to the employees' supervisor or
- B. Filling out a complaint / commendation form which can be obtained in the front lobby of the Police Department.
- C. Complaints received by the Department shall be handled in accordance with General Order 401.

.04 Disciplinary Action to be Taken for Biased-Based Policing

Officers found to have engaged in Biased-Based Policing shall be subject to disciplinary action, up to and including termination.

.05 Training and Education

A. **Employee Training**

All members of the Temple Police Department shall receive training on this policy, and on the various types of Biased-Based Policing, as soon as possible after the effective date of this policy. Recruit officers hired after **December 1**, **2001** shall receive this training during their orientation period.

B. In-service Training

The Training Coordinator shall provide annual updates and refresher training on the topic of Biased-Based Policing during regularly scheduled in-service sessions.

C. **Public Education**

The Department PIO will periodically provide public education information relating to the Department's stance against Biased-Based Policing and the agency's complaint process.

.06 Data Collection Required

The Department will maintain a database of information relating to all traffic stops resulting in citations and/or arrests. This information will include:

- A. The ethnicity / race of the individual detained,
- B. Whether a search was conducted, and if so

C. Whether the person detained consented to the search

.07 Analysis and Reporting

A. Quarterly Evaluation

The Crime Analyst shall prepare a quarterly comparative analysis report based on the data collection above and shall submit it to the Chief of Police. The purpose of this analysis shall be:

- 1. To determine the existence of Biased-Based Policing by police officers in Temple; and
- 2. Examine the disposition of traffic stops identified in .06, above; and
- 3. To gather information relating to each complaint filed with the agency alleging that an officer has engaged in Biased-Based Policing

B. Annual Report

By March 1st of each calendar year, the Chief of Police will submit an annual report to the City Manager based upon the information gathered in the quarterly analyses. This report will not contain information specific to the officer involved or to the individual who was stopped

C. Copies of all administrative reports required under this General Order shall be forwarded to the Support Services Lieutenant.

.08 Review of Video and Audio Documentation

A. Video Tapes

Video tapes shall be reviewed by supervisory personnel as set out in General Order 538.04.C & D.

B. Audio Tapes

Audio tapes shall be reviewed by supervisory personnel as set out in General Order 515.04.

.09 Retention of Video and Audio material

A. Video Tapes

Video tapes shall be retained by the Department in compliance with General Order 538.09A10 and 538.09C3.

B. Audio Tapes

Audio tapes shall be retained by the Department in compliance with General Order 515.01.

C. Minimum Retention

In all cases, video and audio recordings will be maintained by the Department for a period not less than 90 days. If a complaint is filed alleging that an officer engaged in Biased-Based Policing as defined and prohibited by this General Order, the video and/or audio recording shall be maintained until the final disposition of the complaint.

.10 Supervisory Accountability

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it.



COUNCIL AGENDA ITEM MEMORANDUM

02/17/11 Item #5 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST & FINAL READING - PUBLIC HEARING- Consider adopting an ordinance authorizing the issuance of City of Temple, Texas Limited Tax Notes, Series 2011; authorizing the levy of an ad valorem tax in support of the notes; approving a paying agent/registrar agreement, an official statement and other agreements related to the sale and issuance of notes; establishing the procedures for selling and delivering the notes; authorizing the reimbursement of certain project costs prior to issuance of the notes and authorizing other matters related to the issuance of the notes, to be considered on an emergency basis.

<u>STAFF RECOMMENDATION</u>: Adopt ordinance as presented in item description, on first and final reading.

ITEM SUMMARY: This item is to delegate authority to the Director of Finance and City Manager to act on behalf of the City in selling and delivering the notes within the parameters defined in the attached ordinance.

Ratings for the bonds have been applied for with Standard & Poors. The ratings will be published prior to the issuance of the notes. The date and method by which the Notes will sold will be determined to obtain the most advantageous terms for the City.

The note must be priced on or before February 17, 2012, but may close after such date.

The City's Financial Advisor, Specialized Public Finance Inc., and bond counsel, McCall, Parkhurst & Horton, L.L.P, will be present at the meeting to review the parameters and details of the ordinance with Council.

Specialized Public Finance Inc, will return at a date to be determined to brief City Council on the sales results.

FISCAL IMPACT: The par amount of the notes will not exceed \$7,600,000. The use of the funds will be used to for cost associated with the construction and renovations of the Temple Police Headquarters to include relocation to and from the existing facility. The paramount also includes an amount to cover capitalized interest which is currently estimated at \$246,000. The notes will be structured to include a call feature that will allow for a payoff prior to maturity. The maximum maturity of the note will not exceed seven years. The estimated annual debt service payment for FY 2012 will be \$148,000, FY 2013 and FY 2014, \$296,000.

02/17/11 Item #5 Regular Agenda Page 2 of 2

ATTACHMENTS: Ordinance

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS LIMITED TAX NOTES, SERIES 2011; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE NOTES; APPROVING A PAYING AGENT/REGISTRAR AGREEMENT, AN OFFICIAL STATEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND ISSUANCE OF THE NOTES; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE NOTES; AUTHORIXING THE REIMBURSEMENT OF CERTAIN PROJECT COSTS PRIOR TO ISSUANC EOF THE NOTES AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE NOTES

Adopted February 17, 2011

TEMPLE\LTN\11: Ordinance

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS LIMITED TAX NOTES, SERIES 2011; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE NOTES; APPROVING A PAYING AGENT/REGISTRAR AGREEMENT, AN OFFICIAL STATEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND ISSUANCE OF THE NOTES; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE NOTES; AUTHORIXING THE REIMBURSEMENT OF CERTAIN PROJECT COSTS PRIOR TO ISSUANC EOF THE NOTES AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE NOTES

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Ordinance No. 2011-____

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS LIMITED TAX NOTES, SERIES 2011; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE NOTES; APPROVING A PAYING AGENT/REGISTRAR AGREEMENT, AN OFFICIAL STATEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND ISSUANCE OF THE NOTES; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE NOTES; AUTHORIXING THE REIMBURSEMENT OF CERTAIN PROJECT COSTS PRIOR TO ISSUANCE OF THE NOTES AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE NOTES

THE STATE OF TEXAS	§
COUNTY OF BELL	§
CITY OF TEMPLE	§

WHEREAS, the City Council of the City of Temple, Texas (the "City") deems it advisable to issue limited tax notes (the "Notes") for the purpose of: (1) paying contractual obligations incurred or to be incurred for: (i) the construction, renovation, improvement and equipment of Temple Police Headquarters building and (ii) the purchase of materials, supplies, equipment, machinery, buildings, lands, and rights-of-way for the City's authorized needs and purposes and (2) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes; and

WHEREAS, the Notes hereinafter authorized and designated are to be issued and delivered pursuant Chapters 1371 and 1431, Texas Government Code, as amended; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; and

WHEREAS, it is considered to be in the best interest of the City that the interest bearing Notes be issued.

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

Section 1. RECITALS, AMOUNT, PURPOSE OF THE NOTES AND DEFINITIONS.

(a) <u>Recitals and Purpose</u>. The recitals set forth in the preamble hereof are incorporated by reference herein and shall have the same force and effect as if set forth in this Section. The Notes of the City of Temple, Texas (the "City") are hereby authorized to be issued and delivered in the aggregate principal amount not to exceed \$7,600,000 (the "Notes") for the purpose of: (1) paying contractual obligations incurred or to be incurred for: (i) the construction, renovation, improvement and

equipment of Temple Police Headquarters building and (ii) the purchase of materials, supplies, equipment, machinery, buildings, lands, and rights-of-way for the City's authorized needs and purposes and (2) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes.

(b) <u>Definitions</u>. For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the terms defined in <u>Exhibit "A"</u> to this Ordinance have the meanings assigned to them in <u>Exhibit "A"</u>.

DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND Section 2. MATURITY OF NOTES. (a) Each Note issued pursuant to this Ordinance shall be designated: "CITY OF TEMPLE, TEXAS LIMITED TAX NOTE, SERIES 2011", and initially there shall be issued, sold, and delivered hereunder a fully registered Note, without interest coupons, numbered R-1 upward with any Note issued in replacement thereof being in the denomination and principal amount hereafter stated (except the Initial Note delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the respective initial registered owners thereof (as designated in Section 12 hereof), or to the registered assignee or assignees of said Note or any portion or portions thereof (in each case, the "Registered Owner"), in authorized denominations of \$5,000 or increments thereof, maturing not later than seven years from the date of Attorney General approval, serially or otherwise on the dates, in the years and in the principal amounts, respectively, and dated, as all set forth in the Pricing Certificate to be executed and delivered by the Pricing Officer pursuant to subsection (b) of this section. The Pricing Certificate is hereby incorporated in and made a part of this Ordinance. The Notes shall be designated by the year in which they are awarded. The authority of the Pricing Officer to execute a Pricing Certificate shall expire at 5:00 p.m. on February 17, 2012. Notes priced on or before February 17, 2012 may close after such date.

As authorized by Chapter 1371, Texas Government Code, as amended, the Pricing (b) Officer is hereby authorized to act on behalf of the City in selling and delivering the Notes and carrying out the other procedures specified in this Ordinance, including determining the date of the Notes, any additional or different designation or title by which the Notes shall be known, the price at which the Notes will be sold, the years in which the Notes will mature, the principal amount to mature in each of such years, the aggregate principal amount of the Notes, the rate of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Notes shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Notes, all of which shall be specified in the Pricing Certificate; provided that (i) the price to be paid for the Notes shall not be less than 90% of the aggregate original principal amount thereof plus accrued interest thereon from its date to its delivery and (ii) none of the Notes shall bear interest at a rate greater than 5% per annum. In establishing the aggregate principal amount of the Notes, the Pricing Officer shall establish an amount not to exceed the amount authorized in Section 1, which shall be sufficient to provide for the purposes for which the Notes are authorized and to pay the costs of issuing the Notes.

(c) To achieve advantageous borrowing costs for the City, the Notes shall be sold on a negotiated, placement or competitive basis as determined by the Pricing Officer in the Pricing

Certificate. In determining whether to sell the Notes by negotiated, placement or competitive sale, the Pricing Officer shall take into account any material disclosure issues which might exist at the time, the market conditions expected at the time of the sale and any other matters which, in the judgment of the Pricing Officer, might affect the net borrowing costs on the Notes.

If the Pricing Officer determines that the Notes should be sold at a competitive sale, the Pricing Officer shall cause to be prepared a notice of sale and official statement in such manner as the Pricing Officer deems appropriate, to make the notice of sale and official statement available to those institutions and firms wishing to submit a bid for the Notes, to receive such bids, and to award the sale of the Notes to the bidder submitting the best bid in accordance with the provisions of the notice of sale.

If the Pricing Officer determines that the Notes should be sold by a negotiated sale or placement, the Pricing Officer shall designate the placement purchaser or the senior managing underwriter for the Notes and such additional investment banking firms as the Pricing Officer deems appropriate to assure that the Notes are sold on the most advantageous terms to the City. The Pricing Officer, acting for and on behalf of the City, is authorized to enter into and carry out a Note Purchase Contract or other agreement for the Notes to be sold by negotiated sale or placement, with the underwriters or placement purchasers at such price, with and subject to such terms as determined by the Pricing Officer pursuant to Section 2(b) above. Each Purchase Contract or other agreement shall be substantially in the form and substance previously approved by the City in connection with the authorization of ad valorem tax debt with such changes as are acceptable to the Pricing Officer.

The Notes shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF NOTE set forth in this Ordinance to their respective dates of maturity or redemption at the rates per annum set forth in the Pricing Certificate.

Section 3. CHARACTERISTICS OF THE NOTES. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at The Bank of New York Mellon Trust Company, N.A., (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Notes (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Note to which payments with respect to the Note shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Note or Notes. Registration of assignments, transfers, conversions and exchanges of Notes shall be made in the manner provided and with the effect stated in the FORM OF NOTE set forth in this Ordinance. Each substitute Note shall bear a letter and/or number to distinguish it from each other Note.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Note, date and manually sign said Note, and no such Note shall be deemed to be issued or outstanding unless such Note is so executed. The Paying Agent/Registrar promptly shall cancel all paid Notes and Notes surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Note or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Notes in the manner prescribed herein, and said Notes shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Notes as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Note, the converted and exchanged Note shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Note which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

(b) Payment of Notes and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Notes, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Note, and of all conversions and exchanges of the Note, and all replacements of the Note, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) <u>In General</u>. The Notes (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Notes to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Notes, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Note shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Note, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF NOTE

set forth in this Ordinance. The Notes initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Notes issued in conversion of and exchange for any Notes issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF NOTE.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Notes that at all times while the Notes are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Notes under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Notes, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Notes, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) <u>Book-Entry-Only System.</u> The Notes issued in exchange for the Notes initially issued as provided in Section 4(h) shall be issued in the form of a separate single fully registered Note for each of the maturities thereof registered in the name of Cede & Co. as nominee of DTC and except as provided in subsection (f) hereof, all of the Outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Notes registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Notes. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Notes, (ii) the delivery to any DTC participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Notes, including any notice of redemption, or (iii) the payment to any DTC Participant or any

person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Notes. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Note is registered in the Registration Books as the absolute owner of such Note for the purpose of payment of principal, premium, if any, and interest, with respect to such Note, for the purposes of registering transfers with respect to such Notes, and for all other purposes of registering transfers with respect to such Notes, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Notes only to or upon the orders of the respective Registered Owners, as shown in the Registration Books as provided in the Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Notes to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Note evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to the Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) <u>Successor Securities Depository; Transfer Outside Book-Entry-Only System</u>. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Notes, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Notes to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Notes and transfer one or more separate Notes to DTC Participants having Notes credited to their DTC accounts. In such event, the Notes shall no longer be restricted to being registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owner transferring or exchanging Notes shall designate, in accordance with the provisions of this Ordinance.

(g) <u>DTC Blanket Letter of Representations</u>. The City confirms execution of a Blanket Issuer Letter of Representations with DTC establishing the Book-Entry-Only System which will be utilized with respect to the Notes.

(h) <u>Initial Note</u>. The Notes herein authorized shall be initially issued as fully registered Notes, being one Note for each maturity in the denomination of the applicable principal amount and the initial Note shall be registered in the names of the Initial Purchaser or the designees thereof as set forth in Section 12 hereof. The initial Note shall be the Note submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller

of Public Accounts of the State of Texas and delivered to the Initial Purchaser. Immediately after the delivery of the initial Note, the Paying Agent/Registrar shall cancel the initial Note delivered hereunder and exchange therefor Notes in the form of a separate single fully registered Note for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and except as provided in Section 4(f), all of the outstanding Notes shall be registered in the name of Cede & Co., as nominee of DTC.

(i) <u>Payments to Cede & Co</u>. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, and interest on such Note and all notices with respect to such Note shall be made and given, respectively, in the manner provided in the Letter of Representations of the District to DTC.

Section 4. FORM OF NOTE. The form of the Note, including the form of Paying Agent/Registrar's Authentication Note, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Notes issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

FORM OF NOTE

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS		PRINCIPAL AMOUNT \$
	CITY OF TEM LIMITED T SERIES	AX NOTE	*
INTEREST <u>RATE</u>	DATE OF <u>NOTES</u> , 2011 [*]	MATURITY <u>DATE</u>	<u>CUSIP NO.</u>
REGISTERED OWNER: PRINCIPAL AMOUNT:		DOL	LARS

As provided in the Pricing Certificate. To the extent that the Pricing Certificate relating to eh notes is inconsistent with any provisions in this Form of Note or contains information to complete missing information in this Form of Note, the language in the Pricing Certificate shall be used in the executed Notes.

ON THE MATURITY DATE specified above, the City of Temple, in Bell County, Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from the Date of Notes set forth above, on ________* and semiannually on each August 1 and February 1 thereafter to the maturity date specified above, at the interest rate per annum specified above; except that if this Note is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Note or Notes, if any, for which this Note is being exchanged or converted from is due but has not been paid, then this Note shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON the Notes are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Note shall be paid to the Registered Owner hereof upon presentation and surrender of this Note at maturity, at The Bank of New York Trust Company, N.A., which is the "Paying Agent/Registrar" for this Note at its designated office in Dallas, Texas (the "Designated Payment/Transfer Office). The payment of interest on this Note shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the Ordinance authorizing the issuance of this Note (the "Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared at the close of business on the last business day of the preceding month each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Note appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Notes is determined only by a book entry at a securities depository for the Notes, any payment to the

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securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

ANY ACCRUED INTEREST due at maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Note for redemption and payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Note that on or before each principal payment date, interest payment date, and accrued interest payment date for this Note it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Notes, when due.

IF THE DATE for the payment of the principal of or interest on this Note shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the City where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS NOTE is one of a Series of Notes dated ______, 2011^{*}, authorized in accordance with the Constitution and laws of the State of Texas in the aggregate principal amount not to exceed \$7,600,000, for the purpose of: (1) paying a contractual obligation incurred or to be incurred for: (1) paying contractual obligations incurred or to be incurred for: (i) the construction, renovation, improvement and equipment of Temple Police Headquarters building and (ii) the purchase of materials, supplies, equipment, machinery, buildings, lands, and rights-of-way for the City's authorized needs and purposes and (2) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes.

ON_____, **20**__*, or on any date thereafter, the Notes may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at par plus accrued interest to the date fixed for redemption as a whole, or in part, and, if in part, the particular maturities to be redeemed shall be selected and designated by the City and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Notes, or a portion thereof, within such maturity to be redeemed (provided that a portion of a Note may be redeemed only in an integral multiple of \$5,000).

WITH RESPECT TO any optional redemption of the Notes, unless certain prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Notes to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that

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said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Notes and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Notes have not been redeemed.

AT LEAST 30 calendar days prior to the date fixed for any redemption of Notes or portions thereof prior to maturity a written notice of such redemption shall be sent by the Registrar by United States mail, first-class postage prepaid, to the Registered Owner of each Note to be redeemed at its address as it appeared on the Register on the 45th calendar day prior to such redemption date at least 30 days prior to the date fixed for redemption and to major securities depositories and bond information services. By the date fixed for any such redemption due provision shall be made with the Registrar for the payment of the required redemption price for the Notes or portions for which such payment is made, all as provided above. The Notes or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Registrar out of the funds provided for such payment. If a portion of any Note shall be redeemed, a substitute Note or Notes having the same maturity date, bearing interest at the same rate, in any authorized denomination or denominations, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Ordinance.

ALL NOTES OF THIS SERIES are issuable solely as fully registered notes, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Ordinance, this Note may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Notes, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Note to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Note must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Note or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Note or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Note may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Note or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring,

converting and exchanging any Note or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege.

WHENEVER the beneficial ownership of this Note is determined by a book entry at a securities depository for the Notes, the foregoing requirements of holding, delivering or transferring this Note shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Notes is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Notes.

IT IS HEREBY certified, recited and covenanted that this Note has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Note have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied against all taxable property in said City, and have been principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been principal matures, have been pledged for such payment, within the limit prescribed by law.

BY BECOMING the Registered Owner of this Note, the Registered Owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and agrees that the terms and provisions of this Note and the Ordinance constitute a contract between each Registered Owner hereof and the City.

IN WITNESS WHEREOF, the City has caused this Note to be signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary of said City, and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Note.

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Note is not accompanied by an executed Registration Certificate of the Comptroller

of Public Accounts of the State of Texas)

It is hereby certified that this Note has been issued under the provisions of the Ordinance described in the text of this Note; and that this Note has been issued in conversion or replacement of, or in exchange for, a Note, Notes, or a portion of a Note or Notes of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. Paying Agent/Registrar

By_____Authorized Representative

FORM OF ASSIGNMENT

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer Identification Number of Transferee

> (Please print or typewrite name and address, including zip code, of Transferee)

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company. NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Note in every particular, without alteration or enlargement or any change whatsoever.

FORM OF REGISTRATION CERTIFICATE OF THE COMPTROLLER OF PUBLIC ACCOUNTS

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this Certificate has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Certificate has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

INSERTIONS FOR THE INITIAL NOTE

The Initial Note shall be in the form set forth in this Section, except that:

A. immediately under the name of the Note, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"ON THE MATURITY DATE SPECIFIED BELOW, the City of Temple, in Bell County, Texas (the "City"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on _____* in each of the years, in the principal amounts and bearing interest at the per annum rates set forth in the following schedule:

As provided in the Pricing Certificate. To the extent that the Pricing Certificate relating to eh notes is inconsistent with any provisions in this Form of Note or contains information to complete missing information in this Form of Note, the language in the Pricing Certificate shall be used in the executed Notes.

Year Principal Amount	Interest Rate
-----------------------	---------------

(Information from Sections 2 and 3 to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from ______, 20___** at the respective Interest Rate per annum specified above. Interest is payable on ______, 20___* and semiannually on each August 1 and February 1 thereafter to the date of payment of the principal amount specified above; except, that if this Note is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Note or Notes, if any, for which this Note is being exchanged is due but has not been paid, then this Note shall bear interest from the date to which such interest has been paid in full."

C. The Initial Note shall be numbered "T-1."

Section 5. INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Note. All ad valorem taxes levied and collected for and on account of said Notes shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Notes are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Notes as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Notes as such principal matures (but never less than 2% of the original principal amount of said Notes as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Notes are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Notes, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Notes shall be deposited in the Interest and Sinking Fund and used to pay

interest on the Notes.

As provided in the Pricing Certificate. To the extent that the Pricing Certificate relating to eh notes is inconsistent with any provisions in this Form of Note or contains information to complete missing information in this Form of Note, the language in the Pricing Certificate shall be used in the executed Notes.

Section 6. ESTABLISHMENT OF PROJECT FUND. (a) <u>Project Fund</u>. The City's Limited Tax Notes Series 2011 Project Fund is hereby created and shall be established and maintained by the City at an official depository bank of the City. Proceeds from the sale of the Notes, including any premium but, excluding accrued interest, shall be deposited into the Project Fund.

(b) <u>Investment of Funds</u>. The City hereby covenants that the proceeds of the sale of the Notes will be used as soon as practicable for the purposes for which the Notes are issued. Obligations purchased as an investment of money in any fund shall be deemed to be a part of such fund. Any money in any fund created by this Ordinance may be invested as permitted by the Public Funds Investment Act, as amended.

(c) <u>Security for Funds</u>. All funds created by this Ordinance shall be secured in the manner and to the fullest extent required by law for the security of funds of the City.

(d) <u>Maintenance of Funds.</u> Any funds created pursuant to this Ordinance may be created as separate funds or accounts or as subaccounts of the City's General Fund held by the City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute a commingling of the monies in such funds or of such funds and the City shall keep full and complete records indicating the monies and investments credited to each such fund.

(e) <u>Interest Earnings</u>. Interest earnings derived from the investment of proceeds from the sale of the Notes shall be used along with the Note proceeds for the purpose for which the Notes are issued as set forth in Section 1 hereof or to pay principal or interest payments on the Notes; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on bond proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Notes from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

(f) <u>Perfection.</u> Chapter 1208, Texas Government Code, applies to the issuance of the Notes and the pledge of the ad valorem taxes granted by the City under this Section, and is therefore valid, effective, and perfected. If Texas law is amended at any time while the Notes are outstanding and unpaid such that the pledge of the ad valorem taxes granted by the City under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the Owners of the Notes the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 7. DEFEASANCE OF NOTES. (a) The Notes and the interest thereon shall be deemed to be paid, retired and no longer outstanding ("Defeased Notes") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Notes, plus interest thereon to the due date or dates (whether such due date or date or dates (whether such due date or date or date).

dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Notes shall have become due and payable or (3) any combination of (1) and (2). At such time as Notes shall be deemed to be a Defeased Notes hereunder, as aforesaid, such Notes and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of Notes as aforesaid when proper notice of redemption of such Notes shall have been given, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or a commercial bank or trust company as provided in this Section may at the discretion of the City Council also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section which is not required for the payment of such Notes and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Notes and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Notes and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Notes shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Notes the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section for the payment of the Notes and the Notes shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of the Notes affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Notes to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Notes for redemption in accordance with the provisions of the

Ordinance authorizing its issuance, the City may call such Defeased Notes for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Notes as though it was being defeased at the time of the exercise of the option to redeem the Defeased Notes and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Notes.

Section 8. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED NOTES. (a) <u>Replacement Note</u>. In the event any outstanding Note is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Note of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Note, in replacement for such Note in the manner hereinafter provided.

(b) <u>Application for Replacement Note</u>. Application for replacement of a damaged, mutilated, lost, stolen or destroyed Note shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Note, the Registered Owner applying for a replacement Note shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Note, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Note, as the case may be. In every case of damage or mutilation of a Note, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Note so damaged or mutilated.

(c) <u>No Default Occurred</u>. Notwithstanding the foregoing provisions of this Section, in the event any such Note shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Note, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Note) instead of issuing a replacement Note, provided security or indemnity is furnished as above provided in this Section.

(d) <u>Charge for Issuing Replacement Note</u>. Prior to the issuance of any replacement Note, the Paying Agent/Registrar shall charge the Registered Owner of such Note with all legal, printing, and other expenses in connection therewith. Every replacement Note issued pursuant to the provisions of this Section by virtue of the fact that any Note is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Note shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Notes duly issued under this Ordinance.

(e) <u>Authority for Issuing Replacement Note</u>. In accordance with Subchapter B of Texas Government Code, Chapter 1206, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Note without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Note is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall

authenticate and deliver such Note in the form and manner and with the effect, as provided in Section 9(a) of this Ordinance for Note issued in conversion and exchange for other Note.

Section 9. CUSTODY, APPROVAL, AND REGISTRATION OF NOTE; BOND COUNSEL'S OPINION; AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Notes issued and delivered hereunder and all necessary records and proceedings pertaining to the Notes pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Notes said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Notes attached to the Note, and the seal of said Comptroller shall be impressed, or placed in facsimile, on the Note. The approving legal opinion of the City's Bond Counsel may, at the option of the City, be printed on the Note issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Note. In addition, if bond insurance is obtained, the Note may bear an appropriate legend as provided by the insurer.

Section 10. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE NOTES. (a) <u>Covenants</u>. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Notes as an obligation described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Notes or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Notes, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Notes or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Notes (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Notes being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Notes being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Notes, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Notes, other than investment property acquired with --

(A) proceeds of the Notes invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Notes is issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Notes;

(7) to otherwise restrict the use of the proceeds of the Notes or amounts treated as proceeds of the Notes, as may be necessary, so that the Notes does not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Note) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Note has been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) <u>Rebate Fund</u>. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the Noteholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) <u>Proceeds</u>. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Notes. It is the understanding of the City that the covenants contained herein are intended to assure compliance

with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Notes, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Notes, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, Notes or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Notes. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Notes, or (2) the date the Notes is retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Notes. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) <u>Disposition of Project</u>. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Notes. For purposes of this subsection, the portion of the property comprising personal property and disposed of in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 11. SALE OF NOTES The Notes shall be sold and initially registered as set forth in the Pricing Certificate.

Section 12. CONTINUING DISCLOSURE UNDERTAKING (a) <u>Annual Reports.</u> The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of any fiscal year, financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by this Ordinance, as designated by the Pricing Officer. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in <u>Exhibit "B"</u> hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet web site or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(b) <u>Material Event Notices</u>. The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Notes:

- A. Principal and interest payment delinquencies;
- B. Non-payment related defaults, if material within the meaning of the federal securities laws;
- C. Unscheduled draws on debt service reserves reflecting financial difficulties;
- D. Unscheduled draws on credit enhancements reflecting financial difficulties;
- E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701–TEB) or other material notices or determinations with

respect to the tax-exempt status of the Notes, or other events affecting the tax-exempt status of the Notes

- G. Modifications to rights of holders of the Notes, if material within the meaning of the federal securities laws;
- H. Note calls, if material within the meaning of the federal securities laws;
- I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Notes, if material within the meaning of the federal securities laws;
- K. Rating changes;
- L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and
- N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) <u>Limitations, Disclaimers, and Amendments</u>. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Notes within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 8 of this Ordinance that causes the Notes no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Notes, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial

results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Notes at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY NOTE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR *MANDAMUS* OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City hereby agrees to undertake such obligation with respect to the Notes in accordance with the Rule as amended.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Notes in the primary offering of the Notes in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Notes consents to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Notes. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with paragraph (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Notes in the primary offering of the Notes.

Section 13. DEFAULT AND REMEDIES. (a) <u>Events of Default</u>. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on the Note when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Note, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) <u>Remedies for Default</u>.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of the Note then outstanding.

(c) <u>Remedies Not Exclusive</u>.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Note or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Note shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of the Note authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 14. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT AND APPROVAL OF OFFICIAL STATEMENT. Attached hereto as <u>Exhibit "C"</u> is a substantially final form of Paying Agent/Registrar Agreement. Each the Mayor, the City Manager and the Director of Finance are hereby authorized to amend, complete or modify such agreement as necessary and are further authorized to execute such agreement.

The Pricing Officer is hereby authorized to approve the Preliminary Official Statement and the Official Statement relating to the Notes and any addenda, supplement or amendment thereto, and to deem such documents final in accordance with Rule 15c2-12. The City further approves the distribution of such Official Statement in the reoffering of the Notes with such changes therein or additions thereto as the Pricing Officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof.

Section 15. AMENDMENT OF ORDINANCE. The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit: (a) [CD, there are some sections that have lettered paragraphs with headings and some that do not] The City may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (v) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Notes aggregating in principal amount 51% of the aggregate principal amount of then outstanding Notes that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Notes, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Notes so as to:

- (1) Make any change in the maturity of any of the outstanding Notes;
- (2) Reduce the rate of interest borne by any of the outstanding Notes;

(3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Notes;

(4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Notes or any of them or impose any condition with respect to such payment; or

(5) Change the minimum percentage of the principal amount of any series of Notes necessary for consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to each registered owner of the affected Notes a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the City for inspection by all holders of such Notes.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Notes then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and all holders of such affected Notes shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Note pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Note during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the City, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Notes then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

Section 16. NO PERSONAL LIABILITY. No covenant or agreement contained in the Notes, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Notes shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any

constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Notes.

Section 17. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Note, the initial sale and delivery of the Note, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Note, the City Manager or Assistant City Manager are each hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement or (ii) obtain the approval of the Note by the Texas Attorney General's office.

In case any officer of the City whose signature shall appear on the Note shall cease to be such officer before the delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 18. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Note and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Note.

Section 19. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 20. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Note, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Note.

Section 21. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Section 22. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 23. REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 24. EFFECTIVE DATE. This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

Section 25. PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Note and the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Note is outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Note the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 26. REIMBURSEMENT. The City expects to pay expenditures in connection with the purposes set forth in the Section 1 of this Ordinance prior to the issuance of the Notes. The City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Notes to accomplish the purposes set forth in Section 1 of this Ordinance. All costs to be reimbursed pursuant hereto will be capital expenditures. No Notes will be issued by the City in furtherance of this Ordinance after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service. The foregoing notwithstanding, no Notes will be issued pursuant to this Ordinance more than three years after the date any expenditure which is to be reimbursed is paid.

Section 27. PAYMENT OF ATTORNEY GENERAL FEE. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Notes or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as

required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Notes.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, finally passed, approved and effective on this 17th day of February, 2011.

THE CITY OF TEMPLE, TEXAS

Mayor City of Temple, Texas

ATTEST:

City Secretary City of Temple, Texas

APPROVED AS TO FORM:

City Attorney City of Temple, Texas

EXHIBIT "A"

DEFINITIONS

As used in this Ordinance, the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

"*Authorized Denominations*" means the denomination of \$5,000 or any integral multiple thereof with respect to the Notes and in the denomination of \$5,000 in maturity amount or any integral multiple thereof with respect to the Notes.

"*Bond Insurer*" or "*Insurer*" means the provider of a municipal bond insurance policy for the Notes as determined by the Pricing Officer in the Pricing Certificate or any other entity that insures or guarantees the payment of principal and interest on any Notes.

"*Book-Entry-Only System*" means the book-entry system of note registration provided in Section 3, or any successor system of book-entry registration.

"*Business Day*" means any day which is not a Saturday, Sunday or a day on which the Paying Agent/Registrar is authorized by law or executive order to remain closed.

"*Cede & Co.*" means the designated nominee and its successors and assigns of The Depository Trust Company, New York.

"*City*" and "*Issuer*" mean the City of Temple, Texas, and where appropriate, the City Council.

"*City Council*" means the governing body of the City.

"Closing Date" means the date of initial delivery of and payment for the Notes.

"Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding notes or otherwise provide for the funding of an escrow to effect the defeasance of the Notes are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding notes or otherwise provide for the funding of an escrow to effect the defeasance of the Notes, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable State law that may be used to defease obligations such as the Notes.

"Depository" means one or more official depository banks of the City.

"DTC" means The Depository Trust Company, New York, New York and its successors and assigns.

"*DTC Participant*" means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"*Federal Securities*" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

"*Fiscal Year*" means the twelve-month accounting period used by the City in connection with the operation of the System, currently ending on September 30 of each year, which may be any twelve consecutive month period established by the City, but in no event may the Fiscal Year be changed more than one time in any three calendar year period.

"*Holder*," "*Holders*," "*Owners*" or "*Registered Owners*" means any person or entity in whose name a Note is registered in the Security Register.

"Initial Note" means the Note authorized, issued, and initially delivered as provided in Section 3 of this Ordinance.

"*Insurance Policy*" means an insurance policy issued by any Insurer guaranteeing the scheduled principal of and interest on the Notes when due.

"*Interest and Sinking Fund*" means the special fund maintained by the provisions of Section 5 of this Ordinance.

"Interest Payment Date" means a date on which interest on the Notes is due and payable.

"Issuance Date" means the date of delivery of the Notes.

"*MSRB*" means the Municipal Securities Rulemaking Board.

"Notes" means the "City of Temple, Texas Limited Tax Notes, Series 2011."

"Ordinance" means this ordinance finally adopted by the City Council on February 17, 2011.

"*Outstanding*", when used with respect to Notes, means, as of the date of determination, all Notes theretofore delivered under this Ordinance, except:

(1) Notes theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;

(2) Notes deemed paid pursuant to the provisions of Section 9 of this Ordinance;

(3) Notes upon transfer of or in exchange for and in lieu of which other Notes have been authenticated and delivered pursuant to this Ordinance

(4) Notes under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

"*Pricing Certificate*" means the Pricing Certificate of the City's Pricing Officer to be executed and delivered pursuant to Section 2 hereof in connection with the issuance of the Notes.

"*Pricing Officer*" means, collectively, the City Manager of the City and the Director of Finance of the City, acting as the designated pricing officers of the City to execute the Pricing Certificate. In their absence, the Mayor may act as the designated pricing officer of the City to execute the Pricing Certificate.

"*Rating Agency*" means any nationally recognized securities rating agency which has assigned, at the request of the City, a rating to the Notes.

"Record Date" means Record Date as defined in Section 4 the Form of Notes.

"*Redemption Date*" means a date fixed for redemption of any Note pursuant to the terms of this Ordinance.

"*Register*" or "*Registration Books*" means the registry system maintained on behalf of the City by the Registrar in which are listed the names and addresses of the Registered Owners and the principal amount of Notes registered in the name of each Registered Owner.

"*Rule*" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

EXHIBIT "B"

CONTINUING DISCLOSURE

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 17 of this Ordinance.

Accounting Principles

The accounting principles are the accounting principles described in the notes to the financial statements included in the Official Statement.

EXHIBIT C

PAYING AGENT\REGISTRAR AGREEMENT



COUNCIL AGENDA ITEM MEMORANDUM

02/17/11 Item #6(A-B) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) February 2, 2011 Special Called Meeting
- (B) February 3, 2011 Special Called and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

ITEM SUMMARY: Copies of minutes are enclosed for Council review.

FISCAL IMPACT: N/A

ATTACHMENTS:

February 2, 2011 Special Called Meeting February 3, 2011 Special Called and Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

FEBRUARY 2, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Wednesday, February 2, 2011, at 8:00 AM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Danny Dunn Councilmember Marty Janczak Mayor Pro Tem Patsy E. Luna Councilmember Russell Schneider Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Councilmember Russell Schneider voiced the Invocation.

2. Pledge of Allegiance

Councilmember Marty Janczak led the Pledge of Allegiance.

II. PUBLIC HEARINGS

3. 2011-4425: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance authorizing the annexation of approximately 3,230.43 acres located in the City's western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property.

Brian Mabry, Planning Director, presented this case to the City Council. He stated the Council directed the staff to prepare a Municipal Service Plan for this area on December 2, 2010. The two required public hearings on the Plan were conducted on January 6 and January 7, 2011. This is the next step in the process.

The property, just over 5 square miles in size, is located west of the existing city limits and has no residents. It includes a portion of Lake Belton and surrounding property owned by the U. S. Army Corps of Engineers, Mr. Mabry explained. If the annexation is approved there would be no impact on Corps of Engineer or Fort Hood property or operations but the City would gain platting review authority for non-Federal land in the new ETJ area. The property would come into the City zoned Agricultural. Mr. Mabry displayed a map of the area proposed for annexation, noting that the land area has been reduced slightly along the south shore to exclude property owned by Fort Hood.

Police and fire services in the proposed annexation area would be provided in accordance with existing service and interlocal agreements between the U.S. Army Corps of Engineers, Texas Parks and Wildlife, Fort Hood, Bell County and

the City of Temple. The Plan does not propose the extension or upgrade of any water or wastewater services or the construction of any new physical facilities to serve the property.

Mr. Mabry added that the final public hearing and consideration of the proposed ordinance is scheduled for the February 3rd regular City Council meeting.

Mayor Jones declared the public hearing open with regard to agenda item 3 and asked if anyone wished to address this item.

There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading and final adoption set for February 3, 2011, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger City Secretary

TEMPLE CITY COUNCIL

FEBRUARY 3, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, February 3, 2011, at 4:00 P.M., in the Conference Room, 3rd Floor, Municipal Building, 2 North Main Street.

Present:

Councilmember Danny Dunn Councilmember Marty Janczak Mayor Pro Tem Patsy E. Luna Councilmember Russell Schneider Mayor William A. Jones, III

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 3, 2011.

Consent Agenda Item 4(G) - TMED rezoning: Mayor Jones stated he would pull this item for presentation and possibly another public hearing.

Consent Agenda Item 4(J) - Amendments to Economic Development Policy: Jonathan Graham, City Attorney, stated a couple of changes have been made to this ordiannce since the first reading. A quarterly report of all agreements approved by the City Manager will be included with quarterly financial reports. A provision has also been included to allow the City Manager to waive building permit fees up to \$10,000.

Consent Agenda Item 4(K) - Oncor Rate Schedules: David Blackburn, City Manager, stated a representative from Oncor will be present at the meeting should Council have any questions.

Regular Agenda Item 8 - Planning & Zoning Commission Board Appointment: Councilmember Dunn recommended Greg Rhoads be appointed to fill this unexpired term.

2. Review and discuss options for a future text amendment to the TMED zoning districts concerning the applicability thresholds for existing residential uses.

Autumn Speer, Director of Community Services, presented this item to the City Council. She stated this item is being discussed in work session because of some concern expressed by Councilmember Schneider on the first reading of the TMED rezoning ordinance. Mrs. Speer showed the 168 residential locations in TMED, along Avenue M, South 3rd Street and South 5th Street. Next, Mrs. Speer reviewed the residential applicability standards in place and those being proposed for amendment to address Councilmember Schneider's concerns. The parking and loading standards are proposed to be removed from every category except new construction. Architectural standards would be limited to modifications resulting in an increase in floor area or cost of 50% or more and new construction. For public frontage standards, only the landscape requirements would apply. Mrs. Speer showed photos of a home and how each of the residential applicability standards would look on that

home.

Councilmember Schneider stated he felt none of the standards should apply to residential structures unless it is new construction or the use changes. He did not think there would be any changes if these standards were implemented.

Mr. Blackburn asked if the Council is satisfied with what is in place now. The direction that has been given for the TMED is for the City to help facilitate the future long-term redevelopment of this area and these standards are one of mechanisms to help this occur.

Councilmember Janczak stated he did not agree with the approach being recommended for the street trees. Avenue M is very narrow and over time these trees could create traffic problems. They can also cause the sidewalks to 'lift up' if they are not planted correctly.

Mrs. Speer stated special trees will be required for these small spaces to eliminate these problems.

Councilmember Dunn added that part of the success of TMED is built around having tree-lined streets and he likes that idea.

Mrs. Speer explained if the City has residential standards in place it can be used to entice people to invest in these areas.

Mr. Blackburn stated there are many components to TMED. The residential area is just as critical as others and these areas need to be addressed.

3. Discuss upcoming appointments to the following City boards and commissions:

(A) Building & Standards Commission - two regular members and three alternate members to fill expiring terms through March 1, 2013

(B) Development Standards Advisory Board - three members to fill expiring terms through March 1, 2014

(C) Electrical Board - three members to fill expiring terms through March 1, 2014

(D) Parks and Leisure Services Advisory Board - two members to fill expiring terms through March 1, 2014

(E) Tree Board - two members to fill expiring terms through March 1, 2014

(F) Zoning Board of Adjustment - two regular members and two alternate members to fill expiring terms through March 1, 2013

Mayor Jones reviewed each of the boards with terms expiring, noting those members that are eligible for reappointment. The Councilmember also discussed the board applications on file for each position.

Mayor Jones stated appointments are scheduled for the February 17th City Council meeting.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 3, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Danny Dunn Councilmember Marty Janczak Mayor Pro Tem Patsy E. Luna Councilmember Russell Schneider Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Councilmember Danny Dunn voiced the Invocation.

2. Pledge of Allegiance

Thomas Jones, Temple Independent School District, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

There were no public comments made at this meeting.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. National School Counseling Week January 31 -- February 6, 2011

Mayor Jones presented this proclamation to Thomas Jones and several other counselors with Temple Independent School District.

IV. REPORTS

4. Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2010.

Traci Barnard, Director of Finance, introduced Steve Niemeier, with Brockway, Gersbach, Franklin and Niemeier, who presented a summary review of the Comprehensive Annual Financial Report.

Mr. Niemeier began with a review of the City's financial highlights for the year relative to revenues, expenses and investment in capital assets. Revenues have exceeded expenses for each of the past six years resulting in a 32% increase in net assets. Of this \$37 million increase in net assets, \$30 million was invested in the City's capital assets to meet the growing needs of the City. Revenues are diversified, with over one-half generated from charges for services. 2010 revenues rose 2%, with an increase in grant revenues that more

than offset a decline in investment income and a \$1.5 million decline in water sales. Expenses increased by 1.6% as a result of a \$1.6 million increase in business-type expenses.

The City's investment in capital assets continue to increase, Mr. Niemeier explained, evident by \$41 million of unspent bond proceeds. Total net assets have increased to \$153.3 million, which includes \$6.2 million reserved for debt service and \$34.7 million in unrestricted net assets. The value of funded assets to meet the future retirement obligations increased 9.5% in 2010.

Mr. Niemeier concluded with a summary of the audit results. He noted the financial strength of the City and its management is evident in its Finance Department. The independent auditor's report was issued without qualification; no significant or material weaknesses in internal controls were identified; the City continues to be proactive in safeguarding resources within its control; and no questionable costs or findings were found in the single audit procedures. Mr. Niemeier commended the Finance Department for their efforts in producing the Comprehensive Annual Financial Report.

V. CONSENT AGENDA

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

(A) January 20, 2011 Special Called and Regular Meeting

(B) 2011-6228-R: Consider adopting a resolution authorizing a construction contract with K&S Backhoe Services of Gatesville for the emergency replacement of an 8" water line crossing of the railroad near Avenue D and South 14th Street, in the amount of \$38,032.41.

(C) 2011-6229-R: Consider adopting a resolution authorizing the purchase of Telecommunication/Data infrastructure Cabling for the new Temple Fire Station 8/EOC/Training Center with Titan Datacom of Austin in the amount of \$33,307.27.

(D) 2011-6230-R: Consider adopting a resolution authorizing the purchase of janitorial supplies from Gulf Coast Paper of Temple utilizing a BuyBoard contract in the estimated annual amount of \$85,000.

(E) 2011-6231-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for development of a master plan and concepts for monuments and gateways for the Temple Medical and Education District in an amount not to exceed \$28,600.

(F) 2011-6232-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for development of a conceptual design for a plaza in the downtown area in an amount not to exceed \$25,000.

(G) 2011-4420: SECOND READING - Z-FY-11-08: Consider adopting an

ordinance authorizing a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c on approximately 849+/-acres.

(H) 2011-4421: SECOND READING - Z-FY-11-09: Consider adopting an ordinance authorizing a Conditional Use Permit allowing minor vehicle servicing on Lot 5, Block 1, Bird Creek Crossing Subdivision, at 3450 South General Bruce Drive.

(I) 2011-4422: SECOND READING - Z-FY-11-10: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2006-4090 from Planned Development Single Family One District (PD-SF1) to Planned Development General Retail District (PD-GR) for a portion of Lot 8, Block 2, Stonegate III Addition.

(J) 2011-4423: SECOND READING - Consider adopting an ordinance amending the City's Economic Development Policy ordinance to authorize the City Manager to execute certain types of Chapter 380 agreements in any of the City's Strategic Investment Zones.

(K) 2011-6233-R: Consider adopting a resolution suspending the proposed effective date of the proposed rate schedules of the Oncor Electric Delivery Company.

(L) 2011-6234-R: Consider adopting a resolution in support of HJR 56 as filed by Representative Solomons to provide relief from unfunded mandates for local governments.

(M) 2011-6235-R: Consider adopting a resolution authorizing submission of an application for funding through the U.S. Department of the Interior, Bureau of Reclamation, WaterSMART, Water and Energy Efficiency Grant program in the amount of \$65,000, with \$32,500 cost-shared by the City, to install an electronic irrigation control system at Freedom Park, Miller Park, Wilson Park, and West Temple Park.

(N) Consider adopting resolutions:

- 1. 2011-6236-R: Changing the polling place in City Council District 4 from Vineyard Christian Fellowship Church, 7425 West Adams Avenue (FM 2305), to Holy Trinity Catholic High School, located at 6608 West Adams Avenue (FM 2305);
- 2. 2011-6237-R: Ordering an election for May 14, 2011, for the election of the District 2 Councilmember, the District 3 Councilmember and the Mayor at-large for three year terms; and
- 3. 2011-6238-R: Authorizing joint election agreements with the Temple Health & Bioscience Economic Development District and Temple Independent School District for the May 14, 2011 election.

(O) 2011-6239-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

Motion by Councilmember Danny Dunn to adopt resolution approving Consent Agenda, with the exception of item (G), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(G) 2011-4420: SECOND READING - Z-FY-11-08: Consider adopting an ordinance authorizing a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c on approximately 849+/- acres.

Autumn Speer, Director of Community Services, presented this item to the City Council. The issue discussed relates to the applicability of residential standards in the TMED. Mrs. Speer displayed a map of the TMED area, noting the location of the 168 residential homes. The current applicability thresholds were reviewed, with explanations of those that are being proposed for amendment. Mrs. Speer reviewed each of the standards and the events that would require each to be applicable. She also showed several slides of an existing home in the TMED and how the applicability standards would be applied to this particular structure under each level of expansion.

Councilmember Schneider stated a very minimal expansion would trigger meeting more requirements. Most of these houses are built on pier and beam and it would be costly to add brick or masonry. He explained he is 100% in favor of the TMED but would only like to have standards apply if the house is totally reconstructed or the use is changed. There have not been that many expansions in this neighborhood so this will not make much difference to the overall appearance, he added.

Mayor Jones noted the standard for dual materials seems to be the one that would be most required of those expanding over 50%.

Mrs. Speer agreed and noted that standard could be modified or removed if Council desired.

David Blackburn, City Manager, stated if the applicability standards are limited to new construction and land use, it will take more than one generation for changes to occur. The objective of TMED is to create something we do not have in this area, something that is substantial and significant. These triggers help to do this.

Mayor Jones stated at a minimum, landscaping is important even if the triggers are minimal.

Motion by Councilmember Danny Dunn to adopt ordinance on second and final reading. Motion failed due to lack of second.

Motion by Councilmember Russell Schneider to adopt ordinance on second and final reading, with standards applicable to only those residences that are reconstructed or when there is a change in use. Motion failed due to lack of second.

Mrs. Speer discussed with the Council the process for bringing any proposed amendments to the TMED residential applicability standards to the Planning & Zoning Commission and Council in the near future. The changes would amend the ordinance adopted by the Council in December 2010 establishing the TMED, not the rezoning of the properties on the agenda today.

After some discussion, the consensus was to remove 165 residential structures, as identified on the address listing provided by Mrs. Speer, from this rezoning, with the intent these properties be combined with the next phase of residential rezoning in TMED that is brought forward. This will provide an opportunity to amend the applicability standards as desired.

Motion by Councilmember Russell Schneider to adopt ordinance on second and final reading, tabling the rezoning of the 165 residences (identified by address) in T4 and T5 and approving the rezoning of the other properties, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

6. 2011-4425: SECOND READING - PUBLIC HEARING - Consider adopting an ordinance authorizing the annexation of approximately 3,230.43 acres located in the City's western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property.

Brian Mabry, Planning Director, presented this item to the City Council. The first reading and public hearing was conducted at a special meeting on February 2nd. The Municipal Service Plan was presented at the two required public hearings in December. This property is located west of the existing City limits, contains just under 5 square miles of land, and includes no residents. Mr. Mabry showed a map of the proposed annexation area. The Municipal Service Plan will have no effect on existing service and interlocal agreements. No water or wastewater extensions or capital facilities are proposed for this area.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item.

There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance on second and final reading, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

7. 2011-4426: FIRST READING - PUBLIC HEARING - Z-FY-11-14: Consider adopting an ordinance authorizing a zoning change from

Agricultural District (AG) to Single Family One District (SF1) on $47.36\pm$ acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point Road, south of Bonnie Lane.

Brian Mabry, Planning Director, presented this case to the City Council. The property is comprised of 47 acres with 77 lots. Rezoning is a condition of the prior preliminary plat approval. The final plat can be approved only after this rezoning is approved. Mr. Mabry displayed an aerial photo of the subject property, which fronts on Morgan's Point Drive. He also showed photos of the site, known as the Lago Terra Subdivision. The requested rezoning does not comply with the Future Land Use and Character map but the Planning and Zoning Commission and staff recommend approval. Several single family districts surround this subdivison and these properties had the same future land use designation as this tract. Water and sewer lines will be extended to serve the property. Thirty-one notices were mailed to surrounding property owners, with one being returned in agreement and one in disagreement. No responses were received from the notices sent to property owners in the City's extraterritorial jurisdiction as a courtesy. The Planning and Zoning Commission unanimously recommended approval of the rezoning as requested. The final plat will be presented to the Planning and Zoning Commission at its next meeting. The final plat does comply with the preliminary plat and this rezoning, Mr. Mabry stated.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item.

There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for February 17, 2011, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

BOARD APPOINTMENTS

8. 2011-6240-R: Consider adopting a resolution appointing one member to the Planning and Zoning Commission to fill an unexpired term through September 1, 2011.

Mayor Jones stated this unexpired term is the result of the recent resignation of Marvin Hurd from the Planning and Zoning Commission.

Motion by Councilmember Danny Dunn to adopt resolution appointing Greg Rhoads to the Planning and Zoning Commission to fill the unexpired term, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

City Council

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

02/17/11 Item #6(C) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the execution of an Interlocal Agreement between the County of Bell, the Bell County Sheriff's Office, and the cities of Temple, Belton, Harker Heights and Killeen, pursuant to the Interlocal Cooperation Act, Texas Government Code Chapter 791, in support of the Bell County Organized Crime Unit.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The intent of this agreement is to create a single county criminal investigation unit that will replace the multi-county Central Texas Narcotics Task Force. The Bell County Organized Crime Unit will investigate crimes involving gangs, violence, drug trafficking, theft and other forms of organized criminal behavior that may cross jurisdictional lines in Bell County.

The original Central Texas Narcotics Task Force was created by an Interlocal Agreement that was executed in September 1987 between the cities of Temple, Killeen and Lampasas, along with Bell and Lampasas Counties, and has operated continuously since that time.

The Board of Advisors of the Central Texas Narcotics Task Force, comprised of the Chiefs of Police and Sheriffs from participating agencies and the Bell County District Attorney, decided to discontinue the multi-county Task Force due to fiscal and operational concerns.

Each participating entity is required to support its own personnel with regard to compensation and basic equipment. Temple Police Officers that may be assigned to the Bell County Organized Crime Unit from time to time will continue to be supervised by Temple Police supervisory personnel and will abide by Temple Police Department and City of Temple Policies and Procedures.

FISCAL IMPACT: This agreement is neutral with regard to fiscal impact. No additional personnel, equipment, or funding is required for the item. The officer and equipment currently assigned to the Central Texas Narcotics Task Force will transfer to the new organization upon approval of the agreement.

ATTACHMENTS:

Interlocal Agreement Resolution

INTERLOCAL ASSISTANCE AGREEMENT FOR THE FORMATION AND MAINTENANCE OF THE BELL COUNTY ORGANIZED CRIME UNIT

STATE OF TEXAS

COUNTY OF BELL

This Agreement is made and entered into by and between, the County of Bell, the Bell County Sheriff's Office, and the cities of Belton, Harker Heights, Killeen, and Temple (hereinafter "Parties"), pursuant to the Interlocal Cooperation Act, Texas Government Code Chapter 791.

WHEREAS, organized crime involving gangs, violence, drug trafficking, theft and other forms of organized criminal behavior is a serious and widespread problem permeating every fabric of society on the national, state and local level; and,

WHEREAS, the investigation, detection, apprehension and prosecution of individuals involved in this type of illegality are priorities of police agencies on the national, state and local level; and,

WHEREAS, the range of operations of criminal offenders involved in the abovementioned types of illegality is greater than the jurisdiction of the peace officers called upon to investigate the crime, and,

WHEREAS, a single law enforcement agency located within a county where multiple political jurisdictions exist cannot detect, investigate, apprehend and prosecute these types of crimes with maximum effectiveness unless it closely cooperates with the other law enforcement agencies within the county; and,

WHEREAS, experience has indicated that a cooperative effort between law enforcement agencies within in a particular area has been effective in investigating, detecting, apprehending and prosecuting individuals involved in these types of criminal behaviors; and,

WHEREAS, pursuant to Texas Local Government Code, Sections 362.001 and 362.002, the State Legislature has authorized the formation of mutual aid law enforcement units to cooperate in the investigation of criminal activity and enforcement of the laws of the State of Texas; and,

WHEREAS, pursuant to Section 791.001 of the Texas Government Code, cities and counties are authorized to enter into Interlocal Cooperation Agreements for governmental purposes; and,

WHEREAS, the Parties to this Agreement desire to participate in the joint investigation and apprehension of criminal drug dealers and abusers, those engaged in

violent crime and gang related activity and other crimes related to, and associated with the manufacture, possession and distribution of controlled substances; theft, organized theft and other manner and means of criminal behavior; and,

WHEREAS, the Parties to this Agreement desire to participate in and enhance the regional effectiveness of the suppression of such illegal activities; and,

WHEREAS, the Parties agree that it is in their best interest to participate in a Bell County Organized Crime Unit (hereinafter "BCOCU").

NOW, THEREFORE, the Parties agree as follows:

ARTICLE I

<u>PURPOSE</u>

1.01 The purpose of this Agreement is to facilitate the Parties' participation in a BCOCU charged with the tasks of identifying and arresting offenders who engage in organized criminal behavior within Bell County, Texas.

ARTICLE II

<u>TERM</u>

2.01 The initial term of this Agreement shall commence upon the execution of this Agreement and shall continue through September 30, 2011.

2.02 Subject to continued funding, this Agreement shall automatically renew annually on October 1 of each successive year, for up to two (2) one-year renewal terms, unless terminated by the Parties as provided herein.

2.03 Any Party may, upon 30 days* written notice to all other parties, withdraw from this Agreement.

2.04 At any time during the existence of this Agreement, any political subdivision within the jurisdictional limits of Bell County may seek to join the BCOCU. Such requests made by said political subdivisions shall be considered by the BCOCU Board of Directors. If approved, said political subdivisions shall be parties to this Agreement once their respective duly authorized representatives have executed this Agreement.

ARTICLE III

CONSIDERATION

3.01 In consideration of this Agreement, the parties shall provide sufficient personnel, equipment, and resources to command, control, and administer the BCOCU.

ARTICLE IV

ORGANIZATION

4.01 The BCOCU shall have a Board of Directors comprised of the heads of the law enforcement agencies who are Parties to this Agreement or their designees, and the Bell County District Attorney or his designee. The Board of Directors shall elect a chairperson from its membership by a majority vote of said membership.

4.02 The Board of Directors shall set the policies for the BCOCU, and shall receive reports, as appropriate, from each Party to this Agreement and the BCOCU Commander, when such reports concern the activities of the BCOCU.

4.03 The Board of Directors shall meet at least quarterly on a day selected by its chairperson.

4.04 The commander shall be chosen by the Board and organize the BCOCU to most effectively utilize the assets and personnel provided under this Agreement.

4.05 The commander will develop Standard Operating Procedures for the BCOCU and submit them to the Board of Directors for approval.

ARTICLE V

JURISDICTION

5.01 Any law enforcement officer assigned to the BCOCU by a county or political subdivision that is a party to this Agreement shall be empowered to enforce all laws and ordinances applicable in the jurisdictions of the counties and political subdivisions joining in this Agreement, including the power to make arrests and execute search warrants outside of the county or political subdivision from which the officer is assigned, but within the area covered by the jurisdictions of the counties and political subdivisions that are parties to this Agreement.

5.02 If a law enforcement officer assigned to the BCOCU makes an arrest within the area covered by this Agreement, but outside the jurisdiction in which the officer is employed, the law enforcement agencies of the area where the arrest is made shall be notified of the arrest without unreasonable delay.

ARTICLE VI

PEACE OFFICER COMPENSATION

6.01 A peace officer assigned to the BCOCU shall receive from the assigning party the same wage, salary, pension and other benefits from the assigning party as though the service had been rendered directly for the party that assigned the officer to the BCOCU. The officer is

entitled to payment by the BCOCU, if on BCOCU duty, for any reasonable expenses incurred for travel, food, or lodging while on duty outside the limits of the territory/jurisdiction of the assigning party. Such reasonable expenses shall be considered by the BCOCU Commander or designee upon timely application.

ARTICLE VII

ALLOCATION OF FUNDS

7.01 In further recognition of the benefit to be gained by the Parties of this Agreement, it is agreed that no party to this Agreement shall request reimbursement from another party to this Agreement for any services performed pursuant to this Agreement.

7.02 All funds and/or other property forfeited under the provisions of law and as a result of the activities of the BCOCU shall be forfeited to the BCOCU. The BCOCU will provide custody and accounting of these assets and will utilize the assets in accordance with Federal and State law. Once it is up and running, it is the intent of the Parties to fully fund the BCOCU with forfeited funds/property.

7.03 Each Party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying Party.

7.04 All forfeited funds shall be kept in accounts maintained by the treasurer of Bell County.

7.05 A yearly audit of all funds gained and expended by the BCOCU shall be made and presented to the BCOCU Board of Directors at the quarterly meeting held immediately after the end of the fiscal year of Bell County, Texas.

7.06 The commander of the BCOCU shall be responsible for filing all required State and Federal forms regarding the use of all forfeited funds or property.

7.07 A forfeiture agreement shall be executed between the BCOCU and the Bell County District Attorney's Office per Chapter 59 of the Texas Code of Criminal Procedure. This agreement shall allow for 100% of forfeited funds to be retained by the BCOCU, except where any amount in a single forfeiture exceeds \$100,000. Any amount in a single forfeiture exceeding \$100,000 shall be shared with 20% of the amount over \$100,000 being retained by the Bell County District Attorney's Office and the remainder going to the BCOCU.

7.08 The Board of Directors shall vote, as necessary, to make an annual distribution to the Parties of proceeds from forfeitures that have been granted to the BCOCU. All distributions approved by the Board of Directors shall be made in equal amounts to each participating Party, except that the Bell County District Attorney's Office will not participate in any annual distribution pursuant to this section. Any change to the District Attorney's participation in this Agreement, or in the sharing of forfeited funds/property different from any section of this agreement, will only take place after 30 days notice of said change and a vote of the Board of Directors approving such change.

ARTICLE VIII

RESPONSIBILITY

8.01 It is further agreed that in the event that any law enforcement officer assigned to the BCOCU is named as a defendant party to any civil lawsuit, State or Federal, arising out of his official acts while functioning as a law enforcement officer assigned to the BCOCU, the officer shall be entitled to the same benefits <u>from the assigning agency</u> that such law enforcement officer would be entitled to receive, had such civil action arisen out of an official act within the scope of his duties as a member in the jurisdiction of the party from which he is assigned.

8.02 No party to this Agreement shall be liable for the judicially determined torts of a law enforcement officer of another county or political subdivision who is assigned to the BCOCU, except as may be decreed by a judgment from a court of competent jurisdiction.

8.03 It is expressly understood and agreed that, in the execution of this Agreement, no party waives, nor shall be deemed hereby to waive, any immunity defense that would otherwise be available to it against claims arising in the exercise of government powers and functions.

8.04 Each party to this Agreement expressly waives all claims against every other party to the Agreement for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement, except for acts in violation of law.

8.05 Each party agrees to acquire and keep in full force an effective liability insurance policy covering its law enforcement officers for minimums amounts of \$1,000,000 for each person, and \$1,000,000 for each occurrence, while acting pursuant to this Agreement.

ARTICLE IX

OWNERSHIP OF FORFEITED PROPERTY

9.01 Upon termination of this Agreement, all assets of the BCOCU, to include all real property and funds available due to forfeitures made in accordance with both State and Federal Law, will be distributed in accordance with a determination made by the Board of Directors.

ARTICLE X

AMENDMENTS

10.01 This Agreement may be amended by the mutual agreement of the Parties hereto, including parties which may join in the future, in a writing to be attached to and incorporated into this Agreement.

ARTICLE XI

LEGAL CONSTRUCTION

11.01 In case any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision, hereof and the Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

ARTICLE XII

ENTIRE AGREEMENT

12.01 This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject hereof, and no other agreement, statement or promise relating to the subject matter of this Agreement, which is not contained herein, shall be valid or binding.

ARTICLE XIII

<u>NOTICE</u>

13.01 Any notice to the BCOCU given hereunder by any Party shall be made in writing, and may be affected by personal delivery or by certified mail, return receipt requested, to all Parties listed in this paragraph:

Bell County Sheriff Bell County District Attorneys Office Police Chief of the Cities of: Belton, Harker Heights, Killeen, and Temple

EXECUTED in separate originals for Party, each of which shall have the full force and effect of any original, this Agreement is effective when the provisions of 2.01 are satisfied, and signatures attached represent agreement with this effective date or dates.

AGREED TO AND EXECUTED THIS _____ DAY OF _____, A.D., 2011.

DAVID BLACKBURN CITY MANAGER, CITY OF TEMPLE GARY O. SMITH CHIEF OF POLICE, CITY OF TEMPLE RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF BELL, THE BELL COUNTY SHERIFF'S OFFICE, AND THE CITIES OF TEMPLE, BELTON, HARKER HEIGHTS AND KILLEEN, PURSUANT TO THE INTERLOCAL COOPERATION ACT, TEXAS GOVERNMENT CODE CHAPTER 791, IN SUPPORT OF THE BELL COUNTY ORGANIZED CRIME UNIT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into an interlocal agreement between Bell County, the Bell County Sheriff's Office, and the cities of Temple, Belton, Harker Heights, and Killeen, in support of the Bell County Organized Crime Unit;

Whereas, the Bell County Organized Crime Unit will investigate crimes involving gangs, violence, drug trafficking, theft and other forms of organized criminal behavior that may cross jurisdictional lines in Bell County;

Whereas, no additional personnel, equipment, or funding is required for this item; and

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

Now, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

<u>**Part 1:**</u> The City Manager, or his designee, is authorized to execute an Interlocal Agreement, after approval as to form by the City Attorney, between Bell County, the Bell County's Sheriff's Office, and the cities of Temple, Belton, Harker Heights, and Killeen, in support of the Bell County Organized Crime Unit.

<u>**Part 2:**</u> It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **17th** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger City Secretary

APPROVED AS TO FORM:

Jonathan Graham City Attorney



02/17/11 Item #6(D) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works Michael Newman, P.E., CFM, City Engineer/Asst. Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with McCreary & Associates, Inc., for engineering services required to implement Phase 2 of the Water Treatment Plant Emergency Power Improvements in an amount not to exceed \$168,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Water Treatment Plant is occasionally subject to weather-related blackouts and electric service provider brownouts. It is prudent to provide for redundant power generating capacity to mitigate electric service interruptions and sustain water delivery to the city's water treatment and distribution system. Completion of this project will provide power redundancy for all components of the treatment plant. Phase 1, completed in October 2009, included installation of generators to power both the raw water pump station and the membrane treatment plant. Phase 2 of the project will provide power redundancy for remaining key components of the operation, including the conventional plant and high service pump station.

Design for Phase 2 improvements has identified the former sludge building (currently used as the maintenance shop facility) at the conventional treatment plant as a preferred location to fully enclose the Phase 2 generators, due to its proximity to the high service pump station and key conventional plant processes. The existing building must be upgraded to support the weight of the generators and to ensure minimal operating noise. In addition, a new maintenance facility will be needed to accommodate the relocation of activities currently performed in the sludge building. Construction phase services for Phase 2, not included in the original contract, will also be added.

The proposed timeline for design is 120 calendar days. In order that McCreary provide the engineering services required for completion of this project, the following is a list of costs associated with each task:

Sludge Building Upgrade Structural Design Civil Design Acoustical Analysis Electrical Design	\$ 20,000 \$ 10,000 \$ 8,500 \$ 10,000			
Phase 2 Services				
Bidding	\$ 6,000			
Construction Administration	\$ 52,000			
Maintenance Building				
Design	\$ 38,000			
Bidding	\$ 6,000			
Construction Administration	<u>\$ 18,000</u>			
TOTAL	\$ 168,500			

FISCAL IMPACT: Funding in the amount of \$168,500 is available in account 561-5100-535-6906, project #100679 to fund this professional services agreement.

ATTACHMENTS:

Engineer's Proposal Project Map Resolution

MCCREARY & ASSOCIATES. INC.

CONSULTING ENGINEERS 972/458-8745 6310 LBJ FREEWAY SUITE 217 DALLAS, TEXAS 75240

October 6, 2010

Mr. Don Bond, P.E. CIP Project Manager 3210 E. Avenue H Building A Temple, Texas 76501

Re: City of Temple Water Treatment Plant Emergency Power Improvements Phase II and Maintenance Building

Dear Don:

This letter outlines our proposal to the City of Temple for providing additional engineering services to our existing contract. Phase I is complete and consisted of generators and automatic switchgear at the Raw Water Pump Station and the Membrane Water Treatment Plant. Phase II design was 93% complete when it was decided to locate the Main WTP Generators (Phase II) in the old sludge building and construct a new maintenance building. This involved extra work which is detailed below:

- 1. Analyze sludge building structure and modify for the weight of the generators.
- 2. Modify building for louvers and acoustical treatment.
- 3. Perform acoustical analysis to ensure noise will comply with local codes.
- 4. Modify electrical design of generator and switchgear system and specifications to put generators and switchgear inside the sludge building.
- 5. Design a new maintenance building since the sludge building was the maintenance shop.
- 6. Drainage improvements at new maintenance building site.

We have sized the generators to provide emergency service for the main plant. The resulting generator sizes were two (2) 1250 kW units.

Our opinion of probable construction cost for the revised Generator Phase II project is \$2,108,000.00. Our original estimate for Phase II with the generators outside was \$1,870,000.00. The maintenance building construction cost is \$450,000.00. This is based on a 100'X100' building at \$45.00 per square foot.

In order for us to provide services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable. This figure would modify the existing lump sum amount by this amount. We have \$11,480.00 remaining in the existing contract. This was the fee left to complete the project under the previous scope.

Temple Water Treatment Plant Emergency Power Improvements

Basic Services

Generator Project Phase II completion Structural design sludge building

\$ 20,000.00

Civil design sludge building Acoustical analysis Electrical changes to exist design	\$ \$ \$	10,000.00 8,500.00 10,000.00		
Maintenance Building – design including civil, structural, and				
Architectural	\$	38,000.00		
Bidding services – Two Bid Packages		12,000.00		
Maintenance Building – Construction Administration		18,000.00		
Generator Project Phase II – Construction Administration		52,000.00		
Total Basic Services	\$	168,500.00		

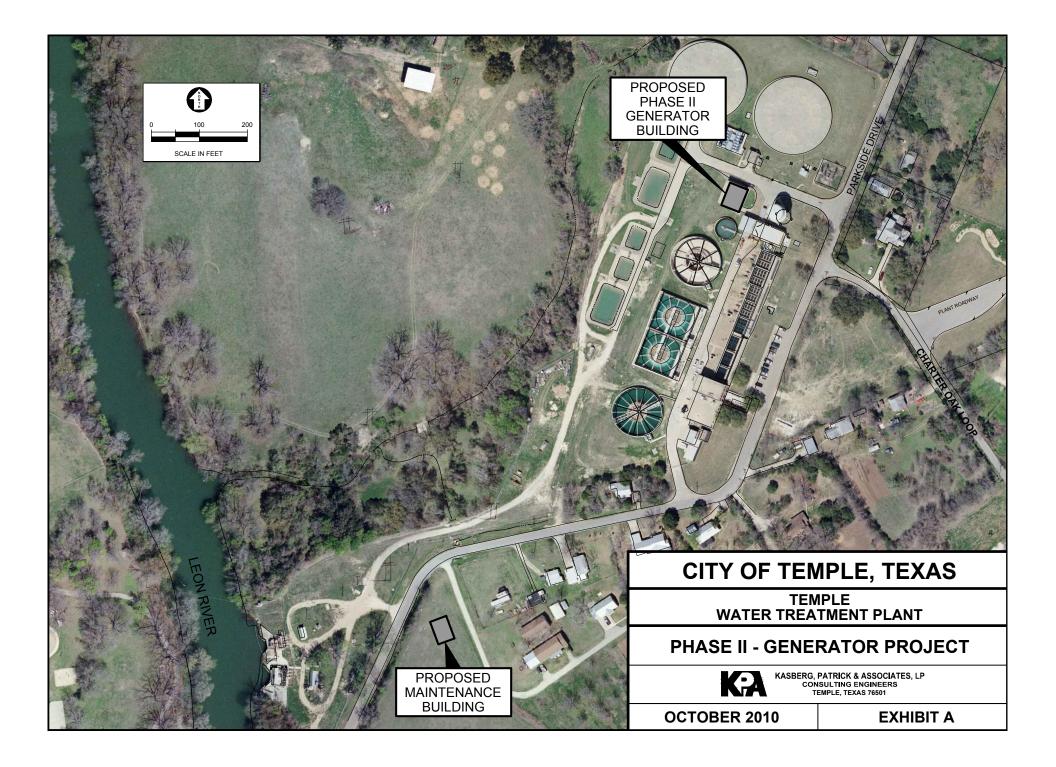
The design amounts for the Generator Phase II of would be added to our existing contract amount of \$164,000.00 of which we have been paid \$152,520.00. The maintenance building design, bidding services and construction administration would be added as additional line items.

The design can be completed within 120 calendar days from receipt of an authorization to proceed. It should be noted that the equipment lead times for the electrical generators and switchgear is approximately 30 weeks.

We are available to address any questions or comments that you may have about this proposal.

Sincerely,

Joseph Kotrla, P.E. President McCreary & Associates, Inc. Firm Registration No. F-338



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH MCCREARY & ASSOCIATES, INC., FOR ENGINEERING SERVICES REQUIRED TO IMPLEMENT PHASE 2 OF THE WATER TREATMENT PLANT EMERGENCY POWER IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED \$168,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City previously entered into a professional services agreement with McCreary & Associates, Inc., of Dallas, Texas, for engineering design services required to provide emergency backup electrical generators for three locations at the Temple Water Treatment Plant;

Whereas, the Phase 1 services were completed in October, 2009, and the Staff recommends an amendment to the agreement with McCreary & Associates, Inc., for Phase 2 services, in an amount not exceed \$168,500;

Whereas, funds are available for this service in Account No. 561-5100-535-6906; and

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

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

<u>**Part 1:**</u> The City Council authorizes an amendment to a professional services agreement between the City of Temple and McCreary & Associates, Inc., after approval as to form by the City Attorney, for engineering services required to implement Phase 2 of the Water Treatment Plant Emergency Power Improvements, in an amount not to exceed \$168,500.

<u>**Part 2:**</u> It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **17th** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

Clydette Entzminger City Secretary

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/17/11 Item #6(E) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a guaranteed maximum price construction contract with American Constructors, Inc. of Austin, for package #1 renovations to the Police Headquarters facility in an amount of \$2,693,778, and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 7, 2010, Council authorized a professional services agreement with Architectural Edge, Inc. to provide architectural and engineering services related to renovations needed to the Police Headquarters facility to remediate the mold from the facility and to make the necessary repairs to the facility that have allowed mold to develop.

On October 21, 2010, Council authorized the use of the Construction Manager-at-Risk (CMAR) delivery method for the construction services related to the renovations in the Police Headquarters facility. Then on December 2, 2010, Council authorized a CMAR contract with American Constructors, Inc. (ACI) which appropriated \$8,000 for pre-construction phase services.

It was determined in the planning phase of this project that it would be helpful to break the project down into several bid packages due to the time required to design the mechanical system, the nature of the work, and the desire to commence this project quickly. The anticipated GMP packages are as follows:

<u>GMP #1</u>

- Purchase HVAC Equipment (12-14 week lead time)
- Purchase brick and cast stone materials (10-12 week lead time)
- Demolition of masonry
- Installation of brick and cast stone
- Removal and storage of ceiling tiles
- Demolition and mold abatement of interior walls that are impacted by remediation
- Removal/cleaning/storing/re-installation of metal panels
- Remove, flash and reinstall windows
- Installation of air barrier and waterproofing
- Repair of exterior sheathing
- Application of exterior sealants
- Construction of temporary enclosures and equipment to support reconstruction

GMP #2, estimated GMP \$2.2-\$2.5 million, Council 4/7/11

- Install temporary HVAC units
- Install new HVAC equipment
- Demolition of ceiling to enable demolition of ductwork
- Demolition of HVAC ductwork that cannot be cleaned
- Remove/replace electric, plumbing, fire alarm as needed
- Clean all non-lined ductwork
- Install new ductwork
- Install new insulation and sheetrock
- Paint interior
- Make necessary parapet and roof repairs
- Make necessary elevator repairs

GMP #3, estimated GMP \$1.1-1.3 million, Council 5/19/11

- Commissioning and testing of HVAC system
- Finish out interior, including re-installation of blinds, doors, ceilings, etc
- Final interior/exterior cleaning
- Repair irrigation and landscaping

On February 3, 2011, American Constructors opened proposals for the bid package #1 and has presented to the City a proposed Guaranteed Maximum Price (GMP) for package #1 in the amount of \$2,693,778. The GMP includes construction phase services and general conditions as specified in ACI's proposal in the amount of \$63,446 and \$45,000, respectively. ACI's line item cost sheet detailing the GMP is attached. The construction phase service fee, which covers ACI's profit and overhead, is 2.5% of the cost of work. The general condition fee, which covers ACI's on-site management costs and other direct costs associated with this project, is \$180,000 for the anticipated 8-month construction period with an additional fee of \$20,000 per month should the construction period exceed 8 months.

The Police Department is currently making plans to relocate operations to other facilities. They anticipate being moved out of the Police Headquarters Facility by mid-March. Upon their departure, ACI will commence demolition and construction activities immediately with an anticipated construction period of 8 months.

FISCAL IMPACT: It is anticipated that Limited Tax Notes will be issued to fund the construction costs related to the remediation. Initial funding for this project will be allocated from General Fund Balance Designated for Capital Project-Unallocated. Once total project costs are determined, the proceeds from the Limited Tax Notes will reimburse General Fund Balance Designated for Capital Project-Unallocated.

ATTACHMENTS:

GMP #1 Summary Resolution



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Temple Police Headquarters Renovation GMP1 Summary - 2/8/2011

Div	Description	
01	Temporary Construction / Protection of Existing / Safety / Trash Removal / Cleaning	66,276
02	2 Demolition and Mold Remediation	446,130
03	3 Manlifts and Scaffolding	27,500
04	1 Masonry	480,485
07	v Waterproofing / Remove & Reinstall Metal Wall Panels / Caulking	685,925
08	3 Doors & Windows	311,924
10-13	3 Remove & Reinstall Signage / Lockers / Canopies / Blinds / Owner Equipment / Furnishings / Etc.	16,099
23	B Heating, Ventilating and Air Conditioning - Equipment	495,000
26	5 Electrical	8,500
50) General Conditions / Project Personnel	45,000
53	Bonds & Insurance	47,494
55	5 Fee	63,446
	Total	2,693,778

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A GUARANTEED MAXIMUM PRICE CONSTRUCTION CONTRACT WITH AMERICAN CONSTRUCTORS, INC., OF AUSTIN, TEXAS, FOR PACKAGE #1 RENOVATIONS TO THE POLICE HEADQUARTERS FACILITY IN AN AMOUNT OF \$2,693,778; DECLARING OFFICIAL INTENT TO REIMBURSE ASSOCIATED EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 21, 2010, the City Council authorized the use of the Construction-Manager-at-Risk (CMAR) delivery method for the construction services related to the renovations to the Police Headquarters facility;

Whereas, on December 2, 2010, the City Council authorized a Construction-Manager-at-Risk contract with American Constructors, Inc., which appropriated \$8,000 for pre-construction phase services;

Whereas, it has been determined in the planning phase of this project that it would be helpful to break the project down into several bid packages due to the time required to design the mechanical system, the nature of the work, and the desire to commence the project quickly;

Whereas, on February 3, 2011, American Constructors opened proposals for the bid package #1 and has presented to the City a proposed Guaranteed Maximum Price (GMP) in the amount of \$2,693,778;

Whereas, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations;

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council authorizes a guaranteed maximum price construction contract with American Constructors, Inc., of Austin, Texas, for package #1 renovations to the Police Headquarters facility in an amount of \$2,693,778.

Part 2: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 3: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 4: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

Project Description	Debt To Be Issued

Renovations to the Police Headquarters \$2,693,778 facility – guaranteed maximum price construction contract for package #1 renovations

<u>**Part 5:**</u> The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

<u>**Part 6:**</u> Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

<u>**Part 7:**</u> It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 17th day of February, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORADUM

02/17/11 Item #6(F) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution granting a street use license for a proposed encroachment of a Family Dollar Store in the south 150.91 feet of the alley located between Lots 4-6 and Lots 10-12, Block 5, Eugenia Terrace Addition, at 1510 South 1st Street.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The applicants, Temple G2K Development Partners, request this street use license to allow construction of a Family Dollar Store in a portion of the alley described above in the item description. The store, within the TMED District, is the site of the recently demolished Lamar Motel, which was built with an unapproved alley encroachment.

Alley access is an important element of TMED design, and normally staff would not support the use or abandonment of an alley in TMED. However, this alley has not functioned as such since the construction of the Lamar Motel in 1941. At this time, the applicant is only pursuing a request for a street use license.

Street use licenses require a \$150.00 fee for a 15-year term. The applicant is aware of the 15-year term for street use licenses and the renewal process.

Staff notified all utility providers, including the City of Temple Public Works Department, regarding the applicant's requested street use license. AT&T and Oncor Electric Delivery have poles and aerial cables in the alley and are only in agreement with the requested street use license if the applicants reroute service facilities out of the alley. The applicants are working with both utility companies in this matter. The applicants are also working with the City's Engineering Department regarding a possible relocation of an existing sewer main located in the alley.

FISCAL IMPACT: The \$150.00 fee was waived in association with economic redevelopment in the TMED District.

02/17/11 Item #6(F) Consent Agenda Page 2 of 2

ATTACHMENTS: Vicinity Map Exhibit Application Resolution





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PROPERTY DESCRIPTION

TRACT 1

BEING a description of a 0.384 acre tract of land situated in the City of Temple, Bell County, Texas, and being all of Lots 4, 5 and 6 in Block 5 of Eugenia Terrace, an addition to the City of Temple as shown on the Plat recorded in Volume 241, at Page 564 of the Plat Records of Bell County, Texas. Said 0.384 acre tract being more fully described as follows:

BEGINNING at a 1/2-inch steel rod with a red plastic cap stamped "Prism Surveys" set for corner at the intersection of the north right-of-way line of W. Avenue P (a called 60 foot wide right-of-way) with the east right-of-way line of S. 3rd Street (a called 50 foot wide right-of-way), and being the southwest corner of said Lot 6;

THENCE North 16 deg. 17 min. 06 sec. East, departing said W. Avenue P and along said east right—of—way line, a distance of 150.91 feet to a 1/2—inch steel rod with a red plastic cap stamped "Prism Surveys" set for corner at the northwest corner of said Lot 4, same being the southwest corner of Lot 3 in Block 5 of said Eugenia Terrace addition;

THENCE South 72 deg. 56 min. 30 sec. East, departing said S. 3rd Street and along the north line of said Lot 4, a distance of 110.75 feet to a 1/2-inch steel rod with a red plastic cap stamped "Prism Surveys" set for corner at the northeast corner of Lot 4, and being on the west line of a 20 foot wide alley;

THENCE South 16 deg. 17 min. 06 sec. West, along the west line of said alley, a distance of 150.90 feet to a 1/2-inch steel rod with a red plastic cap stamped "Prism Surveys" set for corner on the north line of previously mentioned W. Avenue P;

THENCE North 72 deg. 56 min. 48 sec. West, departing said alley and along the north right—of—way line of W. Avenue P, a distance of 110.76 feet to the POINT OF BEGINNING; and containing 0.384 acre or 16,712 square feet of land

TRACT 2

more or less.

more or less.

BEING a description of a 0.384 acre tract of land situated in the City of Temple, Bell County, Texas, and being all of Lots 10, 11 and 12 in Block 5 of Eugenia Terrace, an addition to the City of Temple as shown on the Plat recorded in Volume 241, at Page 564 of the Plat Records of Bell County, Texas. Said 0.384 acre tract being more fully described as follows:

BEGINNING at a 1/2-inch steel rod with a red plastic cap stamped "Prism Surveys" set for corner at the intersection of the north right-of-way line of W. Avenue P (a called 60 foot wide right-of-way) with the current west right-of-way line of S. 1st Street (a called 80 foot wide right-of-way), and being the southeast corner of said Lot 12.

THENCE North 72 deg. 56 min. 48 sec. West, departing said S. 1st Street and along said north right-of-way line, a distance of 110.76 feet to a 1/2-inch steel rod with a red plastic cap stamped "Prism Surveys" set for corner at the southwest corner of said Lot 12 and being on the east line of a 20 foot wide alley;

THENCE North 16 deg. 17 min. 06 sec. East, departing said north right—of—way line and along the east line of said alley, a distance of 150.90 feet to a 1/2—inch steel rod with a red plastic cap stamped "Prism Surveys" set for corner at the northwest corner of said Lot 10;

THENCE South 72 deg. 56 min. 30 sec. East, departing said alley and along the north line of said Lot 10, a distance of 110.75 feet to a 1/2-inch steel rod with a red plastic cap stamped "Prism Surveys" set for corner on the previously mentioned west right-of-way line of S. 1st Street;

THENCE South 16 deg. 17 min. 06 sec. West, along said west line, a distance of 150.89 feet to the POINT OF BEGINNING; and containing 0.384 acre or 16,712 square feet of land

NOTES:

This survey was prepared without the use and benefit of a current title report. Easements other than those indicated hereon may exist that affect this tract. The undersigned did not abstract this property.

2) CM—indicates controlling monument.

3) Buried utilities that may indicated hereon are based on information obtained from the City of Temple and visible evidence. These utilities have not been uncovered to verify the location nor the existence thereof. The locations shown hereon are an approximation only.

4) Information obtained from the City of Temple website indicates that Tract 1 is zoned 2F (Two Family Dwelling District) and Tract 2 is zoned GR (General Retail) following is listed restrictions associated with these zoning districts.

- For 2F Zoned Properties: Minimum Front Yard: 25 foot minimum.
- Minimum Side Setback: 20 foot minimum.
- Minimum Rear Setback: 10' minimum.
- Minimum Offstreet Parking: 2 (two) spaces for each Dwelling unit.
- For GR Zoned Properties:
- Minimum Front Yard: 15 foot minimum.
- Minimum Side Setback: 10 foot minimum.
- Minimum Rear Setback: 10' minimum. Minimum Offstreet Parkina: 2 (two) spaces for each
- Minimum Offstreet Parking: 2 (two) spaces for each Dwelling unit. Plus 2 (two) spaces for each accessory dwelling unit.

5) Basis of Bearings: Bearings as shown hereon are based on the plat entitled Addison Addition, an addition to the City of Temple as evidenced by the Plat recorded in Cabinet D, at Slide 262–D of the Plat Records of Bell County, Texas.

CERTIFICATION OF SURVEY TO: DHR Engineering:

I hereby certify that this survey was actually made on the ground and is in accordance with current minimum standards for a Category 1A, Condition II Survey as adopted by the Texas Society of Professional Surveyors in 1988, and unless shown otherwise, the title lines and lines of actual possession are the same and that the size, location and type of buildings are as shown, and that the visible improvements are as shown, and the distance from the building to the nearest boundary line is as shown, and that there are no visible encroachments affecting this property that the undersigned is aware of other than

Michael Dale Linke Registered Professional Land Surveyor No. 4508

those shown.

BENCHMARK: NGS CONTROL MONUMENT-DESIGNATION C 1303- Being a stainless steel rod located at the junction of Avenue O with 1st street, being 32 feet south-southwest of the extended centerlnie of Avenue O, 16 feet west of a chain link fence post 14 feet west-northwest of the center of a sidewalk, 11 feet southeast of the south end of a highway drain, 7.0 feet south of power pole with a street light. Mark is level with the ground. ELEVATION= 699.23 feet.

SITE BENCHMARK: A P.K. Nail set in asphalt pavement at the southwest corner of the intersection of West P Avenue with South 1st Street. and being S 16*39'43" W a distance of 44.4 feet and North 73*20'17" West, a distance of 4.48 feet from the southeast corner of Lot 12 in Block 5 of Eugenia Terrace, an addition to the City of Temple. Elevation = 699.72'.

FLOOD STATEMENT: By graphic scaling only from the Flood Insurance Rate Maps for Bell County, Texas and Unincorporated Areas, no portion of this property is shown in a special flood hazard area. The property appears in Zone X (unshaded). Map Number 48027C0355E, Effective Date: September 26, 2008.

BOUNDARY AND TOPOGRAPHIC SURVEY OF

LOTS 4, 5, 6, 10, 11, & 12 BLOCK 5 EUGENIA TERRACE ADDITION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

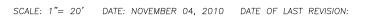
> CLIENT: DHR ENGINEERING MS. DAVID RECHT

> > لععظ



P.O. BOX 181553

1361 W. EULESS BOULEVARD, #112 EULESS, TEXAS 76040 (817) 540-8048



DRAWN BY: MDL PROJECT NO. 10-0758 SHEET 1 of 1

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Certification: You as the property owner certify with your signature that all of the following statements are true:

- This application is complete and all of the information provided is accurate.
- The person signing below as applicant may act as my agent for the processing and presentation of this request. The designated agent shall be the principal contact person with the City in processing and responding to requirements or issues relevant to this request.

m 740 Property Owner's Signature Applicant's Signature For Office Use Only Completed Application ____ Field Notes ____ Fee Received By: Wained Case #: <u>S-FJ-11-04</u> Zoning Map Page: ____ Project Manager: <u>Tammy Lyth Ly</u> Tentative City Council Date:

RESOLUTION NO._

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE TO TEMPLE G2K PARTNERS, DEVELOPMENT LLC, ALLOW TO THE ENCROACHMENT OF A FAMILY DOLLAR STORE IN THE SOUTH 150.91 FEET OF THE ALLEY LOCATED BETWEEN LOTS 4-6 AND LOTS 10-12, BLOCK 5, EUGENIA TERRACE ADDITION, AT 1510 SOUTH 1ST STREET; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE: PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a Street Use License has been requested to allow the encroachment of a Family Dollar Store in the south 150.91 feet of the alley located between Lots 4—6 and Lots 10—12, Block 5, Eugenia Terrace Addition, at 1510 South 1st Street;

Whereas, the use of the property is not inconsistent, nor will it interfere, with any present City use of the property; and

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

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

<u>Part 1</u>: A Street Use License is granted to Temple G2K Development Partners, LLC, or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property to allow the encroachment of a Family Dollar Store in the south 150.91 feet of the alley located between Lots 4—6 and Lots 10—12, Block 5, Eugenia Terrace Addition, at 1510 South 1st Street in the City of Temple, Bell County, Texas, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

I. Term

This license is granted for a term of 15 years, beginning February 18, 2011, unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license. This agreement is effective when an executed copy is returned to the City.

II. Fee

Licensee shall pay to the City of Temple, Texas, the sum of \$150 for the 15-year term for the license herein granted upon the execution by Licensee and approval by the City of the agreement.

III. Conditions of License

This license is granted subject to the following conditions, terms, and reservations:

(a) Maintenance of Encroachment Area.

(1) Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. Licensee shall at all times allow access to utilities and trash receptacles located within the encroachment area. Licensee shall not interfere with the operation of existing overhead electric lines along the west side of the alley.

(2) Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be born by Licensee.

(b) <u>**Right of Cancellation.**</u>

(1) This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area, or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee 30 days written notice of its intention to cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

(2) In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements and encroachments from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a) (2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the City Engineer. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

(c) <u>Compliance with Laws.</u>

This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for this license upon its renewal or extension.

(d) Indemnification.

(1) Neither Licensee, nor his heirs, executors, administrations and assigns, shall ever make any claim of any kind or character against the City, its officers, employees, agents, servants, assigns and franchisees, for damages, including but not limited to damages caused by flooding, infiltration, and natural causes, that Licensee may suffer by reason of the installation, construction, reconstruction, operation, and maintenance of any public improvement or utility that is presently in place or that may in the future be constructed or installed on the above-described public properties, including but not limited to streets, sidewalks, storm sewers, water systems, sanitary sewer systems, and facilities for electric, gas, telephone, cable television, or telecommunications services.

(2) As a condition of this license, Licensee, for himself, his heirs, executors, administrators and assigns, agrees to indemnify, defend and hold harmless the City, its officers, employees, agents, servants, assigns and its franchisees providing public utilities, from liability for any and all claims or actions based on common, constitutional, or statutory law, for damages, injuries to persons (including death), property damage (including loss of use), and expenses, (including court costs and attorneys' fees), arising out of use, occupancy and maintenance of the above-described public properties by Licensee, or from any act or omission of any representative, agent, customer or employee of Licensee.

(3) Licensee agrees that this indemnity provision shall also cover any damages or personal injuries sustained by the City, its officers, employees, agents servants, assigns and franchisees, by reason or as a consequence of the City's having granted this license.

IV. Acceptance by Licensee

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within 30 days from the date of this license. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been canceled fully.

<u>**Part 2**</u>: It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the **17**th day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney's Office

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of February, 2011, by WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

AGREEMENT OF LICENSEE

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS:

I, ______, on behalf of Temple G2K Development Partners, LLC, hereby accept the terms and conditions of Resolution No. ______ granting a Street Use License to utilize property to allow the encroachment of a Family Dollar Store in the south 150.91 feet of the alley located between Lots 4—6 and Lots 10—12, Block 5, Eugenia Terrace Addition, at 1510 South 1st Street in the City of Temple, Bell County, Texas.

Temple G2K Development Partners, LLC

By:_____

State of Texas §

County of _____ §

This instrument was acknowledged before me on the ____ day of _____, 2011, by ______, on behalf of Temple G2K Development Partners, LLC.

Notary Public, State of Texas

Return recorded document to: City Attorney's Office 2 N Main ST, STE 308 Temple TX 76501



COUNCIL AGENDA ITEM MEMORANDUM

02/07/11 Item #6(G) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with the Texas Lobby Group to represent the City of Temple before the State Legislature, Texas Municipal League and various other state agencies such as, but not limited to, the Texas Commission on Environmental Quality and the Texas Department of Transportation in an amount not to exceed \$66,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: The City of Temple is a full service home-rule municipality. As such, the City's interests are multi-faceted and diverse. These interests are affected and impacted by discussions and decisions at the state level, in both the legislative and regulatory arenas. Because of this, it is beneficial to have both a presence and a voice in these arenas to assist our elected officials in the representation and advancement of the City's interests.

The City of Temple has contracted with Mr. Bill Messer to provide legislative and regulatory consulting services in the past. The contract was not renewed in FY 09-10 as part of a series of service level adjustments due to budgetary constraints.

The City Manager has worked with Mr. Messer on various matters relating to the City's affairs and has found the relationship and agreement to be beneficial to the City of Temple. The City Manager would recommend that the Council renew the agreement for another term under similar terms and conditions as the prior agreement.

FISCAL IMPACT: Funding in the amount of \$66,000 is available from released economic development funds in account 110-3300-519-2616.

ATTACHMENTS: Contract Resolution

The Texas Lobby Group

CONTRACT FOR PROFESSIONAL SERVICES

The client is **City of Temple** (herein after referred to as "client") and the provider of services is The Texas Lobby Group.

The client engages The Texas Lobby Group to provide professional services described herein, in consideration of the mutual promises provided herein, and for the compensation expressed.

- 1. Daily monitoring of legislation introduced which is identified by you as having potential impact on issues you identify as important.
- 2. Represent you upon request when necessary during negotiations and planning sessions on selected issues you identify as having an interest in.
- 3. Assist in communicating your positions on legislation and administrative actions to the Texas Legislature and the executive agencies.
- 4. Political contributions and campaign contributions on behalf of the Client are not part of this contract. Consultant attends political events and campaign functions, but such activity is solely on Consultant's own time, and Consultant explicitly receives no compensation from Client for such activity.
- 5. Perform other contact and/or services deemed by you to be beneficial to your interests.
- 6. This contract shall be for a one-year term. For the services described herein, The Texas Lobby Group shall be paid \$5,500.00 per month, beginning February 1, 2011 through February 1, 2012. Invoices will be sent on the 1st of each month for consultation fees of the prior month. The first invoice will be dated March 1, 2011 and cover charges incurred for February 2011. Invoices are due and payable upon receipt.

Payment shall be made at 919 Congress Ave., Ste. 1500, Austin, Texas 78701, or at such other location as The Texas Lobby Group may direct. Invoices shall be mailed to Client at the following address:

City of Temple Mr. David Blackburn, City Manager 2 N. Main Street Temple, Texas 76501

7. The Client is responsible for advising The Texas Lobby Group of the legislative or executive action the Client desires to be pursued. The Texas Lobby Group agrees to perform those services in a diligent and professional manner, advising the Client on a regular basis of the progress of legislation, legal and regulatory action in the state of Texas relating to the business of the Client as described herein. This contract does not include Texas Lobby Group providing any legal services.

- 8. The terms of this contract shall be effective beginning the 1st day of February 2011 and continue in effect for one year. Either party may terminate this Agreement for any reason with thirty days prior written notice, or immediately upon material breach by the other party. All notices from the Client shall be sent to the Texas Lobby Group at 919 Congress Ave., Ste. 1500, Austin, Texas 78701. All notices from The Texas Lobby Group to the Client shall be sent c/o City Manager, City of Temple, 2 North Main Street, Temple, TX 76501.
- 9. The Texas Lobby Group agrees not to accept any other employment that would conflict with the interest of the Client; should any conflict arise between the Client and The Texas Lobby Group, the matter will be settled to the satisfaction of the Client and in accordance with the rules of the Texas Ethics Commission. The Client understands and is further aware that it will not be the Texas Lobby Group's sole client, but The Texas Lobby Group agrees to exert their best efforts in securing the purposes of this contract.
- 10. This contract is not assignable by either party and it is the sole and only agreement between the parties. This agreement shall be governed by the laws of the State of Texas. Fax signatures are accepted as genuine.

EFFECTIVE THIS THE 1ST day of February 2011.

Signed and agreed to by :

City of Temple

By: ____

David Blackburn, City Manager

Attest:

Approved as to form:

City Secretary

City Attorney

Signed and agreed to by:

Bill Messer

By: _____

Principal, The Texas Lobby Group

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF TEMPLE, TEXAS, AND THE TEXAS LOBBY GROUP TO REPRESENT THE CITY OF TEMPLE BEFORE THE STATE LEGISLATURE, TEXAS MUNICIPAL LEAGUE AND VARIOUS OTHER STATE AGENCIES SUCH AS THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE TEXAS DEPARTMENT OF TRANSPORTATION, IN AN AMOUNT NOT TO EXCEED \$60,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into an agreement with the Texas Lobby Group, Mr. Bill Messer, who is a well-respected lobbyist and is very qualified for services such as representing the City of Temple before the State Legislature, Texas Municipal League and various other State agencies such as the Texas Commission on Environmental Quality and the Texas Department of Transportation;

Whereas, funding in the amount of \$60,000 is available for this service from released economic development funds in Account No. 110-3300-519-2626; and

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

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

<u>**Part 1:**</u> The City Council authorizes the City Manager to execute an agreement, not to exceed \$60,000, between the City of Temple, Texas, and The Texas Lobby Group, after approval as to form by the City Attorney, for lobbyist services.

<u>**Part 2:**</u> It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **17th** day of February, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Jonathan Graham City Attorney

Clydette Entzminger City Secretary Temple COUNCIL AGENDA ITEM MEMORANDUM

> 02/17/11 Item #6(H) Consent Agenda Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-11-14: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single Family One District (SF1) on 47.36± acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point Road, south of Bonnie Lane.

<u>P&Z COMMISSION RECOMMENDATION</u>: At its January 18, 2011, meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a rezoning from AG to SF-1.

Commissioner Hurd was absent and one commission position remains vacant.

<u>STAFF RECOMMENDATION</u>: Adopt ordinance as presented in item description, on second and final reading.

Staff recommends approval of Z-FY-11-14, a rezoning from AG to SF-1, for the subject property for the following reasons:

- 1. While the request does not comply with the Future Land Use and Character Map, two nearby subdivisions with the same Future Land Use and Character map designations have been zoned SF-1;
- 2. The request complies with the Thoroughfare Plan, and
- 3. Public facilities are available to serve or are planned to be extended to the property.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-14, from the Planning and Zoning meeting, January 18, 2011. The Applicant requests this rezoning to establish *Lago Terra*, a 47.36± acre private, gated residential subdivision. According to the approved preliminary plat for the property, the subdivision is proposed to have 77 residential lots that range in size from 0.33 acres to 0.80 acres.

<u>COMPREHENSIVE PLAN COMPLIANCE</u>: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	N
CP	Map 4.2 – 20 year Growth Planning	Y
CP	Map 5.2 - Thoroughfare Plan	Y
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	N

CP = Comprehensive Plan AMP = Airport Master Plan CTMP = Citywide Trails Master Plan

Future Land Use and Character (CP Map 3.1)

The future land use and character map designates the property as Estate Residential with a small amount along Morgan's Point Road as Auto Commercial. Estate Residential is characterized by large lot residential with open space as the dominant views. Auto Commercial is typified by destination retail and commercial uses easily accessed by cars, with parking in front of the building, along with drive through businesses. The rezoning request does not comply with the FLU map as SF-1 is 7500 sq. ft. minimum lots.

There are, however, two nearby subdivisions, directly to the south and to the southeast across Morgan's Point Road (*Eagle Oaks at the Lake* and *Krasivi* subdivisions), with the same Future Land Use and Character map designations that are zoned SF-1. The balance of the surrounding land is AG. If approved, the property will be added to a periodic update of the Future Land Use Plan Map.

20-Year Growth Plan (Map 4.2)

The 20-year Growth Plan shows this area in the projected growth area. This part of the request is in conformance with the Comprehensive Plan.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Morgan's Point Road as a Minor Arterial and Bonnie Lane as a Local Street. Morgan's Point Road, or FM 2271, is a TXDOT facility, and Bonnie Lane, in the ETJ, is a County-maintained road. Bonnie Lane's right to use will be blocked for emergency access only. There is excess capacity on this road and the request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The property is served by a 3-inch water line along Morgan's Point Road. Additionally, Bonnie Lane has a 3 inch water line running along the northeastern boundary, and Eagles Landing Drive contains an 8-inch line, allowing ample opportunity for system looping. The closest sewer line is approximately 1330-feet to the south at the intersection of W. Adams and Morgan's Point Road Public sewer facilities are not currently available but are planned to be extended by this applicant.

PUBLIC NOTICE: Thirty-one notices of the Planning and Zoning Commission public hearing were sent out, 20 in the city limits and 11 courtesy notices in the ETJ. As of Monday, January 24th, at 5 PM, 2 notices had been returned in favor of and 1 notice returned in opposition to this request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 7, 2011, in accordance with state law and local ordinance (see attached notice map).

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Preliminary Plat Aerial Map Land Use and Character Map Thoroughfare Plan Map Zoning Map Utility Map Notice Map Response Letters P&Z Staff Report P&Z Minutes (January 19, 2011) Resolution

RESOLUTION

[PLANNING NO. P-FY-10-14]

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT FOR LAGO TERRA SUBDIVISION, AN APPROXIMATELY 47.36 ACRE, 77-LOT RESIDENTIAL SUBDIVISION, LOCATED ON THE WEST SIDE OF MORGAN'S POINT ROAD, SOUTH OF BONNIE LANE.

Whereas, on August 2, 2010, the Planning and Zoning Commission considered the Preliminary Plat for Lago Terra Subdivision, an approximately 47.36 acre, 77-lot residential subdivision, located on the west side of Morgan's Point Road, south of Bonnie Lane; and

Whereas, the Planning and Zoning Commission has considered the matter and deems it in the public interest to approve the Preliminary Plat of Lago Terra Subdivision.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, THAT:

<u>Part 1:</u> The Planning and Zoning Commission approves the Preliminary Plat for Lago Terra Subdivision, an approximately 47.36 acre, 77-lot residential subdivision, located on the west side of Morgan's Point Road, south of Bonnie Lane, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, subject to the following:

- (a) Approval of a zone change from Agricultural District (A) to Single Family One District (SF-1);
- (b) Approval of a street use license for a gated entry;
- (c) Signs being placed in the subdivision prohibiting parking within the street right-ofway;
- (d) Striping of the streets as fire lanes;
- (e) Homeowner Association (HOA) maintenance of signs and striping enforcement of no parking provisions; and
- (f) Any additions and/or alterations to the Engineering Plans as required by the Engineering Department.

PASSED AND APPROVED this the 2nd day of August, 2010.

PLANNING & ZONING COMMISSION

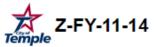
By: H. Allan Talley, Chairperson

ATTEST: My

Secretary

APPROVED AS TO FORM:

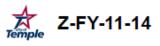
Trucki Bill City Attorney's Office



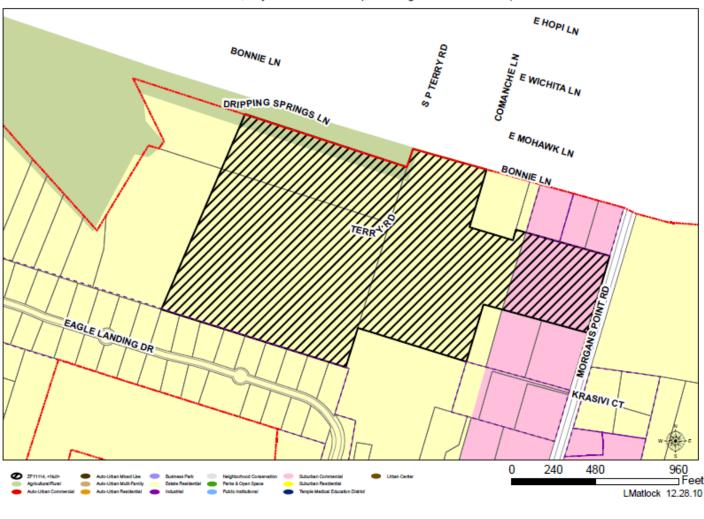
275 Hundred Block of Morgan's Point Road, South of Bonnie Lane



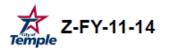
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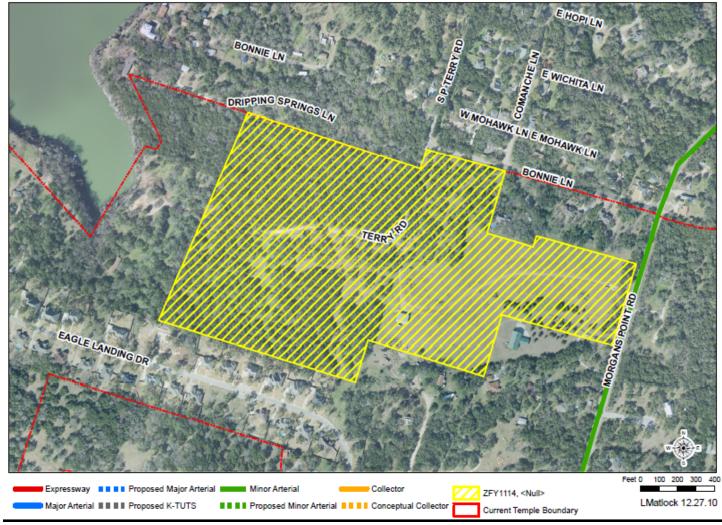
275 Hundred Block of Morgan's Point Road, South of Bonnie Lane



ellow - Estate Residential Green - Agricultural Pink - Suburban Commercial

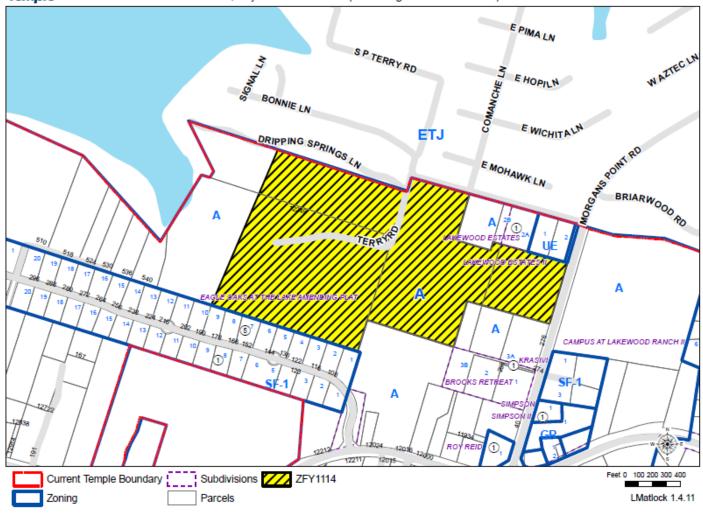


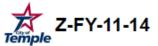
275 Hundred Block of Morgan's Point Road, South of Bonnie Lane



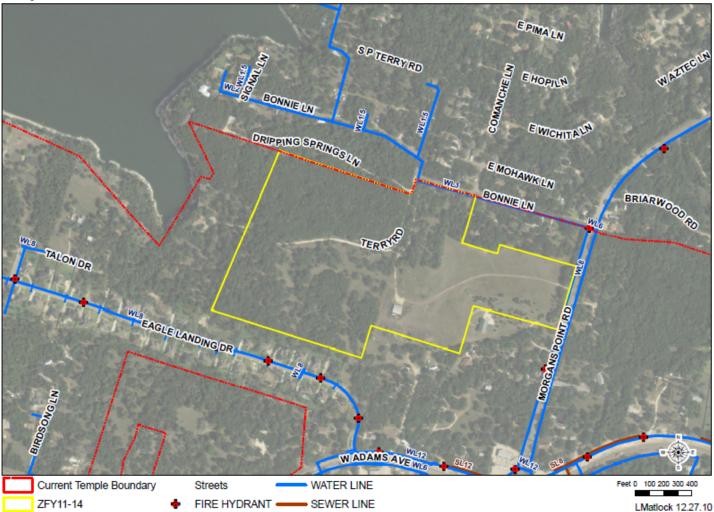


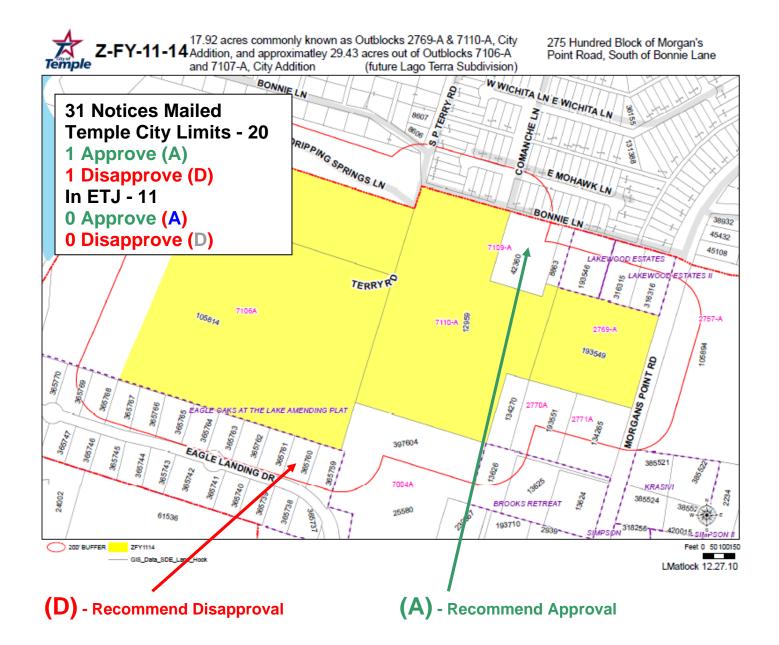
275 Hundred Block of Morgan's Point Road, South of Bonnie Lane





275 Hundred Block of Morgan's Point Road, South of Bonnie Lane







RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

RECEIVED

JAN 18 2011

Raymond Etux Amanda Duggan 116 Eagle Landing Drive Belton, Texas 76513

City of Temple Planning & Development

Zoning Application Number: Z-FY-11-14

Project Manager: Leslie Matlock

The proposed rezoning will allow a proposed single family residential development which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

(v) denial of this request.

Comments: D/ in W emro. Good blen

Please mail or hand-deliver this comment form to the address shown below, no later than <u>January 18 2010</u>

City of Temple Planning Department Room 201 Municipal Building Temple, Texas 76501

Number of Notices Mailed: 20

Date Mailed: January 7, 2011



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

David & Mary Barr 12099 Bonnie Lane Belton, Texas 76513

Zoning Application Number: Z-FY-11-14

Project Manager: Leslie Matlock

The proposed rezoning will allow a proposed single family residential development which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval () denial of this request.

Comments:

Signature Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 18 2010

City of Temple Planning Department Room 201 Municipal Building Temple, Texas 76501

RECEIVED JAN 18 2011

City of Temple Planning & Development



COURTESY NOTICE RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

RECEIVED

JAN 2 7 2011

City of Temple Planning & Development

Dorothy B. Scott 12700 Dripping Springs Belton, Texas 76513

Zoning Application Number: Z-FY-11-14

Project Manager: Leslie Matlock

We have identified your property as being adjacent to a proposed rezoning to allow a single family residential development which is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend (y) approval

() denial of this request.

Comments: They are allound to make agreed to make -th -Th 201 Signature Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 18 2010

City of Temple Planning Department Room 201 Municipal Building Temple, Texas 76501

Number of Notices Mailed: 11

Date Mailed: January 7, 2011



01/18/11 Item #2 Regular Agenda Page 1 of 4

<u>APPLICANT / DEVELOPMENT:</u> Victor Turley PE of Turley Associates

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-11-14; Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Single Family One (SF1) District on 47.36± acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point Road, south of Bonnie Lane. (Victor Turley Associates for McLean Commercial Ltd, property owners)

BACKGROUND: The applicant requests the SF-1 zoning district in order to establish *Lago Terra*, a new single-family residential subdivision. This is planned to be a private, gated development, with the main access from Morgan's Point Road and emergency access from Bonnie Lane, a local street to the north of the parcel. The Planning and Zoning Commission approved the Preliminary Plat on August 2, 2010, and this rezoning is one of the steps before Staff can bring the Final Plat to an agenda for approval as required in the attached Planning and Zoning Commission Resolution.

SURROUNDING PROPERTY AND USES:

The following table lists and shows the existing zoning and current land uses for the subject property and its general vicinity:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG (SF-1 proposed)	Undeveloped	<text><text><text><text></text></text></text></text>

Direction	Zoning	Current Land Use	Photo
West	AG	Estate-Type Large Lot Use	
North	AG and UE	Undeveloped and Single Family Residential Subdivision and Estate- Type Large Lot Residential Uses	
South	AG and SF-1	Single Family Residential Subdivision and Estate-Type large lot residential uses	
East	AG	Undeveloped	

<u>COMPREHENSIVE PLAN COMPLIANCE</u>: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

CPMap 3.1 - Future Land Use and CharacterNCPMap 4.2 - 20 year Growth PlanningYCPMap 5.2 - Thoroughfare PlanYCPGoal 4.1 - Growth and development patterns should be consistentN	Docume	Document Policy, Goal, Objective or Map				
CP Map 5.2 - Thoroughfare Plan Y Goal 4.1 - Growth and development patterns should be consistent	CP	Map 3.1 - Future Land Use and Character	N			
Goal 4.1 - Growth and development patterns should be consistent	CP	Map 4.2 – 20 year Growth Planning	Y			
Goal 4.1 - Growth and development patterns should be consistent	CP	Map 5.2 - Thoroughfare Plan	Y			
with the City's infrastructure and public service capacities	СР		Ν			

CP = Comprehensive Plan AMP = Airport Master Plan CTMP = Citywide Trails Master Plan

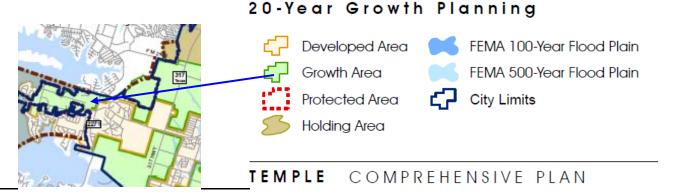
Future Land Use and Character (CP Map 3.1)

The future land use and character map designates the property as Estate Residential and a small amount along Morgan's Point Road as Auto Commercial. The areas of the 77 lots are between 0.33 and 0.80 acre. Estate Residential as a land use designation, is characterized by homes on large lots, typically 1 acre or larger, with open space and vegetation as the dominant views. Auto Commercial is typified by destination retail and commercial uses that are easily accessed by cars, with parking in front of the building along with drive through businesses. The rezoning request does not comply with the FLU map.

There are, however, two nearby subdivisions, directly to the south and to the southeast across Morgan's Point Road (*Eagle Oaks at the Lake* and *Krasivi* subdivisions), with the same Future Land Use and Character map designations that have been given SF-1 zoning.

20-Year Growth Plan (Map 4.2)

The 20-year Growth Plan shows this area in the projected growth area. This part of the request is in conformance with the Comprehensive Plan.



Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Morgan's Point Road as a Minor Arterial and Bonnie Lane as a Local Street. Morgan's Point Road, or FM 2271, is a TXDOT facility, and Bonnie Lane, in the ETJ, is a County-maintained road. If the approximately 47.36 acres were developed into 77 lots as shown on the approved Preliminary Plat, then according to the Institute of Transportation Engineers, about 770 weekday vehicle trips would be added to the existing street network. Bonnie Lane would have an emergency gate access into the subdivision as planned, and so the traffic impact for this development would be onto Morgan's Point Road. The request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The property is served by a 3-inch water line along Morgan's Point Road. Additionally, Bonnie Lane has a 3 inch water line running along the northeastern boundary, and Eagles Landing Drive contains an 8-inch line, allowing the system to be looped in this area.

The closest sewer line is approximately 1330-feet to the south at the intersection of W. Adams and Morgan's Point Public sewer facilities are not currently available at the property. The applicant does not plan septic system usage but will extend the public sewer.

DEVELOPMENT REGULATIONS:

The purpose of the SF-1 zoning district is to be developed with average or standard single-family lots which serve as a transition between larger and smaller lot single-family districts. This subdivision's northern border is at the city limits. The pattern of land use in the ETJ is rural estate residential as are the bulk of the surrounding parcels with approximately ½ acre to over 2 acre lots. The *Eagle Oaks at the Lake* Subdivision lots range from just under .50 acres to .75 acres in size. To the southeast, the *Krasivi* Subdivision is zoned SF1, and has lot sized from .50 acres to over 1 acre.

The minimum lot area and setback requirements for a single-family dwelling in the SF-1 zoning district are as follows.

SF-1, Single-Family 1	Standards
Min. Lot Area (sq. ft.)	7,500
Min. Lot Width (ft.)	60
Min. Lot Depth (ft.)	100
Max. Height (stories)	
Min. Yard (ft)	
Front	25
Side	10% width of lot - 6 min & 7.5 max
Rear	10

Any lot with at least 120 linear feet on its street front boundary each have the ability to be re-platted into 2 lots at a later time to the minimum lot area listed in the table above.

PUBLIC NOTICE:

Thirty-one notices of the Planning and Zoning Commission public hearing were sent out, twenty in the city limits and eleven courtesy notices in the Extra Territorial Jurisdiction. As of Thursday, January 13th, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 7, 2011, in accordance with state law and local ordinance (see attached notice map).

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-11-14 for the following reasons:

- While the request does not comply with the Future Land Use and Character Map, two nearby subdivisions with the same Future Land Use and Character map designations have been zoned SF-1;
- 2. The request complies with the Thoroughfare Plan, and
- 3. Public facilities are available to serve or are planned to be extended to the property.

FISCAL IMPACT: Not Applicable.

ATTACHMENTS:

P&Z Resolution dated August 2, 2010 Aerial Land Use and Character Map Thoroughfare Plan Map Zoning Map Utility Map Notice Map Response Letters

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

TUESDAY, JANUARY 18, 2011

ACTION ITEMS

Item 2: <u>Z-FY-11-14</u>: Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Single Family One District (SF1) on 47.36± acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point Road, south of Bonnie Lane. (Applicant: Victor Turley Associates for McLean Commercial Ltd)

Ms. Leslie Price, Senior Planner, stated the zoning change was conditional of the prior preliminary plat which was approved. The developer has received authorization to start basic improvements on the land; however, if the zone change is denied, the preliminary plat would need to be redrawn to comply with the Agricultural (AG) zoning or the applicant may reapply for the Single Family One (SF1) zoning after six months or apply for another kind of zoning designation.

The preliminary plat shows 77 lots and 2 lots which would be common areas by the gates. This is a private street development and they propose to extend sanitary sewer to the lot. The subject property contains $47.36\pm$ acres.

The Future Land Use and Character Map shows Lago Terra as both Estate Residential and Suburban Commercial. The SF1 zoning request would be a minimum of 7,500 square feet per lot with 60 foot width and 100 foot depth. Some lots show 120 feet in width which could conceivably be divided into two lots.

Surrounding zoning designations include two adjacent subdivisions zoned SF1. There is another small addition that has been zoned UE. All other adjacent land is zoned AG.

There is a 6 inch and 8 inch water line and a 12 inch and 8 " sewer line available to serve the property or to be extended to the property.

Morgan's Point Road is designated as a minor arterial and the request complies with the Thoroughfare Plan.

31 notices were mailed out: one response was received in favor of the request and one was in opposition.

Staff recommended approval of the zone change request from AG to SF1. Although the request does not comply with the Future Land Use and Character Map, two adjacent developments have been designated as SF1. The request complies with the Thoroughfare Plan and there are adequate public facilities to serve the property or to be extended to the property. The approved plat also complies with the regulations.

Commissioner Pope asked what the purpose of the Future Land Use and Character Map was if it was not complied with and Ms. Price stated the City tries to stay within what the Future Land Use and Character Map indicates.

Chair Talley opened the public hearing.

Mr. Chris Anderson, 12075 Bonnie Lane, Temple, Tx, stated he did not have an issue with the request and was in agreement with it. However, he did have concerns about the utilities and square footage of the houses proposed to be built. Mr. Anderson would like the houses to be comparable to his property and does not want his property value to decrease. Mr. Anderson also stated there has been drainage issues in the area for some time. With the property being undeveloped, Mr. Anderson gets considerable runoff over his back yard and would like assurances this would be resolved.

Chair Talley asked if someone could address Mr. Anderson's issues about drainage and utilities. Mr. Brian Mabry, Planning Director, stated when a preliminary or final plat is submitted, it is reviewed and checked for compliance with the City's drainage criteria manual. The preliminary plat for this project did comply or it would not have been approved. Any final plats coming forward would be reviewed and checked for compliance with the drainage standards.

Mr. Steve Shepherd, 4422 Orchard Hill, Belton, Texas, representing the applicant, stated the water that Mr. Anderson is currently getting as runoff would be diverted by putting in a road and the same would apply to several other homes on Eagles Nest having drainage problems. Once the drainage structures were installed by virtue of the street, it should alleviate any water problems to adjacent properties.

Commissioner Pope asked what the average size of the lots were and Mr. Shepherd stated they were all fairly close to half acre lots, around 120, 140 feet deep. They would probably be a minimum of around 2,500 square feet on the back part and on the front, somewhere close to 2,000. The front would probably not be built out for several years. Mr. Anderson said 2,000 would be acceptable and Mr. Shepherd stated they were hoping for 3,000.

There being no further speakers, Chair Talley closed the public hearing.

Commissioner Pope asked again about the Future Land Use and Character Map and how it played in the Staff recommendations. Mr. Mabry stated the Future Land Use and Character Map is just one of several items for the Commission to consider when making recommendations, along with the Thoroughfare Plan, adjacent uses, and adjacent zoning districts. If it does not comply with the Future Land Use and Character Map, it may be a strike against the project, however, there are also things that do comply with the Comprehensive Plan and surrounding zoning districts. Commissioner Pope asked what the difference was between SF1 and UE and Mr. Mabry stated the UE minimum lot size is 22,500 square feet (about half an acre, more or less) and SF1 minimum lot size is 7,500 square feet.

Commissioner Sears made a motion to approve Z-FY-11-14 from AG to SF1 and Commissioner Pilkington made a second.

Motion passed: (7:0) Commissioner Hurd absent ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-14]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO SINGLE FAMILY ONE DISTRICT (SF1) ON APPROXIMATELY 47.36 ACRES OF LAND SITUATED IN THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513 AND THE S.P. TERRY SURVEY, ABSTRACT NO. 812, BELL COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF MORGAN'S POINT ROAD, SOUTH OF BONNIE LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (AG) to Single Family One District (SF1) on approximately 47.36 acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point road, south of Bonnie Lane, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

<u>**Part 4**</u>: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

<u>**Part 5**</u>: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **3rd** day of **February**, 2011.

PASSED AND APPROVED on Second Reading on the **17**th day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/17/11 Item #6(I) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2010-2011 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$450,823.

ATTACHMENTS:

Budget amendments Resolution

		CITY OF TEMPLE				
		BUDGET AMENDMENTS FOR FY 2011 BUDGET				
		February 17, 2011				
ACCOUNT #	PROJECT #	DESCRIPTION		<mark>PPROPR</mark> ebit		<mark>IONS</mark> Credit
110-2011-521-2516	TROJECT #	Judgments & Damages (Police Department) \$		4,133		Creuit
110-1500-515-6531		Contingency - Judgments & Damages		1,100	\$	4,133
		(1) Deductible reimbursements to the Texas Municipal League for attorney fees for a lawsuit filed against the City alleging unreasonable search and seizure by police officer of plaintiff's property and plaintiff's arrest on July 30, 2004 (\$2,730.43); and (2) for settlement of a claim filed against the City seeking reimbursement for damage to a veh involved in an accident with a vehicle driven by a police officer on November 10, 2010 in the 1600 Block of Central Avenue (\$1,402.48).	icle			
110-2370-540-2516 110-1500-515-6531		Judgments & Damages (Solid Waste Rolloff) \$ Contingency - Judgments & Damages	6	230	\$	230
		Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a parked vehicle by a vehic driven by a Solid Waste Department employee on December 22, 2010, at 3115 Range Road.				
110-4000-555-2616 110-0000-461-0937		Professional (Library) \$ Library Building Rental Revenue	5	3,529	\$	3,529
		This budget adjustment recognizes additional revenue from increased rates and extended leases and appropriates the expenditures to cover cost related to the commission fee on Morgan Stanley lease.	ed			
110-5900-540-6213 110-5935-552-6213 110-5935-552-6213 110-5935-552-6213 110-5935-552-6213 110-5900-540-6222 110-5900-531-6220 110-0000-461-0424	100713 100635 100636 100637 100638 100642 100645	Automotive - 1/2 Ton Truck \$ Automotive - 1/2 Ton Truck \$ Automotive - 1 Ton Truck \$ Automotive - 1/2 Ton Truck \$ Automotive - 1/2 Ton Truck \$ Automotive - Ford Taurus \$ Machinery & Equipment \$ Heavy Equipment \$ Sale of Assets \$	5	22,500	\$ \$ \$ \$ \$ \$	409 2,500 409 148 4,791 11,893 2,350
		To appropriate funds for the purchase of a replacement 1/2 ton truck with tommy lift and overhead lights for the Solid Waste Department. The truck replacement is needed because the original truck was wrecked and totaled. The City received \$2,350 in proce from its sale at auction. The additional funding needed for the replacement is coming from savings from various equipment and vehicle purchases from FY 2011.				
110-3500-552-6516 110-0000-445-1587	100714	Park Improvements (Parks) \$ Donations - Parks	6	16,074	\$	16,074
		This is a donation from the Central Texas Youth Softball Association for park improvements at Wilson softball fields.				
351-3700-524-2631 351-0000-490-2582		Lot Cleanup/Code Enforcement (Construction Safety) \$ Transfer In - General Fund		200,000	\$	200,000
110-9100-591-8151 110-0000-352-1345		Transfer Out - Capital Projects \$ Designated Capital Projects - Unallocated	6	200,000	\$	200,000
110-0000-332-1343		Designated Capital Frojetis - Ullallocated			φ	200,000

	CITY OF TEMPLE				
	BUDGET AMENDMENTS FOR FY 2011 BUDGET				
	February 17, 2011				
			APPROPR	RIA1	
ACCOUNT # PROJ	IECT # DESCRIPTION		Debit		Credit
	Allocation of funding for the acquisition, demolition, and other site improvement property in the Avenue G corridor, 9th Street, and 7th Street areas. Funding was programmed and allocated from CDBG funds for this project. Based on the con the project and the program requirements of CDBG, staff is recommending 'sub- funding from General Fund-Fund Balance-Designated for Capital Projects and re the CDBG funds to Street Improvement Projects.	s originall nplexity o stituting'	f		
520-5300-535-2516	Judgments & Damages (Metering)	\$	1,857		
520-5000-535-6532	Contingency	Ψ	1,057	\$	1,857
520-5000-555-0552	contingency			Ψ	1,00
	Deductible reimbursement to the Texas Municipal League for partial settlement claim filed against the City seeking reimbursement for property damage and per injury from a vehicle accident on December 1, 2010, involving a vehicle driven Metering Department employee at the intersection of South 51st Street and Wes Avenue K.	sonal by a			
520-5400-535-2516	Judgments & Damages (Sewer Collection)	\$	2,500		
520-5000-535-6532	Contingency	φ	2,500	\$	2,50
				÷.	
	seeking reimbursement for damage to the residence at 412 North 5th Street from sewer backup on March 29, 2009. TOTAL AMENDMENTS	<u>\$</u>	450,823	\$	450,82
	GENERAL FUND				
	Beginning Contingency Balance			\$	
	Added to Contingency Sweep Account			\$	
	Carry forward from Prior Year			\$	
	Taken From Contingency			\$	
	Net Balance of Contingency Account			\$	
	Beginning Judgments & Damages Contingency			\$	80,00
	Added to Contingency Judgments & Damages from Council Contingency			\$	(20.01
	Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account			\$ \$	(38,81 41,18
	Net Balance of Judgments & Damages Contingency Account			ф	41,10
	Beginning Fuel Contingency			\$	55,84
	Added to Fuel Contingency			\$	55,01
	Taken From Fuel Contingency			\$	
					55.04
				\$	55,84
	Net Balance of Fuel Contingency Account				33,84
					<u> </u>
	Net Balance of Fuel Contingency Account Beginning Self Insurance Start Up Cost Contingency Added to Self Insurance Start Up Cost Contingency			\$	628,75
	Net Balance of Fuel Contingency Account Beginning Self Insurance Start Up Cost Contingency Added to Self Insurance Start Up Cost Contingency Taken From Self Insurance Start Up Cost Contingency			\$	628,75
	Net Balance of Fuel Contingency Account Beginning Self Insurance Start Up Cost Contingency Added to Self Insurance Start Up Cost Contingency			\$ \$ \$	628,75
	Net Balance of Fuel Contingency Account Beginning Self Insurance Start Up Cost Contingency Added to Self Insurance Start Up Cost Contingency Taken From Self Insurance Start Up Cost Contingency			\$ \$ \$	628,75 (628,75
	Net Balance of Fuel Contingency Account Beginning Self Insurance Start Up Cost Contingency Added to Self Insurance Start Up Cost Contingency Taken From Self Insurance Start Up Cost Contingency Net Balance of Self Insurance Start Up Cost Contingency Account Net Balance Council Contingency			\$ \$ \$	628,750 (628,750
	Net Balance of Fuel Contingency Account Beginning Self Insurance Start Up Cost Contingency Added to Self Insurance Start Up Cost Contingency Taken From Self Insurance Start Up Cost Contingency Net Balance of Self Insurance Start Up Cost Contingency Account Net Balance Council Contingency Beginning Balance Budget Sweep Contingency			\$ \$ \$	628,750 (628,750
	Net Balance of Fuel Contingency Account Beginning Self Insurance Start Up Cost Contingency Added to Self Insurance Start Up Cost Contingency Taken From Self Insurance Start Up Cost Contingency Net Balance of Self Insurance Start Up Cost Contingency Account Net Balance Council Contingency Beginning Balance Budget Sweep Contingency Added to Budget Sweep Contingency			\$ \$ \$ \$ \$ \$ \$ \$	628,750 (628,750
	Net Balance of Fuel Contingency Account Beginning Self Insurance Start Up Cost Contingency Added to Self Insurance Start Up Cost Contingency Taken From Self Insurance Start Up Cost Contingency Net Balance of Self Insurance Start Up Cost Contingency Account Net Balance Council Contingency Beginning Balance Budget Sweep Contingency			\$ \$ \$	55,84 628,756 (628,756 97,03 6

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2011 BUDGET

February 17, 2011

			APPROPRI	ATIONS
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
		WATER & SEWER FUND		
		Beginning Contingency Balance		\$ 50,000
		Added to Contingency Sweep Account	5	\$
		Taken From Contingency		\$ (23,790)
		Net Balance of Contingency Account	<u></u>	\$ 26,210
		Paginning Salf Ingunanas Stant Un Cost Contingency		100 265
		Beginning Self Insurance Start Up Cost Contingency		\$ 100,365
		Added to Self Insurance Start Up Cost Contingency		•
		Taken From Self Insurance Start Up Cost Contingency		
		Net Balance of Self Insurance Start Up Cost Contingency Account		\$ -
		Net Balance Water & Sewer Fund Contingency	<u></u>	\$ 26,210
		HOTEL/MOTEL TAX FUND		
		Beginning Self Insurance Start Up Cost Contingency	5	\$ 10,968
		Added to Self Insurance Start Up Cost Contingency	5	\$
		Taken From Self Insurance Start Up Cost Contingency	5	\$ (10,968)
		Net Balance of Self Insurance Start Up Cost Contingency Account		\$-
		DRAINAGE FUND		
		Beginning Self Insurance Start Up Cost Contingency		\$ 9,911
		Added to Self Insurance Start Up Cost Contingency	5	
		Taken From Self Insurance Start Up Cost Contingency	5	\$ (9,911)
		Net Balance of Self Insurance Start Up Cost Contingency Account		\$ -
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	5	\$ 2,284
		Carry forward from Prior Year		
		Added to Contingency Sweep Account	5	· · · · · · · · · · · · · · · · · · ·
		Taken From Contingency	5	
		Net Balance of Contingency Account		5 2,035
			=	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2010-2011 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 2nd day of September, 2010, the City Council approved a budget for the 2010-2011 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2010-2011 City Budget.

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

<u>**Part 1**</u>: The City Council approves amending the 2010-2011 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2**</u>: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **17th** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/17/11 Item #6(J) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>BACKGROUND</u>: This item will present in detail the first quarter ending December 31, 2010, for the General, Water & Sewer, Hotel/Motel Tax and Drainage Funds.

Included with these first quarter results will be various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones.

FISCAL IMPACT: N/A

ATTACHMENTS:

Quarterly Financial Statements Resolution First Quarter Financial Statements





For the three months ended

12.31.2010

Prepared by the Finance Department



Quarterly Financial Statements

For the three months ended

December 31, 2010

Prepared by:

City of Temple Finance Department

Traci L. Barnard, CPA

Melissa A. Przybylski, CPA

Director of Finance

Assistant Director of Finance

Stacey Reisner, CPA

Treasury/Grants Manager

Kiyoko McDonald

Senior Accountant

Stacey Hawkins

Accountant

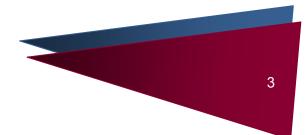
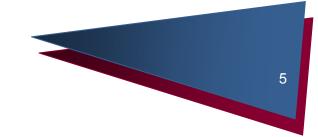




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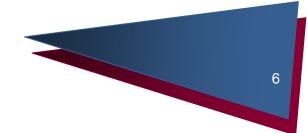


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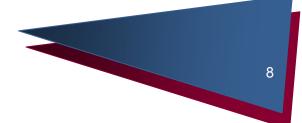
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February 17, 2010



Honorable Mayor and Council Members

City of Temple, Texas

We are pleased to submit the Quarterly Financial Statements for the General Fund, Water and Sewer Fund, Special Revenue Funds, and the Internal Service Fund of the City of Temple, Texas for the three months ended December 31, 2010. These financial statements were prepared by the Finance Department of the City of Temple.

The key criteria by which internal interim reports are evaluated are their relevance and usefulness for purposes of management control, which include planning future operations as well as evaluating current financial status and results to date. Continual efforts are made to assure that accounting and related interim information properly serves management needs. Because managerial styles and perceived information needs vary widely, appropriate internal interim reporting is largely a matter of professional judgment rather than one set forth in *Governmental Accounting and Financial Reporting Standards*. Currently, there is no Generally Accepted Accounting Principles (GAAP) for government interim financial statements. These financial statements have been compiled in accordance with standards the Finance Department considered to be applicable and relevant for the City of Temple's interim financial reports. The Finance Department has also followed standards established by the American Institute of Certified Public Accountants in compiling these financial statements.

THREE-MONTH REVIEW

GENERAL FUND –

The amount of revenues from various sources for the three months ended December 31, 2010, as compared to the FY 2011 amended budget, is shown in the following table (presented in thousands):

	Actual		Amended Budget		Percent of Budget
Revenues:					
Taxes	\$	11,841	\$	25,815	46%
Franchise fees		1,564		6,000	26%
Licenses and permits		122		279	44%
Intergovernmental		65		258	25%
Charges for services		4,604		18,335	25%
Fines		448		1,703	26%
Interest and other		258		525	49%
Total revenues	\$	18,902	\$	52,915	36%



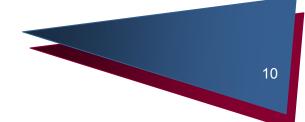
Transmittal Letter

Revenues compared to the amended budget for FY 2011 are at 36% with 25% of the year completed. A detail of the revenues as compared to budget is shown below:

Revenues	% of Budget
Ad valorem taxes	73.57%
Sales tax receipts	25.71%
Other taxes	27.15%
Franchise fees	26.06%
Licenses and permits	43.85%
Intergovernmental revenues	25.36%
Charges for services	25.11%
Fines	26.28%
Interest	31.44%

Expenditures by major function for the three months ended December 31, 2010, as compared to the FY 2011 amended budget are shown in the following table (presented in thousands):

	Actual		Amended Actual Budget		Percent of Budget
Expenditures:					
General government	\$	2,958	\$	11,769	25%
Public safety		5,824		23,500	25%
Highways and streets		892		3,174	28%
Sanitation		1,302		5,654	23%
Parks and leisure services		1,553		6,918	22%
Education		396		1,604	25%
Airport		702		2,624	27%
Debt Service:					
Principal		29		136	21%
Interest		3		22	12%
Total expenditures	\$	13,659	\$	55,399	25%



Transmittal Letter

Expenditures compared to the amended budget are at 25% with 25% of the year complete. Detail is provided below:

Expenditures	% of Budget
Personnel	24.33%
Operations	22.26%
Capital	49.03%
Debt service	20.08%

Detail of expenditures begins on page 21, Exhibit A-4 and A-5.

WATER/SEWER FUND -

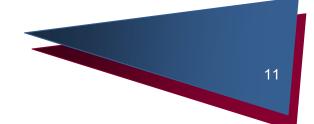
Operating revenue has increased by \$507,958 over the same time period as last fiscal year. Operating expenses decreased by \$29,583 compared to the same period of last fiscal year. First quarter financials for this fund begin on page 28.

HOTEL-MOTEL FUND -

The Hotel-Motel Fund is reported beginning on page 36. This special revenue fund is used to account for the levy and utilization of the hotel-motel room tax.

DRAINAGE FUND -

Drainage Fund is reported beginning on page 39. This special revenue fund was created in fiscal year 1999 to account for recording revenues and expenditures addressing the storm water drainage needs of our community. The City Council extended the ordinance on September 18, 2003, establishing the drainage fund for an additional five years. On September 4, 2008, Council amended the ordinance removing the 5-year sunset provision from the ordinance. The ordinance was also amended to remove the calculation of the fees from the ordinance and set the fees by resolution.





CAPITAL PROJECTS -

The City of Temple has in the past and is currently investing heavily in improving infrastructure. This section contains detailed schedules that review current capital projects funded by bond proceeds and begins on page 46. Also included in this section, is a detailed listing of current projects in the City's capital improvement program.

INVESTMENTS/CASH MANAGEMENT –

All of the City's cash and investments are maintained in a pool that is available for use by all funds. Interest earnings are allocated based on cash amounts in individual funds in a manner consistent with legal requirements. Investments are made in accordance with the Comprehensive Policy adopted by the City on September 2, 2010. The City's primary investment objectives, in order of priority, are as follows:

•Safety

Liquidity

•Yield

As of December 31, 2010, the City had cash and investments with a carrying value of \$114,049,334 and a fair value of \$115,729,782. Total interest earnings for the three months ended are \$57,250. The investment schedules presented in Exhibit G-1 through G-2 are prepared in accordance with Generally Accepted Accounting Principles (GAAP).

The investment portfolio complies with the City's Investment Policy and Strategy and the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

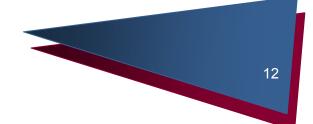
We are investing municipal funds in accordance with our investment policy using basically three of our investment type options.

•U.S. Governments and Agencies

•Triple A rated (AAA) investment pools

Money market sweep accounts

Details of our current investment portfolio begin on page 67, Exhibit G-1 through G-2.





SUPPLEMENTAL INFORMATION -

This section has details of General Fund balances and designations (page70). Also in this section is a schedule of federal and state grants, a detailed schedule of historical sales tax revenue by month, a schedule of Hotel/Motel receipts by month, and a schedule of parks escrow funds.

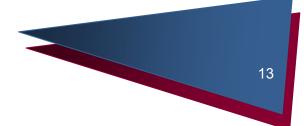
CONCLUSION -

I want to take time to thank the Finance Department staff for their hard work in preparing these financial statements particularly Assistant Director of Finance, Melissa Przybylski, CPA; Treasury/Grants Manager, Stacey Reisner, CPA; Senior Accountant, Kiyoko McDonald; Budget Analyst, Miranda Hennig; and Accountant, Stacey Hawkins for their excellent work and efforts.

Respectively submitted,

haci

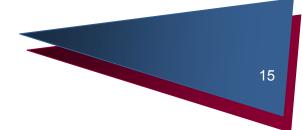
Traci L. Barnard, CPA Director of Finance





General Fund Financials

> The *General Fund* is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in other funds.



CITY OF TEMPLE, TEXAS GENERAL FUND COMPARATIVE BALANCE SHEETS December 31, 2010 and 2009

	2010	2009	Increase (Decrease)
ASSETS			
Cash	\$ 4,845	\$ 5,045	\$ (200)
Investments	31,866,849	29,911,625	1,955,224
Receivables (net of allowance for estimated			
uncollectibles):			
State sales tax	1,165,367	1,055,403	109,964
Accounts	1,059,816	1,029,682	30,134
Ad valorem taxes	3,076,263	3,233,178	(156,915)
Inventories	300,287	299,062	1,225
Prepaid items	73,588	71,232	2,356
Total current assets	37,547,015	35,605,227	1,941,788
Restricted cash and investments:			
Drug enforcement	341,069	295,577	45,492
Public safety	45,608	34,119	11,489
R.O.W. Escrow	349,516	319,608	29,908
Parks Escrow {Table VI, pg. 77}	222,452	244,968	(22,516)
Rob Roy MacGregor Trust - Library	17,622	17,589	33
Total restricted cash and investments	976,267	911,861	64,406
TOTAL ASSETS	\$ 38,523,282	\$ 36,517,088	\$ 2,006,194

LIABILITIES AND FUND EQUITY	2010	2009	Increase (Decrease)
Liabilities:			
Vouchers payable	\$ 3,406,301	\$ 2,810,929	\$ 595,372
Retainage payable	1,982	202	1,780
Accrued payroll	1,297,454	1,160,875	136,579
Deposits	36,013	29,505	6,508
Deferred revenues:	·		
Ad valorem taxes	3,048,678	3,205,593	(156,915)
R.O.W. Escrow	349,516	319,608	29,908
Parks Escrow	222,452	244,968	(22,516)
Electric franchise	1,451,624	1,481,646	(30,022)
Gas franchise	267,056	279,496	(12,440)
Other	407,438	414,393	(6,955)
Total liabilities	10,488,514	9,947,215	541,299
Fund Balance:			
Reserved for:			
Inventories and prepaid items	375,993	361,371	14,622
Drug enforcement	316,738	279,793	36,945
Public safety	43,584	31,654	11,930
Rob Roy MacGregor Trust - Library	16,114	19,088	(2,974)
Municipal court {technology & judicial efficiency}	166,615	78,837	87,778
Vital statistics preservation	49,051	52,671	(3,620)
Public education channel	191,642	155,067	36,575
Unreserved:			
Designated for technology replacement	178,207	461,033	(282,826)
Designated for capital projects {Table I, pg. 70}	3,459,606	3,067,140	392,466
Budgeted decrease in fund balance	3,771,804	3,677,158	94,646
Undesignated	15,050,138	15,048,035	2,103
Total fund balance	23,619,492	23,231,847	387,645
Excess revenues over expenditures YTD	4,415,276	3,338,026	1,077,250
TOTAL LIABILITIES AND FUND EQUITY	\$ 38,523,282	\$ 36,517,088	\$ 2,006,194

		FY 2011		FY 2010	Analytical
					\$
					Increase
			Percent		(Decrease)
	Actual	Budget	of Budget	Actual	Prior yr.
Revenues:					
Taxes	\$ 11,840,875	\$ 25,815,304	45.87%	\$ 11,000,056	\$ 840,819
Franchise fees	1,563,848	6,000,485	26.06%	1,507,173	56,675
Licenses and permits	122,333	279,000	43.85%	59,153	63,180
Intergovernmental	65,361	257,751	25.36%	49,825	15,536
Charges for services	4,603,945	18,334,581	25.11%	4,347,510	256,435
Fines	447,575	1,703,207	26.28%	374,785	72,790
Interest and other	258,411	524,875	49.23%	234,956	23,455
Total revenues	18,902,348	52,915,203	35.72%	17,573,458	1,328,890
Expenditures:					
General government	2,958,145	11,769,038	25.13%	2,777,250	180,895
Public safety	5,824,494	23,499,624	24.79%	6,046,959	(222,465)
Highways and streets	892,321	3,174,055	28.11%	953,583	(61,262)
Sanitation	1,302,287	5,654,003	23.03%	1,586,118	(283,831)
Parks and leisure services	1,552,651	6,917,598	22.44%	1,595,509	(42,858)
Education	395,838	1,603,793	24.68%	384,149	11,689
Airport	702,107	2,623,674	26.76%	685,317	16,790
Debt Service:					
Principal	29,031	135,517	21.42%	40,263	(11,232)
Interest	2,610	22,054	11.83%	5,083	(2,473)
Total expenditures	13,659,484	55,399,356	24.66%	14,074,231	(414,747)
Excess (deficiency) of revenues					
over expenditures	5,242,864	(2,484,153)	-	3,499,227	1,743,637
Other financing sources (uses):					
Transfers in:					
Bond Programs	3,484	-	0.00%	-	3,484
Transfers out:					
Debt Service	(24,610)	(98,440)	25.00%	(24,610)	-
Capital Projects - Designated	(159,477)	(386, 186)	41.30%	(132,581)	(26,896)
Grant Fund	(18,229)	(65,402)	27.87%	(7,453)	(10,776)
Health Insurance Fund	(628,756)	(628,756)	100.00%	-	(628,756)
Bond Programs	-	(108,867)	0.00%	3,443	(3,443)
Total other financing sources (uses)	(827,588)	(1,287,651)	64.27%	(161,201)	(666,387)
Excess (deficiency) of revenues and other					
financing sources over expenditures					
and other financing uses	4,415,276	(3,771,804)	-	3,338,026	1,077,250
Fund balance, beginning of period	23,619,492	23,619,492		23,231,847	387,645
Fund balance, end of period	\$ 28,034,768	\$ 19,847,688	\$-	\$ 26,569,873	\$ 1,464,895

CITY OF TEMPLE, TEXAS GENERAL FUND SCHEDULE OF REVENUES - ACTUAL AND BUDGET For the three months ended December 31, 2010 (With comparative amounts for the three months ended December 31, 2009)

		FY 2011		FY 2010	Analytical
					\$
					Increase
			Percent		(Decrease)
	Actual	Budget	of Budget	Actual	Prior yr.
Taxes:					
Ad valorem:					
Property, current year	\$ 7,918,462	\$ 10,669,079	74.22%	\$ 7,358,890	\$ 559,572
Property, prior year	63,464	111,225	57.06%	39,970	23,494
Penalty and interest	13,652	87,000	15.69%	11,892	1,760
Total ad valorem taxes	7,995,578	10,867,304	73.57%	7,410,752	584,826
Non-property taxes:					
City sales {Table V, pg. 76}	3,805,110	14,800,000	25.71%	3,547,866	257,244
Mixed beverage	28,185	95,000	29.67%	25,033	3,152
Occupation	5,753	28,000	20.55%	9,980	(4,227)
Bingo	6,249	25,000	25.00%	6,425	(176)
Total non-property taxes	3,845,297	14,948,000	25.72%	3,589,304	255,993
Total taxes	11,840,875	25,815,304	45.87%	11,000,056	840,819
Franchise Fees:					
Electric franchise	711,724	2,775,000	25.65%	650,366	61,358
Gas franchise	237,157	650,000	36.49%	228,393	8,764
Telephone franchise	128,782	512,000	25.15%	133,417	(4,635)
Cable franchise	139,091	671,541	20.71%	150,986	(11,895)
Water/Sewer franchise	329,861	1,319,444	25.00%	329,624	237
Other	17,233	72,500	23.77%	14,387	2,846
Total franchise fees	1,563,848	6,000,485	26.06%	1,507,173	56,675
Licenses and permits:	73,428	115 000	63.85%	16 104	E7 204
Building permits Electrical permits and licenses	9,656	115,000 42,000	22.99%	16,104 11,528	57,324 (1,872)
Mechanical	9,000 10,396	28,000	37.13%	6,620	3,776
Plumbing permit fees	14,863	50,000	29.73%	12,335	2,528
Other	13,990	44,000	31.80%	12,566	1,424
Total licenses and permits	122,333	279,000	43.85%	59,153	63,180
Intergovernmental revenues:					/ - - -
Federal grants	54,551	206,159	26.46%	39,015	15,536
State reimbursements	-	8,351	0.00%	-	-
Department of Civil					
Preparedness	10,810	43,241	25.00%	10,810	-
Total intergovernmental revenues	\$ 65,361	\$ 257,751	25.36%	\$ 49,825	\$ 15,536

(Continued)

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the three months ended December 31, 2010

(With comparative amounts for the three months ended December 31, 2009)

Exhibit A-3 (Continued)

		FY 2011		FY 2010	Analytical
					\$
					Increase
			Percent		(Decrease)
	Actual	Budget	of Budget	Actual	Prior yr.
Library fees	\$ 9,807	\$ 37,000	26.51%	\$ 8,891	\$ 916
Recreational entry fees	34,059	148,200	22.98%	26,544	7,515
Summit recreational fees	147,378	664,000	22.20%	124,799	22,579
Golf course revenues	174,635	550,000	31.75%	124,096	50,539
Swimming pool	-	28,000	0.00%	305	(305)
Lions Junction water park	351	282,420	0.12%	-	351
Sammons indoor pool	10,260	38,000	27.00%	10,433	(173)
Vital statistics	28,931	189,258	15.29%	40,530	(11,599)
Police revenue	66,987	164,603	40.70%	72,218	(5,231)
Contractual services					
-proprietary fund	739,031	2,960,815	24.96%	740,126	(1,095)
Curb and street cuts	6,103	30,000	20.34%	7,967	(1,864)
Other	48,588	171,500	28.33%	40,663	7,925
Solid waste collection - residential	907,195	3,565,000	25.45%	860,223	46,972
Solid waste collection - commercial	713,587	2,820,000	25.30%	705,155	8,432
Solid waste collection - roll-off	456,267	1,769,636	25.78%	444,976	11,291
Landfill contract	481,020	1,635,896	29.40%	471,194	9,826
Airport sales and rental	621,965	2,563,643	24.26%	541,632	80,333
Subdivision fees	3,129	15,000	20.86%	4,332	(1,203)
Recreational services	146,591	692,760	21.16%	120,012	26,579
Fire department	8,061	8,850	91.08%	3,414	4,647
Total charges for services	4,603,945	18,334,581	25.11%	4,347,510	256,435
Fines:					
Court	308,157	1,360,826	22.64%	275,962	32,195
Animal pound	14,870	55,000	27.04%	15,382	(512)
Overparking	3,812	8,000	47.65%	3,029	783
Administrative fees	120,736	279,381	43.22%	80,412	40,324
Total fines	447,575	1,703,207	26.28%	374,785	72,790
Interest and other:					
Interest	15,722	50,000	31.44%	16,378	(656)
Lease and rental	52,493	186,103	28.21%	99,514	(47,021)
Sale of fixed assets	19,551	30,000	65.17%	12,467	7,084
Insurance claims	19,345	45,000	42.99%	26,801	(7,456)
Payment in lieu of taxes	11,234	8,943	125.62%	8,943	2,291
Building rental -				, -	
BOA bldg.	27,495	84,229	32.64%	27,712	(217)
Other	112,571	120,600	93.34%	43,141	69,430
Total interest and other	258,411	524,875	49.23%	234,956	23,455
Total revenues		\$ 52,915,203	35.72%	\$ 17,573,458	\$ 1,328,890

CITY OF TEMPLE, TEXAS GENERAL FUND SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET For the three months ended December 31, 2010

		FY 2011		FY 2010	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
General government:						
City council	\$ 56,657	\$ 141,366	40.08%	\$ 53,944	\$ 2,713	
City manager	165,130	717,458	23.02%	164,313	817	
Finance	276,298	1,115,012	24.78%	272,546	3,752	
Purchasing	75,934	316,044	24.03%	75,539	395	
City secretary	79,491	330,278	24.07%	73,434	6,057	
Special services	186,604	1,003,064	18.60%	113,838	72,766	
Legal	143,208	623,894	22.95%	149,341	(6,133)	
City planning	103,506	575,106	18.00%	95,640	7,866	
Information technology services	661,961	1,782,013	37.15%	601,612	60,349	
Human resources	141,638	699,123	20.26%	150,309	(8,671)	
Economic development	483,399	2,010,972	24.04%	403,121	80,278	
Fleet services	222,955	904,689	24.64%	227,418	(4,463)	
Facility services	361,364	1,550,019	23.31%	396, 195	(34,831)	
	2,958,145	11,769,038	25.13%	2,777,250	180,895	
Public safety:						
Municipal court	132,910	577,208	23.03%	138,158	(5,248)	
Police	3,153,259	12,432,743	25.36%	3,320,678	(167,419)	
Animal control	86,779	377,965	22.96%	87,926	(1,147)	
Fire	2,118,833	8,606,369	24.62%	2,151,306	(32,473)	
Communications	168,624	674,495	25.00%	149,618	19,006	
Construction safety	164,089	830,844	19.75%	199,273	(35,184)	
	5,824,494	23,499,624	24.79%	6,046,959	(222,465)	
Highways and streets:						
Street	662,816	2,416,316	27.43%	801,826	(139,010)	
Traffic signals	109,257	297,147	36.77%	57,644	51,613	
Engineering	120,248	460,592	26.11%	94,113	26,135	
	892,321	3,174,055	28.11%	953,583	(61,262)	
Sanitation:	\$ 1,302,287	\$ 5,654,003	23.03%	\$ 1,586,118	\$ (283,831)	
					(Continued)	

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the three months ended December 31, 2010

(With comparative amounts for the three months ended December 31, 2009)

		FY 2011	FY 2010	Analytical \$ Increase		
	Actual	Budget	Percent of Budget	Actual	(Decrease) Prior yr.	
Parks and leisure services:						
Administration	\$ 100,7	38 \$ 411,265	24.49%	\$ 96,097	\$ 4,641	
Parks	750,1	47 2,898,824	25.88%	857,333	(107,186)	
Leisure services	517,1	12 2,752,958	18.78%	469,758	47,354	
Golf course	184,6	54 854,551	21.61%	172,321	12,333	
	1,552,6	6,917,598	22.44%	1,595,509	(42,858)	
Library:	395,8	38 1,603,793	24.68%	384,149	11,689	
Airport:	702,1	07 2,623,674	26.76%	685,317	16,790	
Debt service:	31,6	41157,571	20.08%	45,346	(13,705)	
Totals	\$ 13,659,4	84 \$ 55,399,356	24.66%	\$ 14,074,231	\$ (414,747)	

CITY OF TEMPLE, TEXAS GENERAL FUND DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the three months ended December 31, 2010 (With comparative amounts for the three months ended December 31, 2009)

			FY	2011			F	Y 2010	Ana	alytical
	Ac	tual	в	udget		cent Idget		Actual	(De	\$ crease crease) ior yr.
General government:						<u></u>				<u></u>
City council:										
Personnel services	\$	1,596	\$	15,445	1	0.33%	\$	1,669	\$	(73)
Operations		55,061		125,921	4	3.73%		52,275		2,786
		56,657		141,366	4	0.08%		53,944		2,713
City manager:										
Personnel services		151,330		637,013	2	3.76%		151,760		(430)
Operations		13,800		80,445	1	7.15%		12,553		1,247
		165,130		717,458	2	3.02%		164,313		817
Finance:				-						
Personnel services		177,818		720,482	2	4.68%		182,777		(4,959)
Operations		98,480		394,530	2	4.96%		89,769		8,711
	2	276,298		1,115,012	2	4.78%		272,546		3,752
Purchasing:										
Personnel services		73,572		296,851		4.78%		73,234		338
Operations		2,362		19,193	-	2.31%		2,305		57
		75,934		316,044	2	4.03%		75,539		395
City secretary:										
Personnel services		65,452		266,189	2	4.59%		64,419		1,033
Operations		14,039		64,089	2	1.91%		9,015		5,024
		79,491		330,278	2	4.07%		73,434		6,057
Special services:										
Personnel services		111,246		325,000		4.23%		56,142		55,104
Operations		75,358		576,338		3.08%		57,696		17,662
Capital outlay (Contingency)		-		101,726		0.00%		-		-
		186,604		1,003,064	1	8.60%		113,838		72,766
Legal:										
Personnel services		136,175		567,526		3.99%		139,548		(3,373)
Operations		7,033		56,368		2.48%		9,793		(2,760)
		143,208		623,894	2	2.95%		149,341		(6,133)
City planning:										
Personnel services		92,493		342,920		6.97%		83,323		9,170
Operations		11,013		232,186		4.74%		12,317		(1,304)
		103,506		575,106	1	8.00%		95,640		7,866
Information technology services:										
Personnel services		238,158		1,021,496		3.31%		235,273		2,885
Operations	2	423,803		742,828		7.05%		338,655		85,148
Capital outlay		-		17,689		0.00%		27,684		(27,684)
	6	661,961		1,782,013	3	7.15%		601,612		60,349
Human resources:										
Personnel services		119,320		520,173	2	2.94%		122,021		(2,701)
Operations		22,318		178,950		2.47%		28,288		(5,970)
		141,638		699,123		0.26%		150,309		(8,671)
Economic development:		,000		500,120		0.2070		100,000		(0,011)
Operations	2	483,399	2	2,010,972	2	4.04%		403,121		80,278
		483,399		2,010,972		4.04%	\$	403,121	\$	80,278
	<u> </u>		<u> </u>	_, , , , , , , , , _			<u>+</u>			ontinued)
									,00	

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the three months ended December 31, 2010 (With comparative amounts for the three months ended December 31, 2009)

Exhibit A-5 (Continued)

		FY 2011		FY 2010	Analytical
			Percent		\$ Increase (Decrease)
	Actual	Budget	of Budget		
Fleet services:					
Personnel services	\$ 189,476	\$ 811,201	23.36%	\$ 195,215	\$ (5,739)
Operations	14,888	74,897	19.88%	16,921	(2,033)
Capital outlay	18,591	18,591	100.00%	15,282	3,309
	222,955	904,689	24.64%	227,418	(4,463)
Facility services:					
Personnel services	133,706	587,179	22.77%	140,862	(7,156)
Operations	124,094	635,745	19.52%	157,185	(33,091)
Capital outlay	103,564	327,095	31.66%	98,148	5,416
	361,364	1,550,019	23.31%	396,195	(34,831)
Total general government	2,958,145	11,769,038	25.13%	2,777,250	180,895
Public safety:					
Municipal court:					
Personnel services	120,417	491,583	24.50%	121,498	(1,081)
Operations	12,493	85,625	14.59%	16,660	(4,167)
	132,910	577,208	23.03%	138,158	(5,248)
Police:					
Personnel services	2,588,404	10,641,940	24.32%	2,648,723	(60,319)
Operations	291,719	1,440,803	20.25%	310,421	(18,702)
Capital outlay	273,136	350,000	78.04%	361,534	(88,398)
	3,153,259	12,432,743	25.36%	3,320,678	(167,419)
Animal control:	69 520	274 204	24.000/	71 500	(2,000)
Personnel services	68,530	274,201	24.99%	71,529	(2,999)
Operations	<u>18,249</u> 86,779	103,764 377,965	17.59% 22.96%	<u>16,397</u> 87,926	1,852 (1,147)
Fire:	00,779	377,903	22.90%	07,920	(1,147)
Personnel services	1,966,908	7,853,373	25.05%	1,967,189	(281)
Operations	131,783	723,796	18.21%	137,109	(5,326)
Capital outlay	20,142	29,200	68.98%	47,008	(26,866)
Cupital Cultury	2,118,833	8,606,369	24.62%	2,151,306	(32,473)
Communications:					
Operations	168,624	674,495	25.00%	149,618	19,006
·	168,624	674,495	25.00%	149,618	19,006
Construction safety:					
Personnel services	150,877	613,665	24.59%	163,648	(12,771)
Operations	13,212	217,179	6.08%	35,625	(22,413)
Capital outlay	-	-	0.00%	-	-
	164,089	830,844	19.75%	199,273	(35,184)
Total public safety	5,824,494	23,499,624	24.79%	6,046,959	(222,465)
Highways and streets: Street :					
Personnel services	197,809	853,306	23.18%	174,885	22,924
Operations	270,151	1,344,901	20.09%	269,638	513
Capital outlay	194,856	218,109	89.34%	357,303	(162,447)
	\$ 662,816	\$ 2,416,316	27.43%	\$ 801,826	\$ (139,010)
	<u> </u>			<u>.</u>	(Continued)

(Continued)

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the three months ended December 31, 2010 (With comparative amounts for the three months ended December 31, 2009)

Exhibit A-5 (Continued)

		FY 2011	FY 2010	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Traffic signals:					
Personnel services	\$ 39,487	\$ 169,041	23.36%	\$ 41,135	\$ (1,648)
Operations	6,414	48,992	13.09%	7,544	(1,130)
Capital outlay	63,356	79,114	80.08%	8,965	54,391
	109,257	297,147	36.77%	57,644	51,613
Engineering:					
Personnel services	103,043	333,764	30.87%	81,185	21,858
Operations	17,205	126,828	13.57%	12,928	4,277
oporations	120,248	460,592	26.11%	94,113	26,135
Total highways and streets	892,321	3,174,055	28.11%	953,583	(61,262)
Sanitation:					
Personnel services	405.451	1,693,070	23.95%	409,974	(4,523)
Operations	654,816	3,163,913	20.70%	663,095	(8,279)
Capital outlay	242,020	797,020	30.37%	513,049	(271,029)
Total sanitation	1,302,287	5,654,003	23.03%	1,586,118	(283,831)
Parks and leisure services: Administration					
Personnel services	75,131	311,935	24.09%	86,042	(10,911)
Operations	25,607	99,330	25.78%	10,055	15,552
Operations	100,738	411,265	24.49%	96,097	4,641
Parks					
Personnel services	301,083	1,277,770	23.56%	301,479	(396)
Operations	294,659	1,368,717	21.53%	361,120	(66,461)
Capital outlay	154,405	252,337	61.19%	194,734	(40,329)
	750,147	2,898,824	25.88%	857,333	(107,186)
Leisure services					
Personnel services	360,914	1,706,249	21.15%	338,323	22,591
Operations	156,198	1,010,263	15.46%	131,435	24,763
Capital outlay		36,446	0.00%		
Golf course	517,112	2,752,958	18.78%	469,758	47,354
Personnel services	117 020	152 001	25 00%	112 506	1 242
	117,929	453,824	25.99%	113,586	4,343
Operations	66,725	398,052	16.76%	58,735	7,990
Capital outlay	-	2,675	0.00%		- 10.000
Total parks and leisure services	184,654 1,552,651	854,551 6,917,598	21.61% 22.44%	172,321 1,595,509	12,333 (42,858)
·					/
Library:			00	a /a	a /
Personnel services	252,247	1,053,109	23.95%	249,273	2,974
Operations	143,591	550,684	26.08%	134,876	8,715
Total library	\$ 395,838	\$ 1,603,793	24.68%	\$ 384,149	\$ 11,689

Quarterly Financial Statements – for three months ended 12.31.2010

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the three months ended December 31, 2010 (With comparative amounts for the three months ended December 31, 2009)

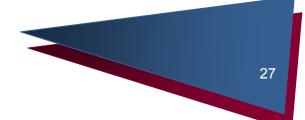
Exhibit A-5 (Continued)

		FY 2011					FY 2010		Analytical	
		Actual		Budget	Percent of Budge	-	Actual	(D	\$ ncrease ecrease) Prior yr.	
Airport:										
Personnel services	\$	170,713	\$	723,790	23.59	%	\$ 164,447	\$	6,266	
Operations		474,708		1,831,896	25.91	%	388,140		86,568	
Capital outlay		56,686		67,988	83.38	8%	132,730		(76,044)	
Total airport		702,107		2,623,674	26.76	8%	685,317		16,790	
Debt service:										
Principal		29,031		135,517	21.42	2%	40,263		(11,232)	
Interest		2,610		22,054	11.83	8%	5,083		(2,473)	
Total debt service		31,641		157,571	20.08	8%	45,346		(13,705)	
Total	\$ ~	13,659,484	\$	55,399,356	24.66	8%	\$ 14,074,231	\$	(414,747)	

Water & Sewer Enterprise Fund Financials

Enterprise Fund

Water and Sewer Fund: To account for the provision of water and sewer services to the residents of the City. All activities necessary to provide such services are accounted for in this fund, including but not limited to administration, operation, maintenance, financing and related debt service, billing and collection.



CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND STATEMENT OF FUND NET ASSETS December 31, 2010 and 2009

	2010	2009	Increase (Decrease)
ASSETS			
Current assets:			
Cash	\$ 4,636	\$ 4,850	\$ (214)
Investments	18,163,885	17,959,598	204,287
Customer receivables	1,037,888	1,219,694	(181,806)
Inventories	214,625	226,905	(12,280)
Prepaid items	19,750	12,500	7,250
Total current assets	19,440,784	19,423,547	17,237
Restricted cash and investments:			
Revenue bond reserve fund	3,367,673	3,367,791	(118)
Revenue bond debt service	2,750,685	2,546,766	203,919
Customer deposits	574,670	552,300	22,370
Construction account	23,827,872	12,554,087	11,273,785
	30,520,900	19,020,944	11,499,956
Deferred cost-bond issue	944,524	947,262	(2,738)
Property and equipment:			
Land	618,471	618,471	-
Improvements other than buildings	112,582,605	103,956,605	8,626,000
Buildings	45,177,488	44,072,627	1,104,861
Machinery and equipment	5,824,814	5,422,553	402,261
	164,203,378	154,070,256	10,133,122
Less accumulated depreciation	(75,221,619)	(70,747,656)	(4,473,963)
Construction in progress	28,403,989	23,887,525	4,516,464
Net property and equipment	117,385,748	107,210,125	10,175,623
Total assets	\$ 168,291,956	\$ 146,601,878	\$ 21,690,078

	2010	2009	Increase (Decrease)
LIABILITIES			
Current liabilities:			
Vouchers & contracts payable	\$ 3,783,638	\$ 830,929	\$ 2,952,709
Retainage payables	105,690	-	105,690
Accrued payroll	126,632	115,250	11,382
Deferred revenue	70,641	70,641	
Total current liabilities	4,086,601	1,016,820	3,069,781
Liabilities payable from restricted assets:			
Customers deposits	574,670	552,300	22,370
Vouchers & contracts payable	7,192,785	5,209,219	1,983,566
Retainage payables	178,671	205,608	(26,937)
Accrued interest - revenue bonds	498,081	435,193	62,888
Current maturities of long-term liabilities	3,648,761	3,518,603	130,158
	12,092,968	9,920,923	2,172,045
Long-term liabilities, less current maturities:			
Revenue bonds payable	70,310,000	56,675,000	13,635,000
Refundable contracts	-	115,507	(115,507)
Vacation and sick leave payable	305,154	283,960	21,194
Net pension benefit obligation payable	210,701	89,103	121,598
Other post-employement benefits payable	393,391	160,638	232,753
Notes payable	204,974	302,957	(97,983)
Premium on bonds payable	766,255	799,972	(33,717)
	72,190,475	58,427,137	13,763,338
Total liabilities	88,370,044	69,364,880	19,005,164
NET ASSETS			
Invested in capital assets, net of related debt	66,858,300	59,019,980	7,838,320
Restricted for debt service	6,118,358	5,914,557	203,801
Unrestricted	5,889,094	11,679,426	(5,790,332)
Total net assets	78,865,752	76,613,963	2,251,789
Net income {YTD}	1,056,160	623,035	433,125
Total liabilities and net assets	\$ 168,291,956	\$ 146,601,878	\$ 21,690,078

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET ASSETS For the three months ended December 31, 2010 (With comparative amounts for the three months ended December 31, 2009)

		FY 2011	 FY 2010		Increase Decrease)
Operating revenues:					
Water service	\$	3,622,484	\$ 3,109,808	\$	512,676
Sewer service		2,516,435	2,508,242		8,193
Other		270,120	283,031		(12,911)
Total operating revenues		6,409,039	 5,901,081		507,958
Operating expenses:					
Personnel services		966,402	1,016,969		(50,567)
Supplies		369,038	305,448		63,590
Repairs and maintenance		189,691	174,614		15,077
Depreciation		1,175,000	1,150,000		25,000
Other services and charges		2,542,909	2,625,592		(82,683)
Total operating expenses		5,243,040	 5,272,623		(29,583)
Operating income		1,165,999	 628,458		537,541
Nonoperating revenues (expenses):					
Interest income		24,478	24,763		(285)
Interest expense		(33,952)	(30,186)		3,766
Total nonoperating revenues					
(expenses)		(9,474)	 (5,423)		(4,051)
Income before transfers		1,156,525	623,035		533,490
Transfers out-Health Insurance fund	1	(100,365)	 		(100,365)
Change in net assets		1,056,160	623,035		433,125
Net assets, beginning of period		78,865,752	 76,613,963		2,251,789
Net assets, end of period	\$	79,921,912	\$ 77,236,998	\$	2,684,914

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND COMPARATIVE SCHEDULE OF OPERATING REVENUES For the three months ended December 31, 2010 (With comparative amounts for the three months ended December 31, 2009)

	FY 2011	FY 2010	Increase (Decrease)
Current water service:			
Residential	\$ 1,813,686	\$ 1,502,305	\$ 311,381
Commercial	1,650,295	1,469,603	180,692
Wholesale	158,503	137,900	20,603
Total water service	3,622,484	3,109,808	512,676
Current sewer service:			
Residential	1,205,626	1,246,133	(40,507)
Commercial	1,310,809	1,262,109	48,700
Total sewer service	2,516,435	2,508,242	8,193
Other:			
Transfers and rereads	25,475	26,915	(1,440)
Penalties	101,761	93,167	8,594
Reconnect fees	75,060	71,975	3,085
Tap fees	23,313	24,925	(1,612)
Other sales	44,511	66,049	(21,538)
Total other	270,120	283,031	(12,911)
Total operating revenues	\$ 6,409,039	\$ 5,901,081	\$ 507,958

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND COMPARATIVE SCHEDULE OF OPERATING EXPENSES BY DEPARTMENT For the three months ended December 31, 2010

	EV 2014	EV 2040	Increase (Decrease)	
Administrative	FY 2011	FY 2010		
Administrative:	\$ 45,716	\$ 62,659	¢ (16.042)	
Personnel services	\$ 45,716 1,426	\$ 62,659 8,387	\$ (16,943)	
Supplies			(6,961)	
Other services and charges	1,024,517	976,354	48,163	
Water treatment and production:	1,071,659	1,047,400	24,259	
Personnel services	220,073	226,632	(6,559)	
Supplies	241,882	166,904	(0,339) 74,978	
	86,393			
Repairs and maintenance		74,823	11,570	
Other services and charges	451,061	498,601	(47,540)	
Distribution system:	999,409	966,960	32,449	
Personnel services	167,722	168,523	(801)	
Supplies	35,895	49,151	(13,256)	
Repairs and maintenance	51,140	50,107	1,033	
Other services and charges	11,096	14,595	(3,499)	
	265,853	282,376	(16,523)	
Metering:	200,000	202,010	(10,020)	
Personnel services	133,888	138,096	(4,208)	
Supplies	38,650	36,631	2,019	
Repairs and maintenance	11,183	17,191	(6,008)	
Other services and charges	3,316	2,219	1,097	
5	187,037	194,137	(7,100)	
Sanitary sewer collection system:			<i>`</i>	
Personnel services	290,208	308,818	(18,610)	
Supplies	48,987	37,880	11,107	
Repairs and maintenance	37,043	29,753	7,290	
Other services and charges	16,177	8,633	7,544	
	392,415	385,084	7,331	
Sewage treatment and disposal:				
Personnel services	-	3,299	(3,299)	
Other services and charges	888,807	949,178	(60,371)	
	\$ 888,807	\$ 952,477	\$ (63,670)	
			(Continued)	

COMPARATIVE SCHEDULE OF OPERATING

EXPENSES BY DEPARTMENT

Exhibit B-4 (Continued)

For the three months ended December 31, 2010

	FY 2011	FY 2010	Increase (Decrease)		
Water collection offices:					
Personnel services	\$ 94,962	\$ 95,709	\$ (747)		
Supplies	1,980	6,256	(4,276)		
Repairs and maintenance	3,093	2,619	474		
Other services and charges	145,617	172,718	(27,101)		
	245,652	277,302	(31,650)		
Water purchasing:					
Personnel services	13,833	13,233	600		
Supplies	218	239	(21)		
Repairs and maintenance	839	121	718		
Other services and charges	2,318	3,294	(976)		
	17,208	16,887	321		
Depreciation	1,175,000	1,150,000	25,000		
Totals	\$ 5,243,040	\$ 5,272,623	\$ (29,583)		

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND COMPARATIVE STATEMENT OF REVENUES & EXPENSES ACTUAL AND BUDGET For the three months ended December 31, 2010 (With comparative amounts for the three months ended December 31, 2009)

	FY 2011					FY 2010				11 vs. 10		
					% of					% of	Increase	
		Actual		Budget	Budget		Actual		Budget	Budget	(De	crease)
Operating revenues:												
Water service	\$	3,622,484	\$	14,968,893	24.20%	\$	3,109,808	\$	15,251,143	20.39%	\$	512,676
Sewer service		2,516,435		10,450,000	24.08%		2,508,242		10,340,396	24.26%		8,193
Other		270,120		899,100	30.04%		283,031		707,500	40.00%		(12,911)
Total operating revenues		6,409,039		26,317,993	24.35%		5,901,081		26,299,039	22.44%		507,958
Operating expenses:												
Personnel services		966,402		4,042,965	23.90%		1,016,969		4,035,148	25.20%		(50,567)
Supplies		369,038		2,113,395	17.46%		305,448		2,412,123	12.66%		63,590
Repairs and maintenance		189,691		1,168,317	16.24%		174,614		1,132,003	15.43%		15,077
Depreciation		1,175,000		4,600,000	25.54%		1,150,000		4,600,000	25.00%		25,000
Other services and charges		2,542,909		10,344,641	24.58%		2,625,592		10,594,466	24.78%		(82,683)
Total operating expenses		5,243,040		22,269,318	23.54%		5,272,623		22,773,740	23.15%		(29,583)
Operating income		1,165,999		4,048,675	28.80%		628,458		3,525,299	17.83%		537,541
Nonoperating revenues												
(expenses):												
Interest income		24,478		70,885	34.53%		24,763		70,885	34.93%		(285)
Interest expense		(33,952)		(3,278,809)	1.04%		(30,186)		(3,037,918)	0.99%		3,766
Total nonoperating revenues												
(expenses)		(9,474)		(3,207,924)	-		(5,423)		(2,967,033)	-		3,481
Income before transfers		1,156,525		840,751	-		623,035		558,266	-		533,490
Transfers out-Health Insurance fund		(100,365)		(100,365)	100.00%		-		-	0.00%		100,365
Net income	\$	1,056,160	\$	740,386	-	\$	623,035	\$	558,266	-	\$	433,125

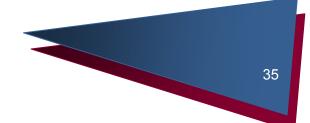
Special Revenue Fund Financials

Special Revenue Fund

Special Revenue Fund is used to account for specific revenues that are legally restricted to expenditure for particular purposes.

<u>Hotel-Motel Fund:</u> To account for the levy and utilization of the hotel-motel room tax. State law requires that revenues from this tax be used for advertising and promotion of the City.

Drainage Fund: To account for the levy and assessment of the drainage fee.



ASSETS 2010 2009 (Decrease) ASSETS ASSETS - <t< th=""><th></th><th></th><th></th><th>Increase</th></t<>				Increase
Cash \$ 1,550 \$ 1,550 \$ - Investments 933,314 880,029 53,285 Accounts receivable 169,514 131,206 38,308 Inventories 2,889 2,862 27 Prepaid items 2,000 2,000 - Total assets \$ 1,109,267 \$ 1,017,647 \$ 91,620 LIABILITIES AND FUND BALANCES Liabilities: Vouchers payable \$ 48,049 \$ 158,097 \$ (110,048) Accrued payroll 19,503 16,018 3,485 Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: Budgeted decrease in fund balance 69,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516		2010	2009	(Decrease)
Investments 933,314 880,029 53,285 Accounts receivable 169,514 131,206 38,308 Inventories 2,889 2,862 27 Prepaid items 2,000 2,000 - Total assets \$ 1,109,267 \$ 1,017,647 \$ 91,620 Liabilities: Vouchers payable \$ 48,049 \$ 158,097 \$ (110,048) Accrued payroll 19,503 16,018 3,485 Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: Inventories and prepaid items 4,581 5,098 (517) Unreserved: Inventories and prepaid items 4,581 5,098 (517) Undesignated 69,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	ASSETS			
Accounts receivable 169,514 131,206 38,308 Inventories 2,889 2,862 27 Prepaid items 2,000 2,000 - Total assets \$ 1,109,267 \$ 1,017,647 \$ 91,620 LIABILITIES AND FUND BALANCES Liabilities: Vouchers payable \$ 48,049 \$ 158,097 \$ (110,048) Accrued payroll 19,503 16,018 3,485 Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: Budgeted decrease in fund balance 69,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Cash	\$ 1,550	\$ 1,550	\$-
Inventories 2,889 2,862 27 Prepaid items 2,000 2,000 - Total assets \$ 1,109,267 \$ 1,017,647 \$ 91,620 LIABILITIES AND FUND BALANCES Liabilities: Vouchers payable \$ 48,049 \$ 158,097 \$ (110,048) Accrued payroll 19,503 16,018 3,485 Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: Budgeted decrease in fund balance 69,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Investments	933,314	880,029	53,285
Prepaid items 2,000 2,000 - Total assets \$ 1,109,267 \$ 1,017,647 \$ 91,620 LIABILITIES AND FUND BALANCES Liabilities: Vouchers payable \$ 48,049 \$ 158,097 \$ (110,048) Accrued payroll 19,503 16,018 3,485 Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: 4,581 5,098 (517) Unreserved: 91,620 114,568) 23,419 Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Accounts receivable	169,514	131,206	38,308
Total assets \$ 1,109,267 \$ 1,017,647 \$ 91,620 LIABILITIES AND FUND BALANCES Liabilities: Vouchers payable \$ 48,049 \$ 158,097 \$ (110,048) Accrued payroll 19,503 16,018 3,485 Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: 200,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Inventories	2,889	2,862	27
LIABILITIES AND FUND BALANCES Liabilities: Vouchers payable \$ 48,049 \$ 158,097 \$ (110,048) Accrued payroll 19,503 16,018 3,485 Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: Budgeted decrease in fund balance 69,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Prepaid items	2,000	2,000	
Liabilities: Vouchers payable \$ 48,049 \$ 158,097 \$ (110,048) Accrued payroll 19,503 16,018 3,485 Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: 4,581 5,098 (517) Unreserved: 4,581 5,098 (517) Unreserved: 69,893 418,123 (348,230) Undesignated 69,893 418,123 (348,230) Undesignated 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Total assets	\$ 1,109,267	\$ 1,017,647	\$ 91,620
Vouchers payable \$ 48,049 \$ 158,097 \$ (110,048) Accrued payroll 19,503 16,018 3,485 Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: 4,581 5,098 (517) Unreserved: 4 5,098 (517) Unreserved: 69,893 418,123 (348,230) Undesignated 69,893 418,123 (348,230) Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	LIABILITIES AND FUND BALANCES			
Accrued payroll 19,503 16,018 3,485 Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: 4,581 5,098 (517) Unreserved: 1000000000000000000000000000000000000	Liabilities:			
Deposits 102,780 53,545 49,235 Total liabilities 170,332 227,660 (57,328) Fund Balance: (57,328) Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: (348,230) Undesignated 69,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Vouchers payable	\$ 48,049	\$ 158,097	\$ (110,048)
Total liabilities 170,332 227,660 (57,328) Fund Balance:	Accrued payroll	19,503	16,018	3,485
Fund Balance: 4,581 5,098 (517) Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: 69,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Deposits	102,780	53,545	49,235
Reserved for inventories and prepaid items 4,581 5,098 (517) Unreserved: 8 69,893 418,123 (348,230) Budgeted decrease in fund balance 69,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Total liabilities	170,332	227,660	(57,328)
Unreserved: 69,893 418,123 (348,230) Budgeted decrease in fund balance 69,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Fund Balance:			
Budgeted decrease in fund balance 69,893 418,123 (348,230) Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Reserved for inventories and prepaid items	4,581	5,098	(517)
Undesignated 843,400 609,221 234,179 Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Unreserved:			
Total fund balance 917,874 1,032,442 (114,568) Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Budgeted decrease in fund balance	69,893	418,123	(348,230)
Excess revenues over expenditures YTD 21,061 (242,455) 263,516	Undesignated	843,400	609,221	234,179
	Total fund balance	917,874	1,032,442	(114,568)
Total liabilities and fund balances \$ 1,109,267 \$ 1,017,647 \$ 91,620	Excess revenues over expenditures YTD	21,061	(242,455)	263,516
	Total liabilities and fund balances	\$ 1,109,267	\$ 1,017,647	\$ 91,620

	FY 2011					FY 2010		Analytica		
	Actual		Budget		Percent of Budget		Actual		Increase (Decrease) Prior year	
Revenues:										
Taxes	\$	249,139	\$ 1,025	,450	24.	30%	\$	241,295	\$	7,844
Charges for services										
Civic center and Visitor center		99,677	233	,500	42.	69%		67,613		32,064
Interest and other		5,597	1	,800	310.	94%		5,757		(160)
Total revenues		354,413	1,260	,750	28.	11%		314,665		39,748
Expenditures:										
Civic center		183,468	819	,541	22.	39%		430,985		(247,517)
Railroad museum		47,448	192	,848	24.	60%		47,576		(128)
Tourism marketing		86,375	286	,915	30.	10%		73,466		12,909
Total expenditures		317,291	1,299	,304	24.	42%		552,027		(234,736)
Excess (deficiency) of revenues										
over expenditures		37,122	(38	8,554)		-		(237,362)		274,484
Other financing sources (uses):										
Transfers out - Debt Service Fund		(5,093)	(20	,371)	25.	00%		(5,093)		-
Transfers out - Health Insurance Fund		(10,968)	(10	,968)	100.	00%		-		10,968
Total other financing uses		(16,061)	(31	,339)	51.	25%		(5,093)		10,968
Excess (deficiency) of revenues and other										
financing sources over expenditures										
and other financing uses		21,061	(69	,893)		-		(242,455)		263,516
Fund balance, beginning of period		917,874	917	,874		-		1,032,442		(114,568)
Fund balance, end of period	\$	938,935	\$ 847	,981		-	\$	789,987	\$	148,948

	FY 2011						FY 2010		Analytical		
		Actual	Budget		Percent of Budget	Actual		(Decrease) Prior yr.			
Civic center:											
Personnel services	\$	123,112	\$	445,537	27.63%	\$	98,269	\$	24,843		
Operations		60,356		305,216	19.77%		84,053		(23,697)		
Capital outlay		-		68,788	0.00%		248,663		(248,663)		
		183,468		819,541	22.39%		430,985		(247,517)		
Railroad museum:											
Operations		47,448		192,848	24.60%		47,576	_	(128)		
		47,448		192,848	24.60%		47,576		(128)		
Tourism marketing:											
Personnel services		18,989		71,760	26.46%		17,533		1,456		
Operations		67,386		205,155	32.85%		55,933		11,453		
Capital outlay		-		10,000	0.00%		-		-		
		86,375		286,915	30.10%		73,466		12,909		
Totals	\$	317,291	\$	1,299,304	24.42%	\$	552,027	\$	(234,736)		

ASSETS	2010	2009	Increase (Decrease)
Investments	\$ 1,183,057	\$ 1,072,773	\$ 110,284
Accounts receivable	33,643	49,038	(15,395)
Total assets	\$ 1,216,700	\$ 1,121,811	\$ 94,889
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 59,301	\$ 36,308	\$ 22,993
Retainage payable	4,874	-	4,874
Accrued payroll	19,199	17,131	2,068
Total liabilities	83,374	53,439	29,935
Fund balance:			
Unreserved:			
Designated for capital projects	253,881	410,000	(156,119)
Budgeted decrease in fund balance	330,691	31,289	299,402
Undesignated	681,150	557,964	123,186
Total fund balance	1,265,722	999,253	266,469
Excess revenues over expenditures YTD	(132,396)	69,119	(201,515)
Total liabilities and fund balances	\$ 1,216,700	\$ 1,121,811	\$ 94,889

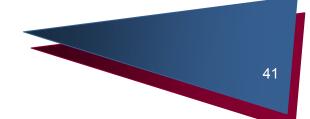
		FY 2011		FY 2010	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Revenues:					
Drainage fee - commercial	\$ 115,641	\$ 470,000	24.60%	\$ 118,428	\$ (2,787)
Drainage fee - residential	130,521	495,300	26.35%	124,872	5,649
Interest and other	2,973	34,073	8.73%	24,897	(21,924)
Total revenues	249,135	999,373	24.93%	268,197	(19,062)
Expenditures:					
Drainage					
Personnel services	106,528	494,393	21.55%	117,352	(10,824)
Operations	48,252	510,758	9.45%	65,729	(17,477)
Capital outlay	216,840	315,002	68.84%	15,997	200,843
Total expenditures	371,620	1,320,153	28.15%	199,078	172,542
Excess (deficiency) of revenues					
over expenditures	(122,485)	(320,780)		69,119	(191,604)
Other financing sources (uses):					
Transfers out - Health Insurance Fund	(9,911)	(9,911)	100.00%	-	9,911
Total other financing uses	(9,911)	(9,911)	100.00%		9,911
Excess (deficiency) of revenues and other financing sources over expenditures					
and other financing uses	(132,396)	(330,691)	-	69,119	(201,515)
Fund balance, beginning of period	1,265,722	1,265,722		999,253	266,469
Fund balance, end of period	\$ 1,133,326	\$ 935,031		\$ 1,068,372	\$ 64,954

Internal Service Fund Financials

Internal Service Fund

Internal Service Fund is used to account for and report any activity that provides goods or services to other funds, departments, or agencies of the primary government and its component units, or to other governments, on a cost-reimbursement basis.

<u>Health Insurance Fund</u>: To account for the cost and reimbursements of the self-funded health insurance plan.



	2010
ASSETS	
Cash Total assets	\$ 981,748 981,748
LIABILITIES	
Vouchers payable Total liabilities	<u>71,988</u> 71,988
NET ASSETS	
Unrestricted Total net assets	909,760 \$ 909,760

	F	Y 2011
Operating revenues:		
Charges for services -		
Contributions:		
Employer - Active	\$	349,801
Employer - Retirees		24,140
Employee		186,767
Retiree		62,155
COBRA		3,444
Total operating revenues		626,307
Operating expenses: Purchased professional/ technical services - Claims:		
Employee		276,350
Retiree		52,407
COBRA		769
Stop Loss Insurance		75,502
Administrative Fee		62,040
Total operating expenses		467,068
Operating income (loss)		159,239
Nonoperating revenues:		
Investment earnings		521
Income (loss) before contributions and transfers		159,760
Transfers in		750,000
Change in net assets		909,760
Total net assets, beginning		-
Total net assets, ending	\$	909,760

		FY 2011	
			% of
	Actual	Budget	Budget
Operating revenues:			
Charges for services -			
Contributions:			
Employer - Active	\$ 349,801	\$ 1,545,592	22.63%
Employer - Retirees	24,140	112,200	21.52%
Employee	186,767	982,288	19.01%
Retiree	62,155	275,002	22.60%
COBRA	3,444		0.00%
Total operating revenues	626,307	2,915,082	21.49%
Operating expenses:			
Purchased professional/			
technical services			
Claims:			
Employee	276,350	2,785,998	9.92%
Retiree	52,407	322,672	16.24%
COBRA	769	-	0.00%
Stop Loss Insurance	75,502	305,435	24.72%
Administrative Fee	62,040	250,977	24.72%
Other	-		0.00%
Total operating expenses	467,068	3,665,082	12.74%
Operating income (loss)	159,239	(750,000)	-21.23%
Nonoperating revenues:			
Investment earnings	521		0.00%
Income (loss) before			
contributions and transfers	159,760	(750,000)	-21.30%
Transfers in			
General Fund	628,756	628,756	100.00%
Water & Sewer Fund	100,365	100,365	100.00%
Hotel/Motel Fund	10,968	10,968	100.00%
Drainage Fund	9,911	9,911	100.00%
	750,000	750,000	100.00%
Change in net assets	909,760	-	-
Total net assets, beginning			_
Total net assets, ending	\$ 909,760	\$ -	-



The Capital Projects Fund is used to account for financial resources to be used for the acquisition or construction of major capital facilities.

- New construction, expansion, renovation, or replacement project for an existing facility or facilities. The project must have a total cost of at least \$10,000 over the life of the project. Project costs can include the cost of land, engineering, architectural planning, and contract services needed to complete the project.
- Purchase of major equipment (assets) costing \$50,000 or more with a useful life of at least 10 years.
- Major maintenance or rehabilitation project for existing facilities with a cost of \$10,000 or more and an economic life of at least 10 years.

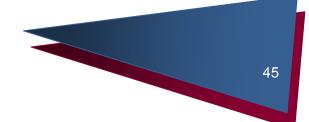


Exhibit	Bond Issue	Focus of Issue	Issue Proceeds	Adjusted Bond Fund Revenues	Total Project Costs (1)	Remaining Funds (2)
F-2	2005 Airport Revenue Bond Issue (Fund 351)	Airport Helicopter Maintenance Hangar #2	\$ 3,550,000	\$ 3,718,787	\$ 3,717,063	\$ 1,724
F-3	2006 & 2008 Utility Revenue Bond Issue (Fund 561)	Various Utility Infrastructure Improvements	53,680,026	55,461,232	55,278,603	182,629
F-4	2006 & 2008 Combination Tax & Revenue CO Issue (Fund 361)	Various General Government Capital Improvements	24,046,141	25,188,192	24,750,492	437,700
F-5	2008 GO Bond Issue (Fund 362)	Parks & Recreation	9,975,372	10,376,450	10,376,280	170
F-6	2008 Reinvestment Zone CO Issue & TIRZ Taxable Revenue Issue (Fund 795)	Various Reinvestment Zone Infrastructure Improvements	26,375,000	27,495,456	27,495,062	394
F-7	2009 GO Bond Issue (Fund 363)	Public Safety	13,995,000	14,015,910	10,580,314	3,435,596
			\$ 131,621,539	\$ 136,256,027	\$ 132,197,815	\$ 4,058,213

Note (1) Total project costs include costs incurred, encumbered and estimated costs to complete.

Note (2) Remaining funds represent funds that are available for allocation to projects.

CITY OF TEMPLE, TEXAS SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES TAXABLE REVENUE BONDS 2005 - CAPITAL PROJECTS BOND FUND - 351 For the period beginning November 15, 2005 and ending December 31, 2010

Expenditures			Revenue & Bond	Proceeds
Construction in Progress				
Expenditures	\$	3,655,315	Original Issue {November 2005}	\$ 3,550,000
Encumbrances as of 12/31/10	(1)	59,375	Interest Income	87,312
Estimated Costs to Complete Projects		2,373	Reimbursement from TxDot	81,475
	\$	3,717,063		\$ 3,718,787

Detail of Construction Costs													
Project		h	otal Costs ncurred & ncumbered	С	timated osts to mplete		Total			Original Estimate		er/(Under) Budget	
Bond Issue Costs	*	\$	42,378	\$	-	\$	42,378		\$	42,378	\$	-	
Bond Interest	*		179,809		-		179,809			179,884		(75)	
Municipal Helicopter Maintenance Hangar	*		3,311,679		-		3,311,679	(2)		3,327,738		(16,059)	
Airport Improvements	*		3,185		-		3,185			-		3,185	
Land Acquisition	*		118,264		-		118,264			-		118,264	
Tractor & Shredder			59,375		2,373		61,748			-		61,748	
		\$	3,714,691	\$	2,373	\$	3,717,063		\$	3,550,000	\$	167,063	

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

Note (2): Municipal Helicopter Maintenance Hangar cost breakdown:

Engineering fees	\$ 172,388
Advertisement for bids	500
Construction contract	3,037,435
West road entrance to facility	63,160
Water pump station improvements	14,600
Capitalized utility costs	9,173
Testing (budget = \$16,000)	 14,423
Total Project Costs	\$ 3,311,679

* Project Final

(1,808,229) **55,461,232**

CITY OF TEMPLE, TEXAS

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

UTILITY SYSTEM REVENUE BONDS 2006, 2008, 2010 - WATER/SEWER CAPITAL PROJECTS FUND - 561

For the period beginning October 11, 2006 and ending December 31, 2010

Expenditures				Revenue & Bond Procee	ds	
Construction in Progress						
Expenditures		\$	33,054,641	Original Issue {October 2006} CIP FY 2007	\$	2
Encumbrances as of 12/31/10	(1)		6,607,740	Additional Issue {July 2008} CIP FY 2008		1
Estimated Costs to Complete Projects	_		15,616,222	Additional Issue {August 2010} CIP FY 2010		1
		\$	55,278,603	Issuance Premium		
	_			Issuance Premium		
				Issuance Premium		
				Interest Income		
				Reimbursement due from TxDOT		

Detail	of	Construction	Costs

Capitalized Interest Expense

	Γ	BUDGET							ACTUAL					
Project			Driginal Budget	Adjustn to Orig Budg	inal		Adjusted Budgeted	In	otal Costs ncurred & cumbered	Co	nated sts to plete		Total esignated oject Cost	
Bond Issue Costs	*	\$	323,249	\$	-	\$	323,249	\$	323,249	\$	-	\$	323,249	
Bond Issue Costs	*		353,455		-		353,455		353,455		-		353,455	
Bond Issue Costs	*		119,500		-		119,500		119,500		-		119,500	
CIP Management Personnel Costs			-	3	52,891		352,891		340,504		12,387		352,891	
Loop 363/31st Street Utility Relocation	*		3,200,000	1,2	05,746		4,405,746		4,405,746		-		4,405,746	
FM 2305 Water Line Relocation	*		2,700,000	(1)	89,019)		2,510,981		2,510,981		-		2,510,981	
US 190 Water Line Relocation	*		435,000	(1	89,274)		245,726		245,726		-		245,726	
Westfield Wastewater Line Extension	#		300,000	(3	00,000)		-		-		-		-	
West Temple Utility Extension North of FM2305			6,450,000	(64	44,863)		5,805,137		5,685,498		119,639		5,805,137	
Replace .5 MG 7th & Ave P Elevated Storage Tank	*		2,200,000	(54,326)		2,145,674		2,145,890		-		2,145,890	
FM 2305 Wastewater Line Extension	*		2,100,000	;	88,888		2,188,888		2,121,731		-		2,121,731	
Doshier Farm Screen Drum & Drive Improvements	*		350,000		(9,109)		340,891		340,891		-		340,891	
WTP Membrane Permanent Sludge Disposal System			3,665,000	2	27,203		3,892,203		3,888,849		3,354		3,892,203	
WTP Membrane Facility Replacement Parts	*		345,000	(1	80,789)		264,211		264,211		-		264,211	
Nugent Elevated Tank Refurbishment	#		420,000	(42	20,000)		-		-		-		-	
Doshier Farm Aerator Drive Bearing Replacements	*		110,000	1:	29,040		239,040		239,039		-		239,039	
WTP Membrane Facility Emergency Generators	*		1,000,000	5	15,600		1,515,600		1,497,899		-		1,497,899	
18" Waterline Replacement from WTP to Ave H (Ph1)	#		1,500,000	(1,5	00,000)		-		-		-		-	
876' Pressure Plane Expansion			200,000		-		200,000		130,625		69,375		200,000	
Williamson Creek Lift Station Improvements	*		260,000	(4	49,986)		210,014		210,014		-		210,014	
													(Continued)	

CITY OF TEMPLE, TEXAS

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

UTILITY SYSTEM REVENUE BONDS 2006, 2008, 2010 - WATER/SEWER CAPITAL PROJECTS FUND - 561

For the period beginning October 11, 2006 and ending December 31, 2010

		BUDGET			ACTUAL	
		Adjustments		Total Costs	Estimated	Total
	Original	to Original	Adjusted	Incurred &	Costs to	Designated
Project	Budget	Budget	Budgeted	Encumbered	Complete	Project Cost
WTP Clarifier #4 Rehabilitation	* 225,000	(21,894)	203,106	203,106	-	203,106
Various Wastewater Replacement Projects (Note 2)	* 905,000	(285,006)	619,994	619,993	-	619,993
SCADA Network (Utility Fund share of cost)	* 145,000	-	145,000	145,000	-	145,000
Birdcreek Wastewater Line Replacement (Phase 1)	2,000,000	2,500,000	4,500,000	4,204,660	295,340	4,500,000
Water Business Office Relocation	* 895,500	-	895,500	889,103	-	889,103
Airport and Range Road Tank Exterior Refurbishment	* -	256,628	256,628	256,628	-	256,628
WTP Lagoon #4 Rehab	-	25,181	25,181	25,150	-	25,150
Rehab Conv WTP Filters	1,700,000	632,790	2,332,790	2,332,789	-	2,332,789
317 Waterline Relocation 2305/439	-	350,000	350,000	328,540	21,460	350,000
South Temple Water Sys Improvements	1,000,000	1,600,000	2,600,000	302,736	2,297,264	2,600,000
Doshier - Rehab 5 Lift Screws	-	738,390	738,390	738,389	-	738,389
Doshier - Rehab Belt Filter	* -	60,747	60,747	47,615	-	47,615
Doshier - Belt Press Feed	* -	51,750	51,750	51,750	-	51,750
Waterline Relocation Outerloop	900,000	(900,000)	-	-	-	-
Waterline Relocation Somerville Dr Phase II	335,000	(34, 195)	300,805	300,805	-	300,805
SCADA Network	400,000	-	400,000	359,708	40,293	400,000
Waterline Replacement-Ave G to 25th	* 1,350,000	(479,405)	870,595	870,595	-	870,595
Lilac Lane	500,000	(337,022)	162,978	107,080	-	107,080
Utilities Relocation-Tarver to Old Waco	200,000	-	200,000	34,000	166,000	200,000
General Bruce & 57th Street	-	799,538	799,538	469,391	330,147	799,538
Taylor Tank Rehabilitation	600,000	-	600,000	569,840	30,160	600,000
Pepper Creek Tank Rehabilitation	600,000	-	600,000	291,500	308,500	600,000
Pea Ridge Lift Station Rehabilitation	1,000,000	-	1,000,000	142,000	858,000	1,000,000
WTP- Generator Project (Phase 2)	3,500,000	-	3,500,000	-	3,500,000	3,500,000
Temple Belton Regional Sewerage System	2,250,000	-	2,250,000	51,028	2,198,972	2,250,000
Waterwater Line Replacement-French Ave	1,200,000	-	1,200,000	949,794	250,206	1,200,000
Waterline Line Replacement-Charter Oaks	4,750,000	-	4,750,000	73,385	4,676,615	4,750,000
Northwest Loop 363 Improvements	-	912,500	912,500	473,990	438,510	912,500
	\$ 50,486,704	\$ 4,952,004	\$ 55,438,708	\$ 39,662,381	\$ 15,616,222	\$ 55,278,603
				Remaining (Need	ed) Funds	\$ 182,629

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

Note (2): Wastewater Line Replacements were budgeted for the following locations: (a) Avenue K to Avenue N between S. 2nd Street & S. 4th Street, (b) Avenue G to Avenue D between S. 13th Street & S. 15th Street, (c) Avenue M to Avenue I between S. 19th

* Project Final

Funding for project reallocated - project was either deleted from the FY 2008 CIP list or proposed to be funded in a future year.

CITY OF TEMPLE, TEXAS SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION 2006 & 2008 - CAPITAL PROJECTS BOND FUND - 361 For the period beginning October 11, 2006 and ending December 31, 2010

Expenditures

Expenditures Encumbrances as of 12/31/10 Estimated Costs to Complete Projects

	\$	24,750,492
	-	A
		376,917
(1)		5,167,423
	\$	19,206,152

Revenue & Bond Proceeds										
Original Issue {October 2006}	\$	10,220,000								
Additional Issue {July 2008}		13,520,000								
Net Offering Premium		306,141								
Cost Sharing due from Developer		84,970								
Police Seized Funds-Armored Rescue Vehicle		52,834								
Transfer in-General Fund Technology Funds {SCADA}		50,000								
Transfer in-General Fund {Municipal Court}		61,738								
Transfer in-General Fund {Library Renovations}		100,000								
Interest Income		792,509								
	\$	25,188,192								

Detail of Construction Costs	
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		BUDGET						ACTUAL				
		0	Ad	justments			Тс	otal Costs	Estimated		Total	
		Original	to Original		Adjusted		In	curred &	Costs to	D	Designated	
Project		Budget		Budget	E	Budgeted	En	cumbered	Complete	P	roject Cost	
Bond Issue Costs	*	\$ 220,000	\$	(14,457)	\$	205,543	\$	205,543	\$-	\$	205,543	
Bond Issue Costs	*	291,141		9,500		300,641		301,698	-		301,698	
CIP Management Personnel Cost		-		83,976		83,976		83,976	-		83,976	
Airport Wash Rack	*	100,000		(41,871)		58,129		58,129	-		58,129	
Bird Creek Drainage Improvements	*	2,000,000		-		2,000,000		2,000,000	-		2,000,000	
Pepper Creek Drainage Improvements - Westfield	*	800,000		(234,459)		565,541		565,540	-		565,540	
Pepper Creek Drainage Improvements-Crescent/Sundan	*	600,000		(58,542)		541,458		541,458	-		541,458	
Hog Pen Creek Drainage Improvements	#	100,000		(100,000)		-		-	-		-	
Lake Thornton Dam Improvements	*	380,000		78,066		458,066		458,066	-		458,066	
Facility Rehabilitations (Note 2)		1,300,000		(88,852)		1,211,148		1,095,697	115,451		1,211,148	
Fire Department Digital Radios	*	105,000		84,908		189,908		189,908	-		189,908	
Police Department Digital Radios	*	600,000		(421)		599,579		599,579	-		599,579	
New Fire Station No. 1/Admin Building - Phase 1	*	600,000		(177,009)		422,991		407,006	-		407,006	
Emergency Operations Infrastructure	*	450,000		(65,854)		384,146		384,146	-		384,146	
Fleet Washing Facility	*	250,000		(232,639)		17,361		17,361	-		17,361	
Wireless Municipal Broadband Network - Phase 1	*	150,000		(16,773)		133,227		133,227	-		133,227	
SCADA Network	*	95,000		47,390		142,390		142,390	-		142,390	
Library Building Improvements	**	995,000		592,153		1,587,153		1,576,022	11,131		1,587,153	
Wilson Park Sewer Improvements	*	190,000		(11,905)		178,095		178,094	-		178,094	
Lions Park Restroom Improvements	*	190,000		(25,370)		164,630		164,630	-		164,630	
Baker Field Facility Improvements	*	250,000		24,713		274,713		274,715	-		274,715	
											(Continued)	

CITY OF TEMPLE, TEXAS

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION 2006 & 2008 - CAPITAL PROJECTS BOND FUND - 361

For the period beginning October 11, 2006 and ending December 31, 2010

			BUDGET			ACTUAL	
			Adjustments		Total Costs	Estimated	Total
		Original	to Original	Adjusted	Incurred &	Costs to	Designated
Project	-	Budget	Budget	Budgeted	Encumbered	Complete	Project Cost
Solid Waste Facility Renovation	*	410,000	(10,763)	399,237	399,237	-	399,237
Westfield Boulevard Upsizing Participation	*	100,000	-	100,000	100,000	-	100,000
Outer Loop- FM 2305 to Jupiter to Poison Oak	^	7,280,000	(5,083,879)	2,196,121	2,196,121	-	2,196,121
West Avenue M Resurfacing	*	225,000	7,879	232,879	232,879	-	232,879
Traffic Signals (based on warrant studies)		215,000	558,944	773,944	542,677	231,267	773,944
Stonegate III Drainage Improvements - oversizing		-	86,950	86,950	86,950	-	86,950
Box Culvert Bridge-Westfield	*	-	150,000	150,000	150,000	-	150,000
Armored Rescue Vehicle	*	-	202,834	202,834	202,834	-	202,834
New Muncipal Court	*	800,000	42,692	842,692	842,692	-	842,692
Vest Temple Parkland	*	721,423	-	721,423	721,423	-	721,42
W Loop 363 Expansion	*	1,890,000	-	1,890,000	1,887,605	-	1,887,60
ntersection Enhancements	*	135,000	(2,454)	132,546	132,546	-	132,54
1st Street Gateway		470,000	-	470,000	286,432	19,068	305,500
Tarver Road Extension	۸	1,360,000	(1,204,220)	155,780	155,780	-	155,780
Highway 93/Hartrick Bluff Connectors	۸	500,000	(500,000)	-	-	-	-
Police -5 Marked Police Cars	*	-	170,000	170,000	170,000	-	170,000
ROW Acquisition- Loop 363 & FM 2305	*	-	1,906,612	1,906,612	1,906,612	-	1,906,61
riars Creek Trail	*	-	42,079	42,079	31,515	-	31,51
Reconstruction of 5th Street from Barton to Calhoun		-	302,499	302,499	302,499	-	302,49
Northwest Loop 363 Improvements			4,648,589	4,648,589	4,648,589	-	4,648,58
		\$ 23,772,564	\$ 1,170,316	- \$ 24,942,880	\$ 24,373,575	\$ 376,917	\$ 24,750,492

Remaining (Needed) Funds \$ 437,700

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

Note (2): Facility Improvements designated for funding from the 2006 & 2008 CO Issues are as follows: (a) Sears Building roof replacement, (b) Municipal Building roof replacement, (c) Clarence Martin Recreation Center HVAC system installation, (d) Gober Party House flooring improvements, (e) Sammons Club House flooring renovations, (f) Municipal & Sears Building Brick & Mortar repair, (g) Blackmon Center roof replacement, (h) Santa Fe Depot improvements, and (i) Sears Building HVAC replacement.

* Project Final ** Substantially Complete

Funding for project reallocated-project was either deleted from the FY 2006 CIP list or poposed to be funded in a future year.

^-Funding for project reallocated for Northwest Loop 363 Improvements

Exhibit F-4 (Continued)

CITY OF TEMPLE, TEXAS SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES GENERAL OBLIGATION BONDS 2008 - CAPITAL PROJECTS BOND FUND - 362 For the period beginning July 8, 2008 and ending December 31, 2010

Expenditures	3		Revenue & Bond Pro	ceeds
Construction in Progress				
Expenditures	\$	9,923,788	Original Issue {July 2008}	\$ 9,660,000
Encumbrances as of 12/31/10	(1)	452,492	Net Offering Premium	315,372
Estimated Costs to Complete Projects		-	Interest Income	92,211
	\$	10,376,280	Reimbursement from Lions Club	200,000
			Transfer in-General Fund {Golf Course}	108,867
				\$ 10,376,450

Detail of Construction Costs												
Project		In	Total Costs Incurred & Encumbered		Estimated Costs to Complete		Total		Original Estimate		Over/(Under) Budget	
Bond Issue Costs	*	\$	205,474	\$	-	\$	205,474	\$	225,372	\$	(19,898)	
Temple Family Aquatics Center	*		4,457,674		-		4,457,674		4,300,000		157,674	
Sammons Park Indoor Aquatics Center	*		1,841,154		-		1,841,154		1,900,000		(58,846)	
Golf Course Improvements			570,623		-		570,623		350,000		220,623	
Summit Expansion	*		1,692,726		-		1,692,726		1,625,000		67,726	
Miller Park Trails & Playground	*		511,677		-		511,677		600,000		(88,323)	
West Temple Spray Park	*		447,590		-		447,590		475,000		(27,410)	
Lions Soccer Fields	**		404,068		-		404,068		400,000		4,068	
Ferguson Park Picnic & Playground	*		230,854		-		230,854		300,000		(69,146)	
Demolition of Lions Pool	*		14,440		-		14,440		30,000		(15,560)	
		\$	10,376,280	\$	-	\$	10,376,280	\$	10,205,372	\$	170,908	

Remaining (Needed) Funds

170

\$

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

* Project Final

**Substantially Complete

CITY OF TEMPLE, TEXAS SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES CERTIFICATE OF OBLIGATION BONDS 2008 AND TIRZ TAXABLE REVENUE BONDS 2008 - REINVESTMENT ZONE NO. 1 FUND - 795 For the period beginning July 8, 2008 and ended December 31, 2010

Expenditures			Revenue & Bond Proceeds					
Construction in Progress								
Expenditures	\$	26,554,332	Original Issue-Certificate of Obligation Bonds, Series 2008	\$	16,010,000			
Encumbrances as of 12/31/10	(1)	270,730	Original Issue-TIRZ Taxable Revenue Bonds, Series 2008		10,365,000			
Estimated Costs to Complete Projects		670,000	Gulf States Toyota Reimbursement for Underground Stormwater Impr.		837,703			
	\$	27,495,062	Interest Income		282,754			
				\$	27.495.456			

Detail of Construction Costs

Project		Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total	Original Estimate	Over/(Under) Budget
Bond Issue Costs	* (\$ 155,085	\$-	\$ 155,085	\$ 155,085	\$-
Land- 355+ Acres & ROW	*	2,631,697	-	2,631,697	2,631,697	-
Land-North Zone Rail Park	*	931,339	-	931,339	935,000	(3,661)
Outer Loop Phase II	*	2,826,583	-	2,826,583	2,970,430	(143,847)
Rail Park	*	7,564,706	-	7,564,706	7,581,400	(16,694)
Airport Park	*	3,011,155	-	3,011,155	3,019,586	(8,431)
Bioscience Park	*	1,464,756	-	1,464,756	1,491,002	(26,246)
Southeast Industrial Park		185,000	-	185,000	441,731	(256,731)
Elm Creek Detention	*	1,830,101	-	1,830,101	1,837,373	(7,272)
Wendland Road Project	*	3,863,312	-	3,863,312	3,884,269	(20,957)
Underground Storm Water Improvements	*	1,823,616	-	1,823,616	1,829,672	(6,056)
Wastewater Lift Station	*	349,282	-	349,282	352,158	(2,877)
TMED-Friar's Creek Trail 5th Street to S&W Blvd		-	670,000	670,000	-	670,000
Northwest Loop 363 Improvements		188,430	-	188,430	-	188,430
Contingency		-			176,730	(176,730)
	:	\$ 26,825,062	\$ 670,000	\$ 27,495,062	\$ 27,306,133	\$ 188,930

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

* Project Final

** Substantially Complete

CITY OF TEMPLE, TEXAS SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES GENERAL OBLIGATION BONDS 2009 - CAPITAL PROJECTS BOND FUND - 363 For the period beginning November 19, 2009 and ending December 31, 2010

Expenditures				Revenue & Bond Proceeds					
Construction in Progress									
Expenditures		\$	7,927,380	Original Issue {November 2009}	\$ 13,995,000				
Encumbrances as of 12/31/10	(1)		1,807,865	Interest Income	20,910				
Estimated Costs to Complete Projects			845,069		\$ 14,015,910				
		\$	10,580,314						

Project		h	otal Costs ncurred & ncumbered	C	stimated Costs to omplete	 Total	 Original Estimate	0	ver/(Under) Budget
Bond Issue Costs	*	\$	69,367	\$	-	\$ 69,367	\$ 83,100	\$	(13,733)
Fire Station #1	(2)		4,805,759		39,859	4,845,618	7,361,311		(2,515,693)
Fire Station #8			3,237,563		788,301	4,025,864	4,905,589		(879,725)
Fire Engine #8 with air packs			548,091		16,909	565,000	565,000		-
Fire Engine #1	*		536,770		-	536,770	540,000		(3,230)
Fire Engine #4	*		537,695		-	537,695	540,000		(2,305)
SCBA Upgrade			-		21,810	 21,810	 -		21,810
		\$	9,735,245	\$	845,069	\$ 10,580,314	\$ 13,995,000	\$	(3,392,876)

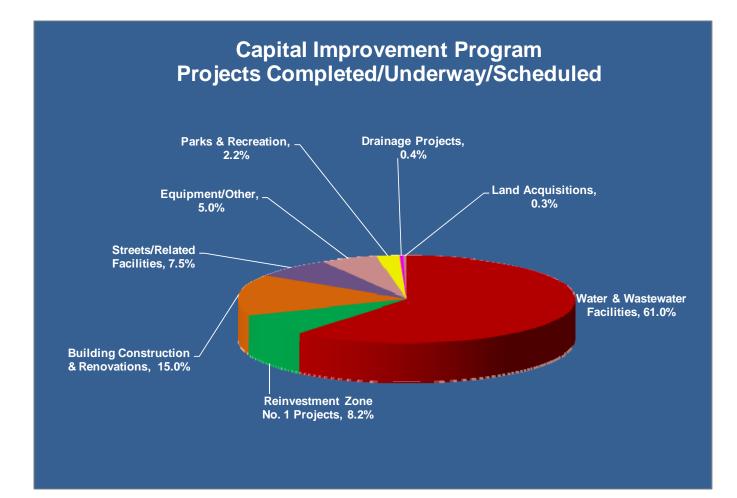
Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

Note (2): Savings of \$2.5M on Fire Station #1 will not be needed to complete construction.

* Project Final

**Substantially Complete

Water & Wastewater Facilities	\$ 39,981,289
Reinvestment Zone No. 1 Projects	5,373,662
Building Construction & Renovations	9,849,624
Streets/Related Facilities	4,934,087
Equipment/Other	3,588,215
Parks & Recreation	1,432,058
Drainage Projects	243,069
Land Acquisitions	 189,180
Total of Capital Improvement Projects Underway/Scheduled	\$ 65,591,184



CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL

December 31, 2010

Project	Funding	Acct #	Pi	roject Budget	Ac	tual Commit / Spent	Status	Scheduled Completion
New Fire Station No. 1 / Admin Building-Phase I- Space Assess, Master Plan Update, Prelim Design, and Land	CO-06 & CO- 08	361-2200-522-6805	\$	437,991	\$	422,991	Complete	Dec-10
New Fire Station No. 1 / Admin Building-Phase II- Final Design & Construction	GO-09	363-2200-522-6850	\$	4,845,618	\$	4,805,759	Substantially Complete	Dec-10
Sears Building HVAC Replacement	CO-08	361-2400-519-6807	\$	120,000	\$	4,554	On Hold	TBD
New Fire Station #8	GO-09	363-2200-522-6851	\$	4,025,864	\$	3,237,563	Construction	Jun-11
HOP Bus Shelters	CDBG	260-6100-571-6310	\$	45,000	\$	10,686	Construction	TBD
Replace A/C at Sammons Community Center	BUDG10	110-5924-519-6310	\$	65,000	\$	59,694	Complete	Dec-10
Replace A/C at Clarence Martin	BUDG10	110-5924-519-6310	\$	29,300	\$	25,588	Complete	Dec-10
Replace A/C at Garage	BUDG10	110-5924-519-6310	\$	15,000	\$	9,929	Complete	Dec-10
Replace A/C at Blackmon Center	BUDG10	110-5924-519-6310	\$	13,000	\$	8,480	Complete	Dec-10
Replace Lockers in Locker rooms at Summit	BUDG-11	110-5924-519-6310	\$	19,000	\$		Planning	Apr-11
Repair Damaged Soffit and prevent water penetration at PALS Office	BUDG-11	110-5924-519-6310	\$	35,000	\$	-	Planning	Apr-11
Purchase Used Vactor Truck from Sewer Collection	Drainage	292-2900-534-6220	\$	40,500	\$	-	Planning	Mar-11
Hawn Hotel {Asbestos Abatement}	Grant	260-3300-519-6310	\$	158,351	\$	155,240	Construction	Jan-11
Total Building Construction & Renovations	······		\$	9,849,624	\$	8,740,484	· · · · · · · · · · · · · · · · · · ·	
FY 2010 Drainage Improvements-Las Moras/Midway/Montana Storm Drain	Drainage	292-2900-534-6312	\$	141,119	\$	141,119	Substantially Complete	Nov-10
Vehicle Washbay Cover	Drainage	292-2900-534-6310	\$	15,000	\$	14,929	Construction	Jan-11
Stonegate III Drainage Improvements - over sizing	CO-06	361-2900-534-6820	\$	86,950	\$	86,950	Cost Sharing Agreement Authorized	TBD
Total Drainage Projects	<u>.</u>		\$	243,069	\$	242,998	· · · · · · · · · · · · · · · · ·	
T-Wireless Municipal Broadband Network strategically located throughout the City (Project funded in 2 years)/	CO-06 & CO- 08	361-1900-519-6802	\$	133,227	\$	133,227	Complete	Dec-10
SCADA System Upgrades to enable integration of both WTP Facilities and monitoring of tank sites	UR-08	561-5100-535-6931	\$	400,000	\$	359,708	Substantially Complete	Dec-10
Engine # 2 {Was originally Engine #8 with Air Packs}	GO-09	363-2200-522-6852	\$	548,634	\$	548,091	Complete	Nov-10
Fueling Software-Airport	BUDG09	110-3600-560-6221	\$	55,824	\$	44,522	Construction	Jun-11
Replacement Refuse Truck	BUDG10	110-5900-540-6222	\$	223,429	\$	223,429	Ordered	Mar-11
Aerial Photography	DESCAP	351-1900-519-6241	\$	71,131	\$	71,131	Construction	Sep-11
Replace 1996 Ford Taurus with a Crew Cab Pickup-Asset # 10120	BUDG-11	110-5900-522-6213	\$	29,200	\$	20,142	Ordered	Apr-11
Replace 1995 1/2 Ton Truck-asset #9991	BUDG-11	110-5935-519-6213	\$	18,500	\$	18,591	Ordered	Apr-11
Replace Tires and Rims on Tractor Used for General Mowing	BUDG-11	110-5935-552-6222	\$	4,000	\$	3,391	Complete	Dec-10
Replace 1997 1/2 Ton Truck-Asset #10208	BUDG-11	110-5935-552-6213	\$	19,000	\$	18,591	Ordered	Apr-11
Replace 1999 1-ton Truck w/Stake Bed- Asset #10450	BUDG-11	110-5935-552-6213	\$	42,000	\$	32,443	Ordered	Apr-11
Replace 2001 1/2 ton Truck- Asset #10485	BUDG-11	110-5935-552-6213	\$	19,000	\$	18,591	Ordered	Apr-11
Replace 2000 Ford Taurus- Asset #10649	BUDG-11	110-5935-552-6213	\$	17,000	\$	15,204	Ordered	Feb-11

CITY OF TEMPLE, TEXAS
CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL
December 31, 2010

Project	Funding	Acct #	P	roject Budget	Ad	ctual Commit / Spent	Status	Scheduled Completion
Marked Unit Replacement (10)	BUDG-11	110-2000-521-6213	\$	350,000	\$	273,136	Ordered	Apr-11
Replace 2001 1/2 ton Truck-Asset #10636	BUDG-11	110-5900-540-6213	\$	22,500	\$	18,591	Ordered	Apr-11
Replace Residential Garbage Trucks (3) Asset #11679,11965 and 11966	BUDG-11	110-5900-540-6222 110-2330-540-6222	\$	555,000	\$	550,209	Ordered	Nov-11
Trailor Mounted Creack Seal Distributor	BUDG-11	110-3400-531-6222	\$	30,000	\$	26,704	Complete	Nov-10
Replace 1998 1-ton Utility Sign Truck- Asset #10366	BUDG-11	110-5900-531-6213	\$	50,000	\$	52,108	Ordered	Apr-11
Replace two 1995 Backhoes- Asset # 9947 and 10259 with one backhoe	BUDG-11	110-5900-531-6220	\$	98,500	\$	81,875	Ordered	Jan-11
Replace 1997 Brush Chipper- Asset #10130	BUDG-11	1105-9005-316-2220	\$	37,500	\$	34,169	Complete	Nov-10
Replace 1998- 1 Ton Bucket Truck- Asset #10363	BUDG-11	110-5900-532-6213	\$	60,000	\$	63,356	Ordered	Jul-11
Repair Rotted Trusses at Visitor Center	Hotel/Motel	240-4600-551-6310	\$	10,000	\$	-	Planning	Jun-11
Replace 1995 Excavator- Asset #10025	Drainage	292-2900-534-6220	\$	130,000	\$	102,408	Complete	Dec-10
Slope Mower	Drainage	292-2900-534-6222	\$	30,000	\$	-	On Hold	TBD
Push Camera with self leveling head	BUDG-U	520-5400-535-6211	\$	13,500	\$	12,948	Complete	Nov-10
Trailor for materials	BUDG-U	520-5400-535-6211	\$	20,000	\$	15,148	Complete	Dec-10
Replace 2002 Vactor Truck-Asset #11323	BUDG-U	520-5400-535-6220	\$	300,000	\$	298,714	Ordered	Mar-11
Interactive Voice Response (IVR) System	BUDG-U	520-5800-535-6221	\$	96,990	\$	96,990	Ordered	Mar-11
Purchase 2 Trailors for Sludge removal at Doshier	BUDG-U	520-5500-535-6211	\$	18,000	\$	-	On Hold	TBD
Replace HVAC-Animal Shelter	BUDG11	110-5924-519-6310	\$	6,698	\$	6,697	Complete	Dec-10
Traffic Signal-Canyon Creek & Lowes	CO-06	361-2800-532-6810	\$	71,097	\$	13,775	Engineering	TBD
Repair Wireless Equipment	DESCAP	351-1900-519-6224	\$	16,797	\$	16,797	Complete	Nov-10
Mayborn Center Marquee	Hotel/Motel	240-4400-551-6310	\$	68,788	\$	68,788	Construction	Mar-11
SCBA Upgrades-Fire	GO-09	363-2200-522-6856	\$	21,900	\$	-	Ordered	May-11
Total Equipment/Other	I	l <u></u>	\$	3,588,215	\$	3,239,473		L
Kegley Road ROW Acquisition. (No \$'s for construction)	DESCAP	351-3400-531-6110	\$	189,180	\$	9,340	Planning	TBD
Total Land Acquisitions	1		\$	189,180	\$	9,340		<u> </u>
Golf Course Improvements	2008 GO	362-3100-551-6840	\$	570,633	\$	570,622	Construction	Jun-11
Golf Course Improvements	DESCAP	351-3100-551-6310	\$	8,518	\$	-	Construction	Jun-11
Hamilton Park Bridge	CDBG	260-6100-571-6516	\$	75,000	\$	54,133	Planning	TBD
Phase III of the Canyon Creek, Blackland, South 5th Street Boulevard Island Beautification Project	BUDG10	110-5935-552-6318	\$	67,004	\$	66,976	Construction	Mar-11
Friar's Creek Trail {DOE Grant}-5th Street to Scott & White Blvd	CO-08	361-3400-531-6834	\$	47,100	\$	47,100	Engineering	Nov-11
Friar's Creek Trail {DOE Grant}-5th Street to Scott & White Blvd	GRANT	260-1100-522-6316	\$	413,000	\$	24,700	Engineering	Nov-11
Phase IV of the Canyon Creek, Blackland, South 5th Street Boulevard Island Beautification Project	BUDG-11	110-5935-552-6318	\$	17,200	\$	-	Planning	May-11
Parks Deferred Maintenance	DESCAP	351-3500-552-2311 351-3500-552-2324	\$	219,163	\$	80,911	Planning	TBD
	I		L					I

CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL December 31, 2010

Project	Funding	Acct#	Р	roject Budget	Actual Commit / Spent	Status	Scheduled Completion
Demolition of Lions Pool	2008 GO	362-3200-551-2631	\$	14,440	\$ 14,440	Complete	Dec-10
Total Parks & Recreation			\$	1,432,058	\$ 858,882		
Southeast Industrial Park (Engineering Only)	RZ	795-9700-531-6828 795-9500-531-6317	\$	265,200	\$ 265,200	Engineering	TBD
Downtown Improvements	RZ	795-9500-531-6528	\$	350,892	\$-	On Hold	TBD
Friar's Creek Trail {DOE Grant}-5th Street to Scott & White Blvd	RZ	795-9500-531-6552 795-9600-531-6552 795-9700-531-6552	\$	1,500,000	\$ -	Engineering	Nov-11
Outer Loop at Hart Road from Old TX 81 to IH35	RZ	795-9500-531-6773	\$	41,550	\$ 41,550	Engineering	TBD
TMED- 1st Street at Temple College {STEP Grant Match}	RZ	795-9500-531-6550	\$	500,000	\$ 93,200	Engineering	Mar-12
Northwest Loop 363 Improvements {PTF}	RZ	795-9500-531-2587 795-9700-531-2587	\$	930,000	\$ 291,400	Engineering	Jan-15
Rail Maintenance	RZ	795-9500-531-6514	\$	177,446	\$-	Planning	TBD
Road Maintenance/Sign	RZ	795-9500-531-6317	\$	108,574	\$ 35,000	Planning	TBD
Public Improvements in North Zone	RZ	795-9500-531-6518	\$	250,000	\$-	Planning	TBD
Pepper Creek Trail Connection to Scott & White	RZ	795-9500-531-6554	\$	250,000	\$-	Planning	TBD
Avenue R {31st Street to 15th Street}	RZ	795-9500-531-6553	\$	400,000	\$-	Planning	TBD
Rail Safety Study	RZ	795-9500-531-2539	\$	25,000	\$-	Planning	Aug-11
Lot Identification & Signage	RZ	795-9500-531-2539	\$	80,000	\$-	Planning	Jun-11
Santa Fe Plaza Study	RZ	795-9500-531-2539	\$	25,000	\$-	Planning	Jun-11
TMED- 1st Street @ Looop 363	RZ	795-9500-531-6551	\$	300,000	\$-	Planning	TBD
Demolition of Nadine Apartments and Old Perry's Building	RZ	795-9500-531-2631	\$	90,000	\$ 41,063	Construction	Jan-11
Master Plan Integration	RZ	795-9500-531-2616	\$	50,000	\$ 50,000	Construction	Mar-11
Monumentation Identification Conceptual Design	RZ	795-9500-531-2616	\$	30,000	\$ 30,000	Construction	Jun-11
Total Reinvestment Zone No. 1 Projects	<u> </u>		\$	5,373,662	\$ 847,413	<u> </u>	
Outer Loop Ph 3-6-FM 2305 south to I-35-ROW Acq, Prelim Design, and Phase 3 & 4 Final Design & Const	CO-06 & CO- 08	361-3400-531-6813	\$	2,196,121	\$ 2,196,121	On Hold	TBD
TMED- 1st Street at Temple College {STEP}	CO-08	361-3400-531-6834	\$	256,900	\$ 237,833	Engineering	Mar-12
Tarver Road Extension to Old Waco	CO-08	361-3400-531-6847	\$	155,780	\$ 155,780	On Hold	TBD
Traffic Signal-5th & 93	CO-06	361-2800-532-6810	\$	187,387	\$ 12,388	On Hold	TBD
Ave G Sidewalks	CDBG	260-6100-571-6315	\$	163,212	\$ 163,212	Construction	Jun-11
1st Street Sidewalk Ave F - M	CDBG	260-6100-571-6315	\$	149,339	\$-	Planning	TBD
Transitional Housing Facility	CDBG	260-6100-571-6110	\$	150,000	\$-	Planning	Oct-11
TMED- 1st Street at Temple College {STEP-Grant Match}	CO-08	361-3400-531-6834	\$	166,000	\$ 1,500	Engineering	Mar-12
Reconstruction of 5th/Barton to Calhoun	CO-06	361-3400-531-6854	\$	302,499	\$ 302,499	Substantially Complete	Dec-10
Safe Routes to School-Lakewood	GRANT	260-3400-531-6315	\$	602,070	\$ 62	Engineering	Feb-12
Safe Routes to School-Bonham	GRANT	260-3400-531-6315	\$	604,779	\$ 62	Engineering	Feb-12

CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL December 31, 2010

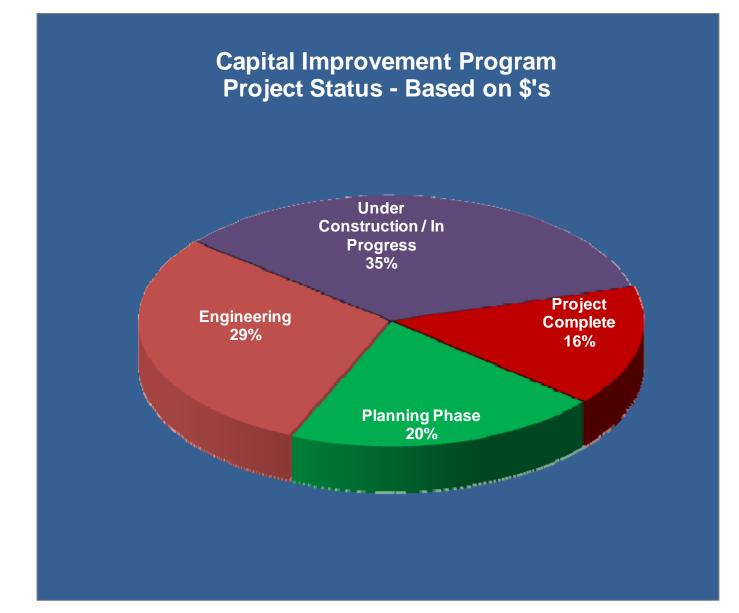
Project	Funding	Acct #	Р	roject Budget	Ac	ctual Commit / Spent	Status	Scheduled Completion
Total Streets/Related Facilities			\$	4,934,087	\$	3,069,457		
876' Pressure Plan Expansion	UR-06	561-5200-535-6923	\$	200,000	\$	130,625	Construction	Mar-11
Birdcreek Wastewater Line Replacement - Phase 1 of multi-year project (Total Anticipated Project Cost = \$15m)	UR-06, UR-) 08 , & UR-10	561-5400-535-6925	\$	4,500,000	\$	4,204,662	Construction	Apr-11
SH 317 Water Line Relocation from FM2305 to FM439 as part of TxDOT SH 317 road improvement project	UR-08	561-5200-535-6907	\$	350,000	\$	328,540	Engineering	Jun-11
Pre-Sedimentation & Sludge Disposal System @ WTP	UR-06	561-5100-535-6921	\$	3,892,203	\$	3,888,849	Construction	May-11
South Temple Water System Improvements: Pipeline, Storage Tank, and Pump Station	UR-08	561-5200-535-6909	\$	2,600,000	\$	302,736	Engineering	Apr-12
Doshier - remove, sandblast and paint all five spiral lift screw and replace bearings	UR-08	561-5500-535-6932	\$	738,390	\$	738,389	Complete	Dec-10
Utilities Relocation- Tarver to Old Waco	UR-08	561-5200-535-6936	\$	200,000	\$	34,000	Engineering	TBD
57th Street Sewer Relocation	UR-08 & UR- 10	561-5400-535-6937	\$	799,538	\$	469,390	Substantially Complete	Nov-10
Ranch At Woodland- Utility Extension	Util RE-09	520-5900-535-6366	\$	11,730	\$	-	Cost Sharing Agreement Authorized	TBD
Bellaire Waterline Relocation	BUDG09	520-5200-535-6357	\$	210,000	\$	209,000	Substantially Complete	Dec-10
Bellaire Waterline Relocation	Util RE	520-5900-535-6357	\$	430,632	\$	429,428	Substantially Complete	Dec-10
Sewer Line Replacement- S Main St to S 1st	BUDG-U	520-5400-535-6359	\$	68,000	\$	28,198	Complete	Nov-10
Vent Hood Replacement in Conventional Lab @ WTP	BUDG-U	520-5100-535-6310	\$	30,000	\$	10,963	Complete	Dec-10
Hills of Westwood Ph V	Util RE	520-5900-535-6368	\$	188,266	\$	188,266	Cost Sharing Agreement Authorized	TBD
Northcliffe Ph IX	Util RE	520-5900-535-6368	\$	275,813	\$	275,813	Cost Sharing Agreement Authorized	TBD
Temple Belton Regional Sewerage System-Land & Design (75%)	UR -10	561-5500-535-6938	\$	2,250,000	\$	51,028	Planning	TBD
Steeplechase Lift Station-Convert existing station to submersible pumps	Util RE	520-5900-535-6611	\$	465,210	\$	465,210	Construction	Feb-11
Wastewater Line Replacement French Ave to Adams Ave from N 4th St to N 12th St	UR- 10	520-5900-535-6361	\$	1,200,000	\$	946,794	Construction	Jun-11
Wastewater Line Replacement Ave H & 40th Street	Util RE	520-5900-535-6361	\$	460,477	\$	460,476	Construction	Jun-11
Wastewater Line Replacement from 3800 Valley View to dead end	Util RE	520-5900-535-6361	\$	247,713	\$	247,712	Construction	Jun-11
Water Line Replacement between 31st & 33rd from Ave. H to Ave. R	Util RE	520-5900-535-6361	\$	648,183	\$	648,182	Construction	Jun-11
Water Line Replacement between 33rd & 35th from Ave. H to Ave. R	Util RE	520-5900-535-6361	\$	594,698	\$	594,698	Construction	Jun-11
Wastewater Line Replacement 37th & 39th between Ave H & Ave K	Util RE	520-5900-535-6361	\$	71,614	\$	71,613	Construction	Jun-11
Wastewater Line Replacement- West Killen, West Welton between N main & 3rd Street	Util RE	520-5900-535-6361	\$	268,109	\$	268,108	Construction	Jun-11
Centex Sportsman Road Waterline	Util RE	520-5900-535-6357	\$	455,388	\$	452,572	Construction	May-11
Waterline Replacement-Charter Oaks	UR-10	561-5200-535-6939	\$	4,750,000	\$	73,385	Engineering	Apr-12
Water Treatment Plant Process Assessment	Util RE	520-5900-535-2616	\$	256,074	\$	256,074	Construction	Feb-11
SLR between S 17th & S 19th Street	BUDG10	520-5400-535-6359	\$	14,059	\$	4,336	Engineering	Feb-11
Pepper Creek Tank Rehabilitation	UR- 10	561-5100-535-6904	\$	600,000	\$	291,592	Construction	Sep-11
Taylor Tank Rehabilitation	UR- 10	561-5100-535-6904	\$	600,000	\$	569,747	Construction	Sep-11
SH 317 Waterline from FM 2305 to Praire View Road Water Line	UR-08	561-5200-535-6925	\$	520,321	\$	440,317	Complete	Oct-10

Project	Funding	Acct #	Proj	ect Budget	A	ctual Commit / Spent	Status	Scheduled Completion
SLR-Zenith Avenue	BUDG-U	520-5400-535-6359	\$	99,352	\$	-	Planning	Oct-11
SLR-Ave H and Open Field	BUDG-U	520-5400-535-6359	\$	86,650	\$	16,885	Complete	Dec-10
SLR-Barton Ave	BUDG-U	520-5400-535-6359	\$	88,180	\$	-	Planning	Jun-11
SLR-Dunbar Road and Ave M & N	BUDG-U	520-5400-535-6359	\$	57,900	\$	12,008	Substantially Complete	Dec-10
Repair and Replacement of Pumps, Drives, and Valves	BUDG-U	520-5100-535-6310	\$	118,225	\$	11,442	Construction	Sep-11
Replace Mixed Media Filters 7 & 8	BUDG-U	520-5100-535-6310	\$	120,000	\$	47	Planning	Mar-11
Rehabilitate Clarifier #4	BUDG-U	520-5100-535-6310	\$	130,000	\$	47	Planning	Mar-11
Replace flocculation Mixers	BUDG-U	520-5100-535-6310	\$	71,775	\$	71,775	Construction	Mar-11
Replace lagoon Actuators	BUDG-U	520-5100-535-6310	\$	80,000	\$	86	Planning	Mar-11
Rehabilitation of Pea Ridge LS (Larger Pumps, Upsize of FM)	UR- 10	561-5400-535-6905	\$	1,000,000	\$	142,000	Planning	Jul-11
WLR-Calhoun Ave	BUDG-U	520-5200-535-6357	\$	19,850	\$	25,096	Substantially Complete	Oct-10
WTP-Generator Project (Phase 2)	UR- 10	561-5100-535-6906	\$	3,500,000	\$	-	Planning	Sep-11
Northwest Loop 363 Improvements {PTF}	CO-08	361-3400-531-2588	\$	4,648,589	\$	4,648,589	Engineering	Jan-15
Jtilities Relocation-Northwest Loop 363 Improvements [PTF}	UR-08	561-5200-535-6940	\$	912,500	\$	473,990	Engineering	Jan-15
-35 Utility Relocation Project {North Loop 363 to northern Temple city limits}	TxDOT	520-5900-535-6618	\$	193,240	\$	193,240	Engineering	TBD
-35 Utility Relocation Project {South Loop 363 to Nugent}	TxDOT	520-5900-535-6618	\$	126,690	\$	126,690	Engineering	TBD
-35 Utility Relocation Project {Nugent to North Loop 363}	TxDOT	520-5900-535-6618	\$	86,190	\$	86,190	Engineering	TBD
Lago Terra Subdivision Utility Extension	Util RE-11	520-5900-535-6368	\$	145,020	\$	145,020	Cost Sharing Agreement Authorized	TBD
Hidden Villages Subdivision Utility Extension	Util RE-07	520-5900-535-6366	\$	54,685	\$	54,685	Cost Sharing Agreement Authorized	TBD
Hills of Westwood, Phase IV, Utility Extension	Util RE-07	520-5900-535-6368	\$	21,025	\$	21,025	Cost Sharing Agreement Authorized	TBD
Naterline Replacement along Poison Oak from Pea Ridge to Ridgeway (720 Pressure Plane Expansion)	Util RE		\$	525,000	\$	-	Planning	TBD
Total Water & Wastewater Facilities		·	\$ 39	9,981,289	\$	23,109,518	·	
Total Capital Projects			\$ 6!	5,591,184	\$	40,117,565		

CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL December 31, 2010

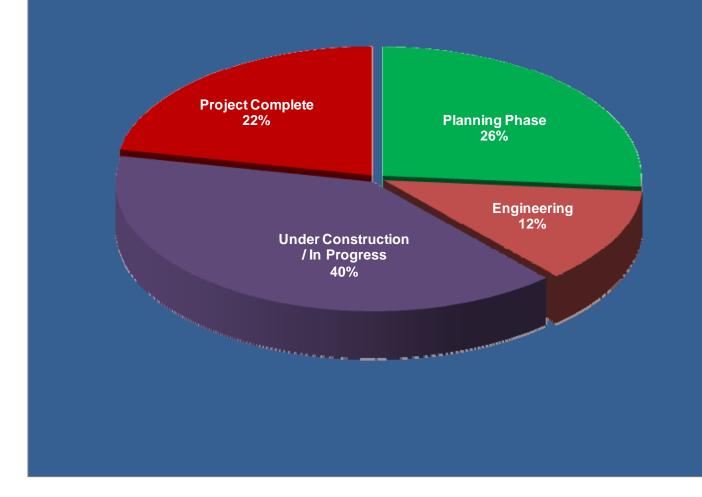
CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM - PROJECT STATUS {BASED ON \$'S} As of December 31, 2010

Under Construction / In Progress Project Complete	 22,775,502 10,165,604
Total Estimated Costs of City Funded Projects	\$ 65,591,184



Planning Phase	35 16
Engineering Under Construction / In Progress	53
Project Complete	29
Total Number of Capital Improvement Projects	133

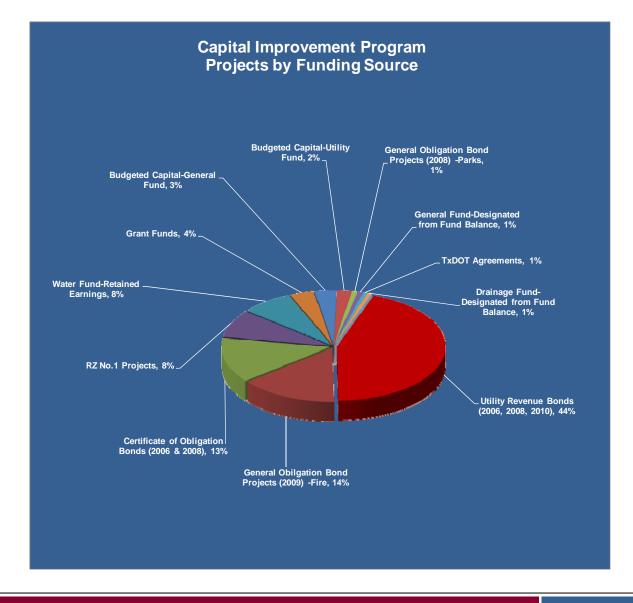
Capital Improvement Program Project Status - Based on Number of Projects

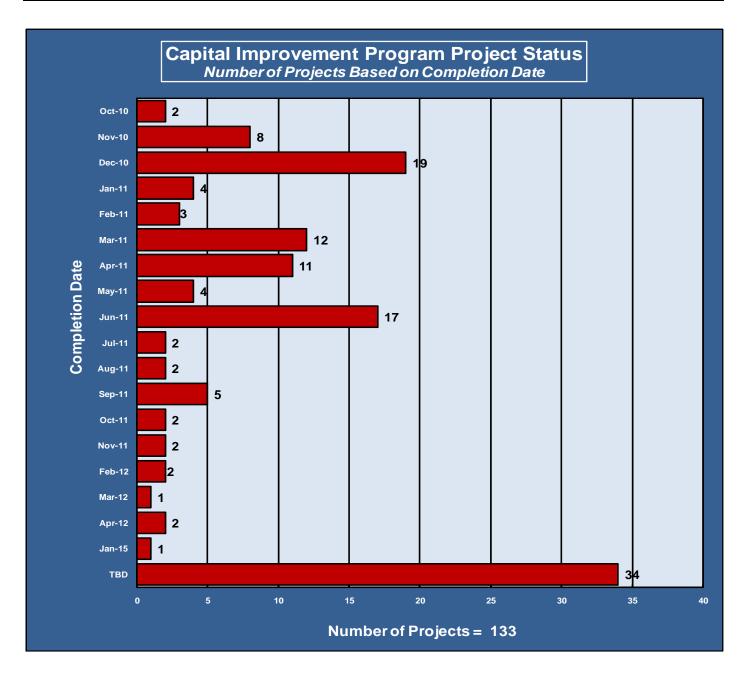


Utility Revenue Bonds (2006, 2008, 2010)	\$	29,012,952
General Obilgation Bond Projects (2009) -Fire		9,442,016
Certificate of Obligation Bonds (2006 & 2008)		8,809,641
Reinvestment Zone No. 1 Projects		5,373,662
Water Fund-Retained Earnings		5,119,637
Grant Funds		2,360,751
Budgeted Capital-General Fund		2,122,714
Budgeted Capital-Utility Fund		1,418,422
General Obligation Bond Projects (2008) -Parks		585,073
General Fund-Designated from Fund Balance		504,789
TxDOT Agreements		406,120
Drainage Fund-Designated from Fund Balance		356,619
Hotel-Motel Fund-Designated from Fund Balance		78,788
	•	

Total Capital Improvement Projects {by funding source}

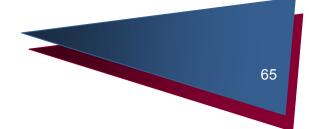
\$ 65,591,184

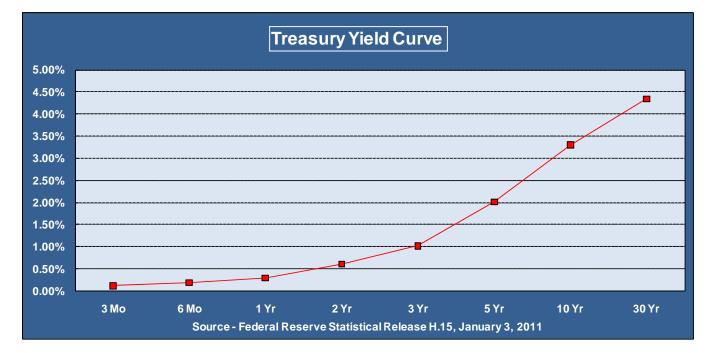


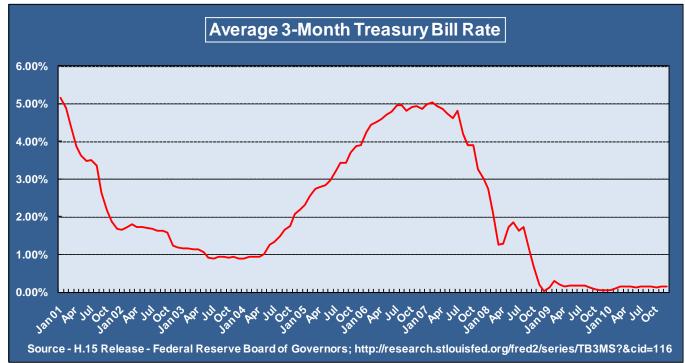




The Public Funds Investment Act, Chapter 2256 of the Texas Government Code, requires the investment officer to prepare and submit a written report of investments to the governing body of the entity not less than quarterly.

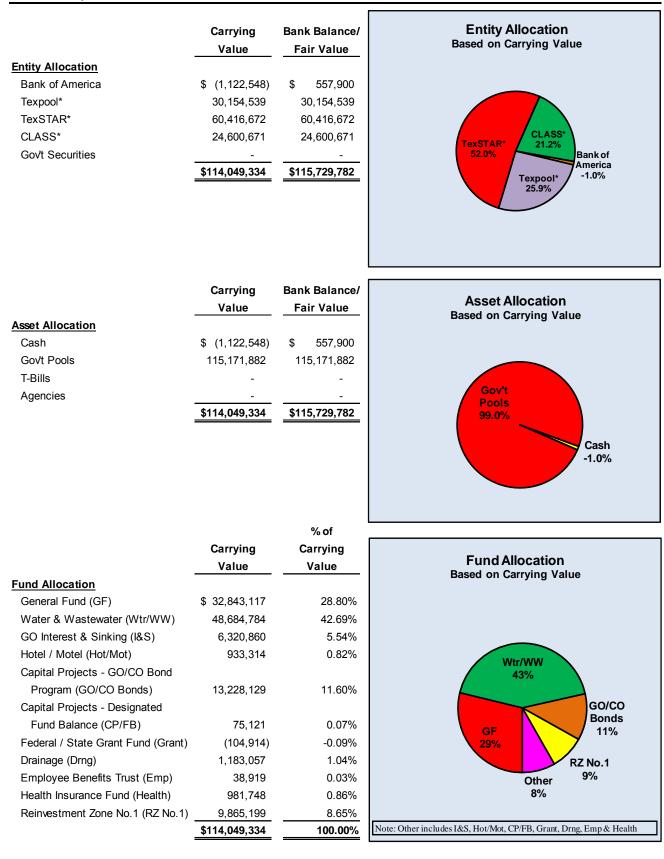






Quarterly Financial Statements - for three months ended 12.31.2010

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* The City's investments in local government investment pools are stated at carrying value, which also represents the value of the investments upon withdraw al. Accordingly, carrying and fair value are reported as the same amount.

INVESTMENT PORTFOLIO - MARKED TO MARKET December 31, 2010

Туре	Par Value	Term* (Days)	Yield %	Maturity Date	Carrying Value	Fair Value	Fair vs Carrying
Texpool	\$ 30,154,539	64	0.1700	- 3	\$ 30,154,539	\$ 30,154,539	\$-
TexSTAR	60,416,672	67	0.1713	-	60,416,672	60,416,672	-
CLASS	24,600,671	41	0.2400	-	24,600,671	24,600,671	-
Bank of America	(1,122,548)	1	0.3000	-	(1,122,548)	557,900	N/A
	\$ 114,049,334				\$ 114,049,334	\$ 115,729,782	\$-

Weighted Average

61.25 Days

0.18% Yield

Key Rates: Cash Markets * Rate	Year ago	Dec 31	KeyRates
City of Temple	0.21	0.18	6.00%
Texpool	0.21	0.17	0.00 %
TexSTAR	0.19	0.17	5.00%
Class	0.26	0.24	4.00%
Fed funds	0.11	0.13	4.00 %
CDs: Three months	0.22	0.30	3.00%
CDs: Six months	0.25	0.41	2.00%
T- bill 91-day yield	0.11	0.18	2.00 %
T- bill 52-week yield	0.47	0.32	1.00%
Bond Buyer 20- bond			
municipal index	4.25	4.95	
Tax-exempt notes	0.49	0.53	Jennie zood star Jest Class feed and and and and hotes
*Source - GFOA Treasury Manage	ment - January 2	011 Issue	■Year ago ■Dec 31

Train L Barnard

Traci L. Barnard Director of Finance

Maturity

Stacen Keimer

Fair Value as a % of Carrying Value

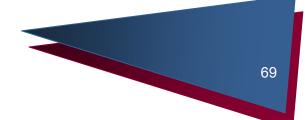
Stacey Reisner Treasury Manager

* The term reported for the City's investments in local government investment pools is stated as the pools weighted average maturity in days.

100.00%

Supplemental Information includes

Fund Balance Reserves/Designations – General Fund	.70
Expenditures of Federal and State Awards	72
Awards of Federal & State Grants by Project Type	74
Hotel/Motel Tax Receipts by Reporting Entity	.75
Historical Sales Tax Revenue by Month	76
Parks Escrow Deposits by Addition Name	77
Redevelopment Grants and Incentive Programs within	
Strategic Investment Zones (SIZ)	79



		Council	Approved	ed		
	Balance		Appropriation Increase	Balance 02/17/11		
	10/01/10	Reallocation	(Decrease)			
DESIGNATED FOR CAPITAL PROJECTS:						
Various Projects:						
Fire Department (Thermal Camera/Educ. Trailer)	\$ 4,708	\$-	\$-	\$ 4,708		
TxDot Airport Grant-Rehab & Overlay of Runway &						
Taxiways (10% Match) {Total Project =\$3,549,000}	-	354,900	-	354,900		
Water SMART Grant Match (50%)	-	32,500	-	32,500		
2010 Bulletproof Vest Partnership Grant Match (50%)	22,365	-	(22,365)	-		
TIGER II Grant Match (22.5%)	60,750	-	(60,750)	-		
STEP Lighted/Landscaped Linear Trails Grant Match (25%)	521,500	(500,000)	(21,500)			
TOTAL Various Projects	609,323	(112,600)	(104,615)	392,108		
2010/2011 Budgetary Supplement-Capital/SIZ/TEDC Matrix:						
Capital Equipment Purchases	995,000	-	(995,000)	-		
Self-Funded Health Insurance Start Up Costs	628,756	-	(628,756)	-		
Strategic Investment Zone Program	85,000	-	(85,000)	-		
TEDC Matrix Allocation	295,068		(295,068)			
TOTAL BUDGETARY SUPPLEMENT	2,003,824	-	(2,003,824)	-		
2004/2005 C.I.P. :						
Landfill Expansion	75,000	-	-	75,000		
TOTAL 2004/2005 C.I.P.	75,000	-	-	75,000		
TOTAL - PROJECT SPECIFIC	2,688,147	(112,600)	(2,108,439)	467,108		
DESIGNATED FOR CAPITAL PROJECTS -						
UNALLOCATED	2,941,905	112,600	(62,007)	2,992,498		
TOTAL DESIGNATED FOR CAP PROJECTS	\$ 5,630,052	\$-	\$ (2,170,446)	\$ 3,459,606 (Continued)		

CITY OF TEMPLE, TEXAS SCHEDULE OF FUND BALANCE RESERVES/DESIGNATIONS - GENERAL FUND

February 17, 2011

			Council Approved						
				Ар	propriation				
	Balance				Increase		Balance		
	10/01/10		Reallocation		((Decrease)		02/17/11	
Other Fund Balance Reserves/Designations:									
Encumbrances	\$	1,532,988	\$	-	\$	(1,532,988)	\$	-	
Inventory & Prepaid Items		375,993		-		-		375,993	
Rob Roy MacGregor Trust - Library		17,614		-		(1,500)		16,114	
Drug enforcement {Seized Funds}		329,408		-		(12,670)		316,738	
Municipal Court Restricted Fees		167,815		-		(1,200)		166,615	
Vital Statistics Preservation Fund		49,051		-		-		49,051	
Public Safety		43,584		-		-		43,584	
Public Education Government (PEG) Access Channel		191,642		-		-		191,642	
Technology Replacement		231,207				(53,000)		178,207	
Budgeted decrease in Fund Balance		-	\$	-	\$	(3,771,804)		3,771,804	
Unreserved - Undesignated { 4 months operations }		15,050,138						15,050,138	
Total Fund Balance	\$	23,619,492					\$	23,619,492	

<u>Federal/State Grantor</u> Agency or Pass-Through _ Program Title	Federal CFDA Number	Grant Number	Program or Award Amount	Program Expenditures
Federal Assistance:				
U.S. Department of H.U.D. CDBG 2010 CDBG 2009 CDBG - R (American Recovery and Reinvestment Act) EDI - Special Purpose Grant - Hawn Hotel	14.218 14.218 14.253 14.251	B-10-MC-48-0021 B-09-MC-48-0021 B-09-MY-48-0021 B-08-SP-TX-0566	\$ 559,603 515,508 136,673 137,200	\$- 24,780 - <u>137,011</u> 161,791
U.S.Department of Education Temple Independent School District: Safe Schools Healthy Students Initiative After School Centers for Education (ACE)	84.184L 84.287	Q184L080238-09	77,207 48,175	19,876 6,999 26,875
U.S. Department of Energy Energy Efficiency and Conservation Block Grant (American Recovery and Reinvestment Act)	81.128	DE-SC0002958	593,200	<u>32,531</u> 32,531
U.S. Department of Health and Human Services Texas A&M Health Science Center: CTxCARES Mini-Grant	93.135	1U48FP0010924	10,000	750750
U.S. Department of Homeland Security Safe Adequate Fire and Emergency Response (SAFER)	97.083	EMW-2008-FF-00936	433,520	<u> </u>
Texas Department of Public Safety: Civil Defense	97.042	10TX-EMPG-1142	43,241	10,810 10,810
Governor's Division of Emergency Management: 2009 State Homeland Security Program	97.073	2009-SS-T9-0064	20,000	
U.S. Department of Justice 2008 Bullet Proof Vests Grant 2010 Bullet Proof Vests Grant	16.607 16.607	2009-DU-BX-08042182 2010-DU-BX-08042182	20,635 22,365	<u>45,485</u> - - - -
Killeen Police Department: 2009 Edward Byrne Memorial Justice Assistance Grant 2009 American Recovery and Reinvestment Act Edward	16.738	2009-DJ-BX-1408	23,562	-
Byrne Justice Assistance Grant	16.804	2009-SB-B-93128	92,568	
<u>U.S. Department of Transportation</u> Texas Department of Transportation: Safe Routes to School - Lakewood Safe Routes to School - Bonham Surface Transportation Enhancement Program (STEP)	20.205 20.205 20.205	0909-36-131 0909-36-130 0909-36-133	496,725 498,983 2,155,000	62 62 - 124

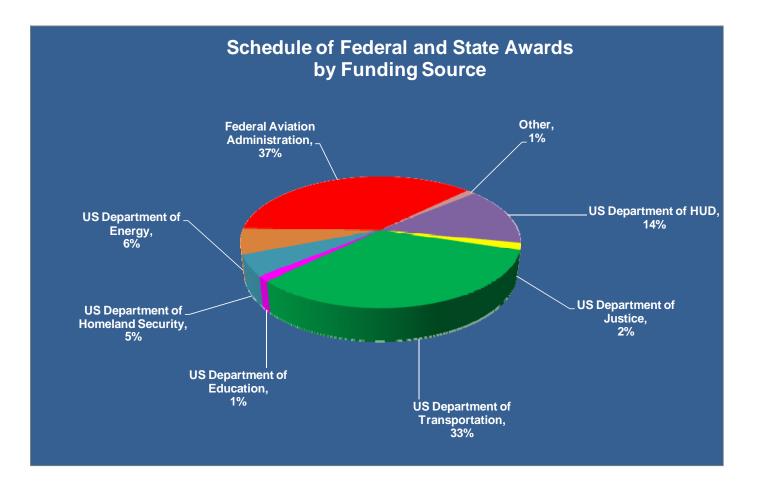
CITY OF TEMPLE, TEXAS SCHEDULE OF EXPENDITURES OF FEDERAL AND STATE AWARDS For the three months ended December 31, 2010

Table II (Continued)

<u>Federal/State Grantor</u> Agency or Pass-Through Program Title	Federal CFDA Number	Grant Number	Program or Award Amount	Program Expenditures
State Assistance: <u>Texas Department of State Health Services</u> Mayor's Council on Physical Fitness	-	-	\$ 79,914	<u>\$ 890</u> 890
Texas State Library & Archives Commission Loan Star Libraries Grant	-	442-06477	 25,134	
Total Federal and State Financial Assistance			\$ 5,989,213	\$ 268,446
Grants Received Administered by State <u>Federal Aviation Administration</u> Airport Project Participation Grant - Runway 2-20	-	-	 3,549,000	

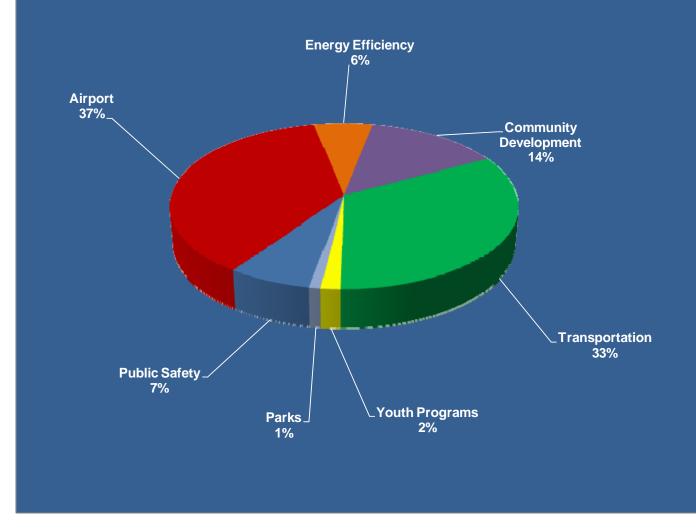
Total Federal and State Financial Assistance

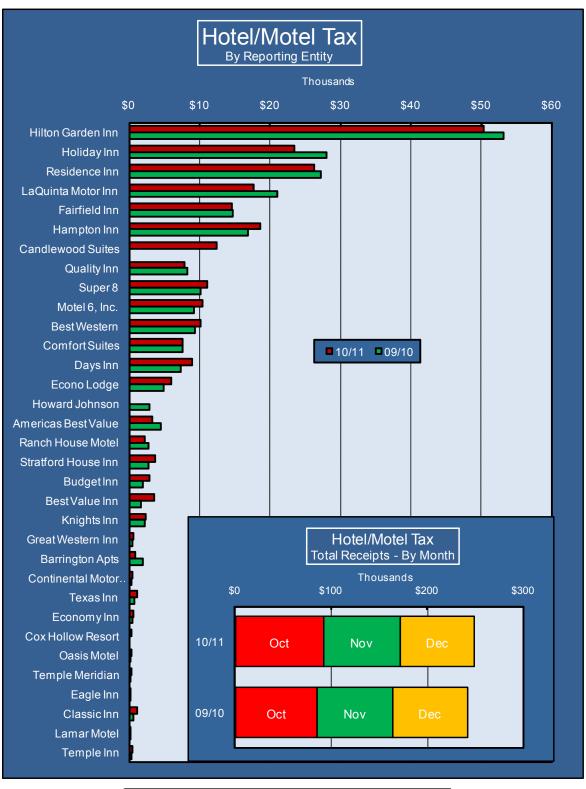
\$ 9,538,213



Public Safety	\$ 655,891
Airport	3,549,000
Energy Efficiency	593,200
Community Development	1,348,984
Transportation	3,150,708
Youth Programs	150,516
Parks	 89,914
	\$ 9,538,213





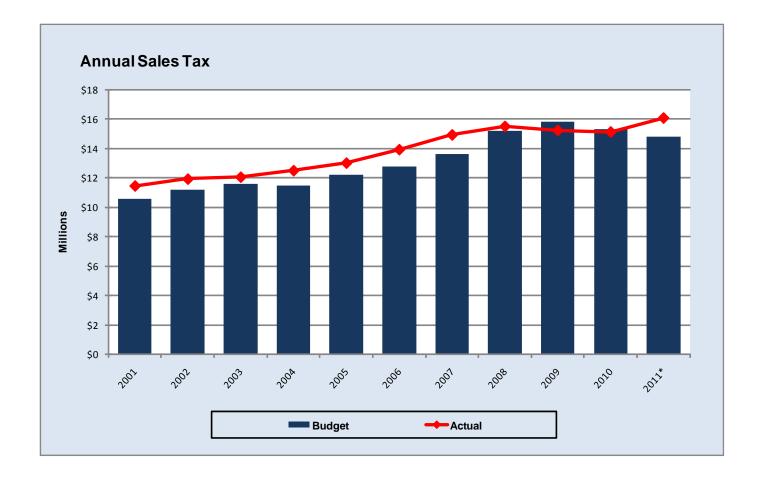


	Hotel/M		
Fiscal Year	Actual YTD	Budget	% of Budget
10/11	\$249,139	\$1,025,450	24.30%
09/10	\$241,331	\$990,500	24.36%

CITY OF TEMPLE, TEXAS Historical Sales Tax Revenue - By Month

Table V

									%Increase
	FY	FY		FY	FY	FY	FY	FY	(Decrease)
Month	05	06		07	08	09	10	11*	11 Vs. 10
Oct	\$ 1,285,767	\$ 1,362,652	\$	1,487,129	\$ 1,419,096	\$ 1,485,778	\$ 1,422,026	\$ 1,511,535	6.29%
Nov	920,873	967,050		1,014,056	1,155,106	1,165,941	1,070,438	1,128,208	5.40%
Dec	909,014	977,379		1,236,183	1,234,613	1,113,925	1,055,403	1,165,367	10.42%
Jan	1,547,382	1,604,189		1,646,644	1,748,932	1,691,046	1,724,078	1,797,063	4.23%
Feb	911,458	973,333		1,020,046	1,105,271	1,094,010	1,085,180	1,153,113	6.26%
Mar	870,746	1,029,374		962,661	1,051,732	1,054,277	1,051,792	1,117,635	6.26%
Apr	1,372,438	1,426,578		1,494,007	1,460,754	1,509,532	1,593,190	1,692,923	6.26%
May	940,709	1,021,650		1,075,166	1,129,422	1,212,407	1,153,658	1,225,877	6.26%
Jun	920,525	1,086,355		1,173,450	1,206,717	1,099,533	1,138,979	1,210,279	6.26%
Jul	1,397,700	1,242,117		1,426,977	1,614,365	1,550,197	1,546,654	1,643,474	6.26%
Aug	962,688	1,095,407		1,235,561	1,221,187	1,158,194	1,125,091	1,195,522	6.26%
Sept	982,943	1,148,136		1,161,746	1,163,717	1,103,971	1,167,649	1,240,744	6.26%
	\$ 13,022,243	\$ 13,934,218	\$	14,933,627	\$ 15,510,913	\$ 15,238,812	\$ 15,134,138	\$ 16,081,740	6.26%
Annual:									
\$ Increase	\$ 513,453	\$ 911,975	\$	999,409	\$ 577,286	\$ (272,101)	\$ (104,674)	\$ 947,603	
% Increase	 4.10%	7.00%	1	7.17%	3.87%	-1.75%	-0.69%	6.26%	



City of Temple, Texas Parks Escrow Deposits - By Addition Name December 31, 2010

					Total	
Addition	Date of	Am	ount of	Exp	enditures/	Balance
Name	Deposit	De	eposit	F	lefunds	12/31/2010
Bell Addition	08/13/97	\$	450.00	\$	-	\$ 450.00 ³
Stewart Acres	03/31/99		900.00		-	900.00
Colwell	03/31/99		2,250.00		-	2,250.00
Morgan - Morris	10/19/01		225.00		-	225.00
Shafer-Tietje	10/16/03		225.00		-	225.00
Alford	11/06/03		450.00		-	450.00
Chesser-Pitrucha	02/05/04		450.00		-	450.00
Simpson	03/05/04		225.00		-	225.00
Ditzler	07/09/04		225.00		-	225.00
Lantana I	11/12/04		675.00		-	675.00 ³
Avanti	11/22/04		450.00		-	450.00 ³
Okun	05/17/05		675.00		-	675.00
Jupiter	05/26/05		675.00		225.00	450.00 ³
Meadow Bend I & II	07/08/05		26,662.50		-	26,662.50
Lantana II	10/03/05		2,391.80		-	2,391.80 ³
Willow Grove	10/12/05		225.00		-	225.00
Hidden Meadow Ranch	11/23/05		1,350.00		-	1,350.00
Country Lane	12/21/05		11,475.00		-	11,475.00
Northcliff Phase VIII	01/27/06		3,375.00		-	3,375.00
Berry Creek	03/17/06		450.00		-	450.00
Krasivi	04/13/06		900.00		-	900.00
Todd's	06/05/06		900.00		-	900.00 ³
Bluebonnet Meadows	08/21/06		2,025.00		-	2,025.00
Pecan Pointe Apts.	09/29/06		26,100.00		-	26,100.00
Lantana I	10/10/06		675.00		-	675.00 ³
Lantana II	10/10/06		1,575.00		-	1,575.00 ³
Grand Reserve	01/23/07		11,475.00		-	11,475.00
Creeks at Deerfield	03/16/07		6,525.00		-	6,525.00
Westwood III	08/24/07		1,125.00		-	1,125.00 ³
Saulsbury I	09/20/07		675.00		-	675.00 ³
Lantana II	10/03/07		1,350.00		-	1,350.00 ³
Chappell Hill II	10/03/07		5,400.00		-	5,400.00 ³
Meadow Oaks	11/05/07		225.00		-	225.00 ³
Saulsbury II	11/05/07		1,350.00		-	1,350.00 ³
Eagle Oaks at the Lake III	02/14/08		4,725.00		-	4,725.00
Clark	02/14/08		225.00		-	225.00
Ciuit			220.00		-	220.00

(Continued)

City of Temple, Texas Parks Escrow Deposits - By Addition Name December 31, 2010

Table VI (Continued)

		Total							
Addition	Date of	Amount of	Expenditures/	Balance					
Name	Deposit	Deposit	Refunds	9/30/2010					
Las Colinas	02/25/08	\$ 9,000.00	\$ -	\$ 9,000.00					
Misty Creek	02/27/08	5,400.00	-	5,400.00					
Downs First I	07/30/08	1,125.00	-	1,125.00 ³					
Saulsbury IV	09/25/08	1,800.00	-	1,800.00 ³					
Residences at D'Anotini's #2	03/10/09	11,475.00	-	11,475.00					
Addison	04/07/09	450.00	-	450.00 ³					
Country Lane III	05/07/09	7,200.00	-	7,200.00					
Westfield III	06/24/09	12,150.00	-	12,150.00					
Scallions	08/18/09	900.00	-	900.00					
Overlook Ridge Estates	11/13/09	3,375.00	-	3,375.00					
Village of Sage Meadows II	11/19/09	5,625.00	-	5,625.00 ³					
Creeks at Deerfield	01/13/10	4,050.00	-	4,050.00					
Hamby	06/11/10	225.00	-	225.00					
Saulsbury V	06/24/10	900.00	-	900.00					
Village of Sage Meadows IV	08/16/10	10,800.00	-	10,800.00					
Saulsbury VI	12/30/10	1,800.00	-	1,800.00					
Accumulated Interest ¹		91,438.62	64,090.70	27,347.92 2					
	Total	\$ 286,767.92	\$ 64,315.70	\$ 222,452.22					
N1 /									

Notes:

- 1. In response to an opinion from the City Attorney's Office, the interest earnings will no longer be added to each individual deposit.
- 2. \$15,148 is designated for the Lions Park grant match.
- 3. Funds are appropriated for various park improvements.

City of Temple, Texas Redevelopment Grants and Incentive Programs within Strategic Investment Zones (SIZ) As of December 31, 2010

Contract/ Council Award Date	Grantee	Original Match Amount	Actual City Match	Expiration Date	Payment Date	Improvement Status	Improvement Description
Pending	Victor D. Turley, P.E., R.P.L.S.	\$ 8,725.00	\$ 8,725.00	3/31/2011		Pending approval	Upgrade fencing
11/4/2010	James & Jana Warren (JS Auto Sales)	34,500.00	34,500.00	10/30/2011		In Progress	Facade, Landscaping, Sign, Irrigation & Demolition
10/21/2010	Jimmy Palasota	27,500.00	27,500.00	5/31/2011		In Progress	Facade, Landscaping & Sign
10/7/2010	Temple G2K Development	35,250.00	35,250.00	12/31/2011		In Progress	Facade, Sidewalks & Landscaping
7/1/2010	Strasburger Enterprises	24,200.00	24,200.00	3/31/2011		In Progress	Landscaping, Sidewalks & Tree Grates
5/20/2010	First Finance & Furniture	22,500.00	14,794.40	5/30/2011	10/15/2010	Complete	Facade ,Sign & Demolition
5/20/2010	James Fertsch-12 E Central	28,500.00	19,993.20	5/30/2011	7/23/2010	Complete	Facade, Sidewalks, Asbestos Survey & Demolition
5/20/2010	James Fertsch-14 E Central	28,500.00	25,214.98	5/30/2011	1/7/2011	In Progress	Facade, Sidewalks, Asbestos Survey & Demolition
2/4/2010	Jorge and Candice Vasquez	10,000.00	10,000.00	5/30/2010	3/19/2010	Complete	Facade Improvements
11/19/2009	Kelum Pelwatta (EZ Tire)	39,700.00	35,000.00	4/30/2011		In Progress	Facade, Landscaping & Sidewalks
	Pops Tree Farm		1,645.00	N/A	8/20/2010	Complete	Trees
	BJS Park & Recreation Products		3,164.68	N/A	5/28/2010	Complete	Tree Grates
9/17/2009	J&S Central Texas Investments	5,000.00	4,900.00	5/31/2010	6/25/2010	Complete	Residential Improvements for 819 S. 5th
9/17/2009	J&S Central Texas Investments	13,500.00	10,000.00	11/1/2010	9/3/2010	Complete	Facade & Landscaping
9/17/2009	Rudy & Karen Gonzales (In The Mood Ballroom)	15,000.00	-	1/31/2010		**Expired**	Facade Improvements
7/13/2009	Don's Medical	14,400.00	12,456.55	12/31/2009	2/26/2010	Complete	Facade & Landscaping
7/13/2009	Texquest Investments LLC	44,000.00	42,050.00	3/31/2010	2/26/2010	Complete	Facade, Landscaping, Monument Sign, Asbestos Survey/Removal & Sidewalks
6/29/2009	The Wallace Group	2,332.33	2,332.33	N/A	10/23/2009	Complete	S. 1st Street Drainage Study
3/26/2009	JZI Primetime LLC (Pool's Grocery)	23,877.00	20,197.50	12/31/2009	8/21/2009	Complete	Facade, Landscaping & Sidewalks
2/24/2009	The Wallace Group	1,667.67	1,667.67	N/A	3/13/2009	Complete	Drainage Study

\$ 333,591.31

Budget Allocation Summary	
FY 2008	\$ 85,000.00
FY 2009	85,000.00
FY 2010	95,714.00
FY 2011	85,000.00
Committed/Encumbered/Pending	(333,591.31)
Remaining Funds	\$ 17,122.69



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FIRST QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2010-2011; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the first quarter 2010-2011 fiscal year financial results need to be approved by the City Council;

Whereas, included in the first quarter results are various schedules detailing construction contracts, grants, sales tax, capital projects and investments; and

Whereas, the City Council deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

<u>**Part 1**</u>: The City Council approves the first quarter 2010-2011 fiscal year financial results, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2**</u>: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 17th day of February, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/17/11 Item #7 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – A-FY-10-15: Consider adopting an ordinance closing 650 feet of the 11-foot wide alley in Block 9, South Park Addition, located on the east side of Scott & White Park, between West Avenue R and West Avenue P; and closing 575.9 feet of the 11-foot wide alley in Blocks 1 and 5, South Park Addition, between West Avenue P and the northwest corner of Lot 1, Block 1 of South Park Addition; and retaining 11-foot wide blanket utility easements for each.

<u>STAFF RECOMMENDATION</u>: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for March 3, 2011.

ITEM SUMMARY: The City of Temple Parks and Leisure Services Department requests this closing to incorporate the alley into the Scott &White Park as green space.

Planning staff contacted all utility providers, including all divisions of the Public Works Department, regarding the proposed alley closure. Utility providers request the City retain a blanket utility easement for each alley closure portion with full ingress/egress rights to protect existing utilities in the alley.

AT&T was opposed to an initial abandonment request due to easement access concerns. The City of Temple Parks and Leisure Services Department intends to retain blanket utility easements for both alley closure portions, as well as keep the area open enough to allow utility access for all existing providers.

Planning staff mailed notifications to all property owners adjacent to the alley regarding this alley closure request. No property owners have responded yet to the alley abandonment request.

The Solid Waste Department uses the alley for collection, but proposes removing the 300-gallon containers from the alley and giving residents 90-gallon containers for street side collection.

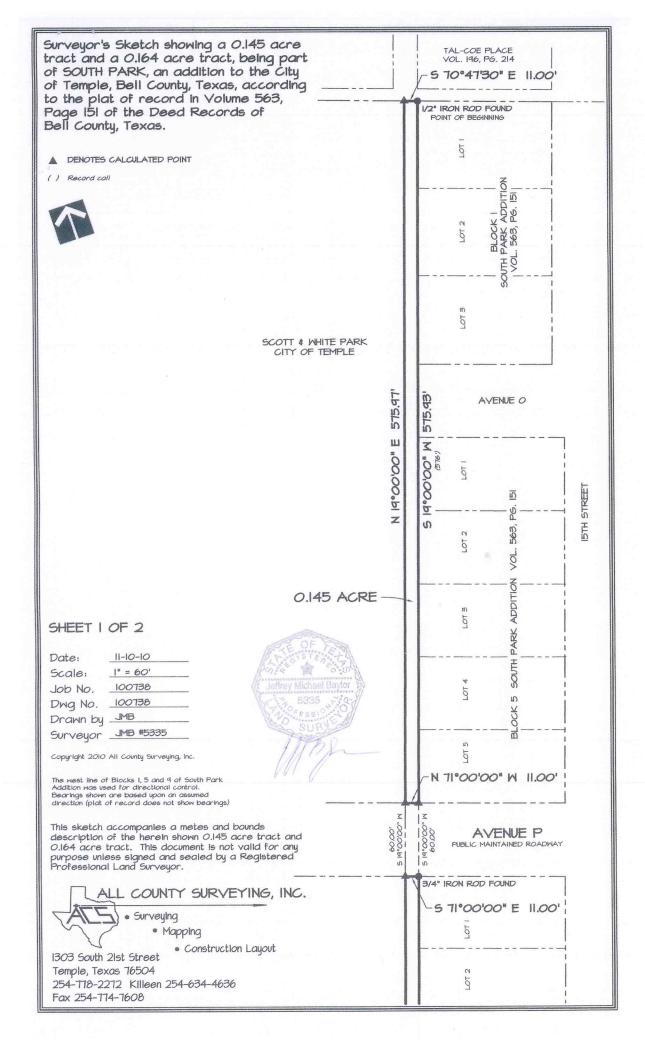
FISCAL IMPACT: There are no plans to sell the alley.

02/17/11 Item #7 Regular Agenda Page 2 of 2

ATTACHMENTS:

Exhibit Proposed Easements and Field Notes Application Ordinance





FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

November 15, 2010

Surveyor's Field Notes for the CITY OF TEMPLE, for:

0.145 Acre, being part of the **MAXIMO MORENO SURVEY**, **ABSTRACT NO. 14**, in the City of Temple, Bell County, Texas, and being a portion of SOUTH PARK ADDDITION, a subdivision of record in Volume 563, Page 151 of the Deed Records of Bell County, Texas, and being all of the right-of-way of that certain ALLEY situated within BLOCK 1 and BLOCK 5 of said SOUTH PARK ADDDITION, and including all of the right-of-way of that certain ALLEY situated at the west end of the right-of-way of AVENUE O, as shown on the plat of said SOUTH PARK ADDDITION; said 0.145 acre tract was surveyed by All County Surveying, Inc., and is more particularly described by these metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the northwest corner of LOT 1 of said BLOCK 1, same being the northeast corner of the right-of-way of said ALLEY situated within said BLOCK 1, also being the northeast corner of this tract, and being in the south line of TAL-COE PLACE, a subdivision of record in Volume 196, Page 214 of said Deed Records.

THENCE in a southerly direction, with the east right-of-way line of said ALLEY, same being the west line of said BLOCK 1, the west right-of-way line of said AVENUE O and the west line of said BLOCK 5 (record call 576 feet), SOUTH 19 deg 00 min 00 sec WEST, a distance of 575.93 feet to a calculated point, being the southwest corner of LOT 5 of said BLOCK 5, same being the southeast corner of the right-of-way of said ALLEY situated within said BLOCK 5, also being the southeast corner of the right-of-way of said ALLEY situated within said BLOCK 5, also being the southeast corner of the right-of-way of said ALLEY situated within said BLOCK 5, also being the southeast corner of the right-of-way line of a public maintained roadway known as AVENUE P, from which a 3/4" iron rod found in the south right-of-way line of said AVENUE P for the northwest corner of LOT 1, BLOCK 9 of said SOUTH PARK ADDDITION, bears SOUTH 19 deg 00 min 00 sec WEST, a distance of 60.00 feet.

THENCE in a westerly direction, with the south right-of-way line of said ALLEY, same being the north right-of-way line of said AVENUE P, NORTH 71 deg 00 min 00 sec WEST, a distance of 11.00 feet to a calculated point in the west line of said SOUTH PARK ADDDITION, same being the east line of Scott & White Park, a tract owned by said City of Temple, said point being the southwest corner of the right-of-way of said ALLEY situated within said BLOCK 5, same being the southwest corner of this tract.

THENCE in a northerly direction, with the west right-of-way line of said ALLEY, same being the west line of said SOUTH PARK ADDDITION, also being the east line of said Scott & White Park, NORTH 19 deg 00 min 00 sec EAST, a distance of 575.97 feet to a calculated point, being the northwest corner of the right-of-way of said ALLEY situated within said BLOCK 1, same being the northwest corner of said SOUTH PARK ADDDITION, also being the northwest corner of this tract, and also being in the south line of said TAL-COE PLACE.

THENCE in an easterly direction, with the north right-of-way line of said ALLEY situated within said BLOCK 1, same being the north line of said SOUTH PARK ADDDITION, also being the south line of said TAL-COE PLACE, SOUTH 70 deg 47 min 30 sec EAST, a distance of 11.00 feet to the Point of Beginning, containing 0.145 Acre.

The west line of BLOCKS 1, 5 and 9 of said SOUTH PARK ADDITION was used for directional control. Bearings shown are based upon an assumed direction (plat of record does not show bearings). This description accompanies a Surveyor's Sketch of this 0.145 acre tract.

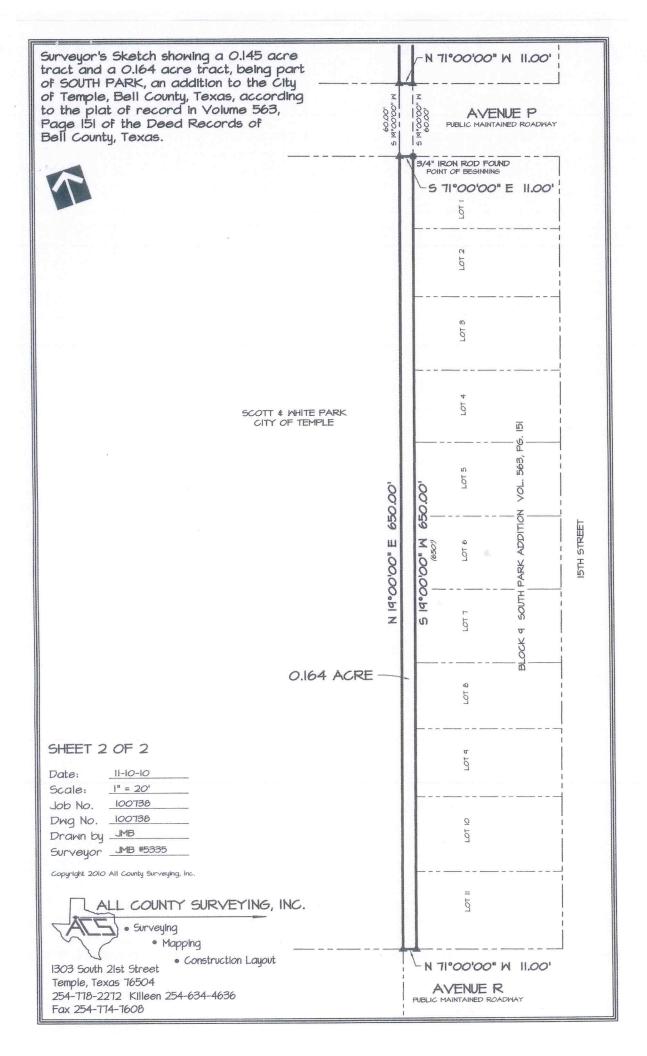
Surveyed November 10, 2010

ALL COUNTY SURVEYING, INC. 1 (800) 749 - PLAT File: 100738T1.fns



1

Jeffrey M. Baylor Registered Professional Land Surveyor Registration No. 5335



FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

November 15, 2010

Surveyor's Field Notes for the CITY OF TEMPLE, for:

0.164 Acre, being part of the **MAXIMO MORENO SURVEY, ABSTRACT NO. 14**, in the City of Temple, Bell County, Texas, and being a portion of SOUTH PARK ADDDITION, a subdivision of record in Volume 563, Page 151 of the Deed Records of Bell County, Texas, and being all of the right-of-way of that certain ALLEY situated within BLOCK 9 of said SOUTH PARK ADDDITION, as shown on the plat of said SOUTH PARK ADDDITION; said 0.164 acre tract was surveyed by All County Surveying, Inc., and is more particularly described by these metes and bounds as follows:

BEGINNING at a 3/4" iron rod found in the south right-of-way line of a public maintained roadway known as AVENUE P, said iron rod being the northwest corner of LOT 1 of said BLOCK 9, same being the northeast corner of the right-of-way of said ALLEY situated within said BLOCK 9, also being the northeast corner of this tract, from which a 1/2" iron rod found for the northwest corner of LOT 1, BLOCK 1 of said SOUTH PARK ADDDITION, bears NORTH 19 deg 00 min 00 sec EAST, a distance of 575.93 feet.

THENCE in a southerly direction, with the east right-of-way line of said ALLEY, same being the west line of said BLOCK 9 (record call 650 feet), SOUTH 19 deg 00 min 00 sec WEST, a distance of 650.00 feet to a calculated point, being the southwest corner of LOT 11 of said BLOCK 9, same being the southeast corner of the right-of-way of said ALLEY situated within said BLOCK 9, also being the southeast corner of this tract, and also being in the north right-of-way line of a public maintained roadway known as AVENUE R

THENCE in a westerly direction, with the south right-of-way line of said ALLEY, same being the north right-of-way line of said AVENUE R, NORTH 71 deg 00 min 00 sec WEST, a distance of 11.00 feet to a calculated point in the west line of said SOUTH PARK ADDDITION, same being the east line of Scott & White Park, a tract owned by said City of Temple, said point being the southwest corner of the right-of-way of said ALLEY situated within said BLOCK 9, same being the southwest corner of this tract.

THENCE in a northerly direction, with the west right-of-way line of said ALLEY, same being the west line of said SOUTH PARK ADDDITION, also being the east line of said Scott & White Park, NORTH 19 deg 00 min 00 sec EAST, a distance of 650.00 feet to a calculated point in the south right-of-way line of said AVENUE P, said point being the northwest corner of the right-of-way of said ALLEY situated within said BLOCK 9, same being the northwest corner of this tract.

THENCE in an easterly direction, with the north right-of-way line of said ALLEY situated within said BLOCK 9, same being the south right-of-way line of said AVENUE P, SOUTH 71 deg 00 min 00 sec EAST, a distance of 11.00 feet to the Point of Beginning, containing 0.164 Acre.

The west line of BLOCKS 1, 5 and 9 of said SOUTH PARK ADDITION was used for directional control. Bearings shown are based upon an assumed direction (plat of record does not show bearings). This description accompanies a Surveyor's Sketch of this 0.164 acre tract.

Surveyed November 10, 2010

ALL COUNTY SURVEYING, INC. 1 (800) 749 - PLAT File: 10073872.fns



1

Jeffrey M. Baylor Registered Professional Land Surveyor Registration No. 5335

1,1	ABANDONMENT APPLICATIO	N SEP 15 2010
Date:	n 1	City of Temple Planning & Development
Property Owner: CIty	of emple	
Name	Address	Phone #
Applicant: Kin Me	effenbrink Address	298 54/1 Phone #
Capacity of applicant: Office		iver Kother PLANKER
Email: Kmettenbrink	G Fax Number:	298 5565
Address of Property:	+x, 45 Lot: Block: S	ubdivision:
Outblock (if not platted):		

RECEIVED

Filing Fee: The abandonment application requires a filing fee of \$100 plus the broker's opinion of the value of the property to be abandoned (if applicable). The fee is not refundable, except that a refund of \$25 and the value of the property will be made if an application is withdrawn in writing and received by the Planning Department prior to the notification of utility providers.

Type of Abandonment: Alley

Street

Drainage or utility easement

Other_ Abandonment Description: Please explain why the abandonment is needed. Use of Abandonment: Please provide the proposed use of abandoned property, if granted.

Thoroughfare Plan Streets: Any abandonment of a street reflected on the City's Thoroughfare Plan may be presented to Planning and Zoning Commission and the City Council.

Certification: You as the property owner certify with your signature that all of the following statements are true:

- This application is complete and all of the information provided is accurate.
- The person signing below as applicant may act as my agent for the processing and presentation of this request. The designated agent shall be the principal contact person with the City in processing and responding to requirements or issues relevant to this request.

Applicant's Signature Property Owner's Signature For Office Use Only Tentative City Council Date:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CLOSING 650 FEET OF THE 11-FOOT WIDE ALLEY IN BLOCK 9, SOUTH PARK ADDITION, LOCATED ON THE EAST SIDE OF SCOTT & WHITE PARK, BETWEEN WEST AVENUE R AND WEST AVENUE P; AND CLOSING 575.9 FEET OF THE 11-FOOT WIDE ALLEY IIN BLOCKS 1 AND 5, SOUTH PARK ADDITION, BETWEEN WEST AVENUE P AND THE NORTHWEST CORNER OF LOT 1, BLOCK 1 OF SOUTH PARK ADDITION; RETAINING 11-FOOT WIDE BLANKET UTILITY EASEMENTS FOR EACH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City's Parks and Leisure Services Department requests closing two alleys located in South Park Addition near Scott & White Park to incorporate the alleys into public green space;

Whereas, the City will retain blanket utility easements for both alley closure portions, as well as keep the area open enough to allow utility access for all existing providers;

Whereas, the alleys are not necessary for the purpose of serving the general public or the owners of adjacent land for purposes of vehicular access; and

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

Now, Therefore, Be It Ordained By the City Council of the City of Temple, Texas, That:

<u>**Part 1**</u>: The City Council closes 650 feet of the 11-foot wide alley in Block 9, South Park Addition, located on the east side of Scott & White Park, between West Avenue R and West Avenue P; and closes 575.9 feet of the 11-foot wide alley in Blocks 1 and 5, South park Addition, between south Avenue P and the northwest corner of Lot 1, Block 1 of South Park Addition, more fully described by metes and bounds contained in field notes and surveyor's drawing, attached hereto and made a part hereof for all purposes as Exhibit A, but retains 11-foot wide blanket utility easements for each alley.

<u>Part 2</u>: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

<u>**Part 3**</u>: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

<u>**Part 4**</u>: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **February**, 2011.

PASSED AND APPROVED on Second Reading the 3rd day of March, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydette Entzminger City Secretary Jonathan Graham City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of March, 2011, by WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

02/17/11 Item #8 Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Building & Standards Commission two regular members and three alternate members to fill expiring terms through March 1, 2013
- (B) Development Standards Advisory Board three members to fill expiring terms through March 1, 2014
- (C) Electrical Board three members to fill expiring terms through March 1, 2014
- (D)Parks and Leisure Services Advisory Board two members to fill expiring terms through March 1, 2014
- (E) Tree Board two members to fill expiring terms through March 1, 2014
- (F) Zoning Board of Adjustment two regular members and two alternate members to fill expiring terms through March 1, 2013

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made at the second regular meeting in February, with an effective date of March 1, 2011.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms will be forwarded to the Council if received.

FISCAL IMPACT: N/A

ATTACHMENTS: Board Summary Forms Summary listing of applications

BUILDING AND STANDARDS COMMISSION

TERM EXPIRATION MARCH - 2 YEAR TERMS APP

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Jeff Norwood jeffn@intonline.com O/OMA	03/10	2012	256 Eagle Landing Belton, TX 76502	493-4600 W/C
Crystal Cowen <u>ccowen@archedge.com</u> (moved to reg. member 3/10)	03/08	2012	1017 North 11 th Street Temple, TX 76501	771-2054 W 773-2144 F 721-5104 C
Fay Evans fayevans@mac.com OMA	03/10	2012	904 North 7 th Street Temple, TX 76501	598-4019 H
*Lee A. Crossley lacrossley@sbcglobal.net OMA	03/10	2012	5102 Sturbridge Drive Temple, TX 75602	780-7934 W/C
Jonathan (Tony) Gallagher <u>Tonygallagher3@yahoo.com</u> OMA	02/09	2011	6121 FM 439 Belton, TX 76513	939-6795 W 718-5360 C
Derek Martin derekmartin@templeproventures.com	02/05	2011	3010 Ira Young Dr. #506 P O Box 310 Temple, TX 76503	771-2084 W 541-9173 C 771-4120 F
*Ed Laughlin Ed@edlaughlin.com	02/09	2011	3114 Sleepy Hollow Lane Temple, TX 76502	773-8399 W 718-3786 C
* Alan Brown	03/07	2011	4201 Spanish Oak Temple, TX 76502	773-0535 H 773-4823 W 760-5928 C
* Scott Morrow scott@bmipest.com	02/09	2011	10 West Welton Temple, TX 76501	771-9933 W 931-0211 H

* ALTERNATES

Created October 18, 1990 under the authority of Chapter 54, Subchapter C of the Local Government Code of the State of Texas, Ordinance #2060.

Purpose: The Board has the authority to hear and determine cases concerning alleged violations of City ordinances related to building codes, including the minimum housing code; conditions covered by accumulation of matter that creates unsanitary and unhealthy conditions; functions of the Historic Preservation ordinance; and serves as a screening committee for the rental rehabilitation and the owner-occupied housing rehabilitation program. The Building & Standards Commission's final decisions may be appealed to any district court in Bell County within 30 days of the date of final decision.

Membership:5 regular members ; 4 alternate members Terms: 2 years

City Staff: Supt. Of Construction Safety & Services

Meeting Time/Place: 1st Monday of each month, at 2:00 p.m. in the Council Chambers in the Municipal Building.

DEVELOPMENT STANDARDS ADVISORY BOARD

TERM EXPIRATION: MARCH - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

	1	-		
MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Jim Howe,Chair General Const.	2/07	2013	Omega Builders 7353 West Adams Temple, TX 76502 jimh@omegabuilders.com	773-9966 W 771-2299 F
Monty Clark Engineer O/OMA	3/10	2013	2105 South 51 st Street Temple, TX 76504 <u>mclark@clark-fuller.com</u>	899-0899 W 913-1732 C
Byron Sinclair Utility Const.	2/07	2013	City of Belton bsinclair@ci.belton.tx.us	254-295-6417 M
Charles Lucko Surveying OMA	09/08	2011	1303 S. 21 st Temple, TX 76504 <u>chuck@allcountysurveying.com</u>	778-2272 W 534-1225 M 774-7608 F
Michael L. Brock Real Estate OMA	09/08	2011	4102 S. 31 st #700 Temple, TX 76502 texaslumar@yahoo.com	770-1882 W 718-7346 H/M 770-1886 F
Kenny Paysse Insurance OMA	09/08	2011	2118 Birdcreek Dr. #110 Temple, TX 76502 kpaysse@farmersagent.com	778-7136 W 718-3371 M 778-7346 F
Charles R. Chapman Banking O/OMA	3/10	2012	103 Calvin Drive Temple, TX 76501 <u>cchapman@usbanktexas.net</u>	931-1762 C
W.C. (Pat) Patterson Construction OMA	02/09	2012	2116 West Avenue H Temple, TX 76504 Pat.patterson@patcoconstructionllc.com	771-0037 W 760-6062 C
Bryant Davis Street Const.	3/08	2012	401 Hallmark Circle Belton, TX 76513 bdavis@rtschneider.com	933-2529 W 939-3014 H 534-2455 M

Created February 15, 2001, Resolution No. 2001-2885-R

Purpose: Standing advisory board to advise the City Council and Planning & Zoning Commission on matters relating to the Subdivision Ordinance, City's standard construction details, and related development standards and regulations.

Membership:9 members, 5 to be residents of City or City ETJ, or own or be employed by a business that has an office within the City; 7 of 9 positions to be represented from following professions: civil engineering, general construction, utility construction, street construction, real estate, banking, insurance, land development, architecture, homebuilding or surveying.

Term:3 years

City Staff: Asst. Director of Public Works/City Engineer

ELECTRICAL BOARD

TERM EXPIRATION MARCH - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

í	-		-	1
MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
John Toone TXU Delivery Representative	12/06	2013	P.O. Box 688 Temple, Texas 76503	770-6204 W
Craymon Myers Master Electrician rmyers@hot.rr.com	03/10	2013	4003 Wendy Oaks Drive Temple, TX 76502	534-3572 W/C 773-0185 F
Tonya Degges Architect <u>Tonya_Degges@yahoo.com</u> OMA	03/10	2013	3009 West Avenue T Temple, TX 76504	817-903-7031 W/C 254-231-4897 F
Alan Brown Brown Electric Contractors Master Electrician OMA	03/05	2011	4201 Spanish Oak Temple, Texas 76502	773-4823 W 760-5928 C 773-1225 F
Melissa Bragg Attorney melissatyrochbragg@yahoo.com	02/08	2011	4747 McLane Parkway Temple, TX 76504	624-5606 C
Jeff Byrd jeff@bccgeneralcontractor.com	03/09	2011	11212 Inverness Road Belton, TX 76513	563-6633 W/C
Kenneth Malina Journeyman Electrician OMA	02/09	2012	2006 North 13 th Street Temple, TX 76501	778-4271 W 534-0176 C

Created March 18, 1976 by Ordinance #869.

Purpose: Hear and rule on appeals of application of the Electrical Code; provide recommendations for changes and additions to the Code; review and upgrade license examinations.

Membership: 7 members to include the following:

- 2 master electricians
- 1 journeyman electrician
- 1 representative of TU Electric
- 1 representative from construction industry
- 1 architect, engineer or insurance industry
- 1 attorney

* Members which require licenses must be licensed to perform work in the City of Temple. No 2 members shall be appointed from the same firm or business organization.

Term: 3 years

Meeting Time/Place: Called basis; Council Chambers, Municipal Building.

City Staff: Director of Construction Safety & Services

PARKS AND LEISURE SERVICES ADVISORY BOARD

TERM EXPIRATION: MARCH - 3 YEAR TERMS APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Sue Ellen Galvan segalvan@vvm.com	07/10	2012	3813 Rosemary Ln 76502 P.O. Box 3261 76505 Temple, TX 76501	773-6779 W 931-1232 C
David Rapp <u>revdavidrapp@gmail.com</u>	10/08	2012	4307 Vista Court Temple, TX 76502	254-760-4246 C 774-6999 H
Doug Smith Vice - Chair dougs@papergraphicsItd.com	09/07	2012	18 West Upshaw Temple, TX 76501	773-7391 W 771-1673 H 534-2943 C
Ron Perry <u>Rperry1@farmersagent.com</u> OMA	12/06	2012	3701 Redbud Rd. Temple, TX 76502	774-9976 W 774-9950 H
Charles Stout <u>cstout@vvm.com</u>	02/05	2011	3806 East Drive Temple, Texas 76502	773-5003 H
Paul Erchinger, Chair perchinger@yahoo.com	7/04	2011	706 Livingston Court Temple, TX 76502	780-1359 H 913-7080 C 939-6060 W
Mona Fullmer <u>monasellshomes@aol.com</u> OMA	03/10	2013	4722 Stagecoach Trail Temple, TX 76502	913-6500 W/C 231-3030 H 773-4505 F
David Perez-Guerra <u>davidp@concentusmediagroup.com</u> OMA	09/07	2013	Concentus Media Group 718 S. 17 th St. Temple, TX 76504	742-2007 W 771-1739 F 760-1908 C
Gil Hollie ghollie@hot.rr.com O/OMA	03/10	2013	2425 Hancock Drive Temple, TX 76504	721-7474 H

Created by City Charter, Section 3.28; Ordinance 2133, April 16, 1992-repealed 3-20-08; merged with Convention Center & Tourism Board and recreated under Resolution 2008-5349-R, 3-20-08

Purpose: To advise the City Council and the Director of Parks & Leisure Services Recreation on matters relating to the City's parks, recreational programs, Sammons Golf Course, Frank W. Mayborn Civic & Convention Center and tourism generally.

9 members - all residents of the City; to be reduced from the present 13 Membership: members by attrition (forfeiture of term, resignation or end of term); Ex-officio members - City Manager, Director of Parks & Leisure Services

Term: 3 years; Meeting Time/Place: 2nd Tuesday each month, 11:45 a.m., Mayborn Civic and Convention Center, Parks and Recreation Conference Room.

City Staff: Ken Cicora, Parks & Leisure Services Director

REVISED 07/15/10

TREE BOARD

TERM EXPIRATION: MARCH - 3 YEAR TERMS AF

APPOINTED BY: MAYOR/COUNCIL

	• • • • • • • •			
MEMBER	DATE APPOINTED	EXPIRATIO N YEAR	ADDRESS	PHONE NUMBER
Allen Einboden (Keep Temple Beautiful) aeinboden@swmail.sw.org	04/05/07	2012	S&W Health Plan 2401 S. 31 st Street Temple, TX 76508	298-3030 W 780-3634 H 298-3011 F
Dr. Tom Gerik (Blackland Research Ctr) tgerik@brc.tamus.edu OMA	04/02/09	2012	720 East Blackland Road Temple, TX 76502-9622	774-6128 W 774-6001 fax
Doug Smith (Parks & Leisure Services Board) dougs@papergraphicsltd.com	10/16/08	2011	18 West Upshaw Temple, TX 76501	773-7391 W 771-1673 H 534-2943 C
James Staats(Planning & Zoning Comm.) jmmstaats@aol.com james@allcountysurveying.com	09/02/10	2011	2214 Fox Glen Lane Hm:Temple, TX 76502-H Ofc:1303 S. 21 st -W	778-2272 W 773-3464 H 534-1233 C
David Lockwood,Vice Chair (at large) tembelnsy@hot.rr.com	04/05/07	2013	Tem-Bel Nursery 5300 S. General Bruce Dr. Temple, TX 76502	778-5651 W 774-8489 H
Kent Boyd (Ex Officio-TISD) <u>kent.boyd@tisd.org</u>	07/20/09		Temple ISD 200 North 23rd Temple, TX 76504	215-6781 W
Denise Whitley (Ex Officio-BISD) <u>denise.whitley@bisd.org</u>	04/05/07		Belton ISD 616 East 6 th Ave Belton, TX 76513	215-2038 W
Staff: Ken Cicora, Director of Parks & Leisure Services				

Created by Ordinance 2006-4117, Section 22-92

Purpose: To develop public awareness and education programs relating to trees; promote Arbor Day; develop and update 5-year plan for planting trees on City property; advise Parks & Leisure Services on issues relating to planting or maintenance of trees and other landscaping on City property.

Membership: 5 members – (1) member of Parks and Leisure Services Advisory Board; (1) member of Keep Temple Beautiful, Inc. Board of Directors; (1) member of Planning and Zoning Commission; (1) member of Blackland Research and Extension Center; and (1) member at large. Ex Officio members from Temple ISD and Belton ISD

Term:3 year termsMeeting Time/Place:Board shall meet a minimum of 4 times each year

ZONING BOARD OF ADJUSTMENT

TERM EXPIRATION: MARCH - 2 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE	EXPIRATION	ADDRESS	PHONE NUMBER
Mat Naegele mnaegele@lamar.com (moved to reg. member 02/09)	APPOINTED 02/07	2011	Lamar Advertising 5110 N. General Bruce Temple, TX 76501	773-3169 W 534-5746 C
*Cynthia Martinez cymartinez@templejc.edu OMA	02/09	2011	508 West Virginia Ave. Temple, TX 76501	298-8358 W 231-6004 C
*Lamar Collins <u>coach@collinseducationgroup.org</u> (moved to reg. member 2/07;moved to alt.2/09)	06/05	2011	101 Twelve Oaks Drive. Temple, TX 76504	624-7111 H 624-7133 C
Robbie Johnson robbie@stillwaterhomes.com (moved to reg. member 12/06) OMA	03/05	2011	**2015 Birdcreek Terrace Suite 104 18 Wrangler Belton, TX 76513	791-2800 W 718-7150 C
Scott Morrow Smorrow_aggie98@yahoo.com	02/08	2012	BMI Pest Management P O Box 1302 Temple, TX 76503	771-9933 W 931-0211 C
Brandon Tarnow <u>btarnow@aspen-air.com</u> O/OMA (moved to reg. member 3/10)	02/08	2012	Aspen Air 4515 West Hwy 190 Belton, TX 76513	939-2076 W 254-535-2681 C
Bert Pope <u>mvpbep@sbcglobal.net</u> (moved to reg. member 2/08)	03/06	2012	1206 North 3 rd Street Temple, TX 76501	773-4198 H 773-9196 W 231-1470 C
* Omar Crisp <u>alphainc@vvm.com</u>	03/10	2012	**Alpha Constructors (W) 420 Old Waco Rd Temple, TX 76502 8260 Cedar Creek Road (H) Temple, TX 76504	771-3948 W 770-8129 C
*Keith Odom <u>keith.odom@bbvacompass.com</u>	03/10	2012	**1004 Marlandwood (W) Temple, TX 407 Gilbraltor (H) Lorena, TX 76655	770-5139 W 493-7973 C

* Alternates

Created by Charter, Section 3.26 and Zoning Ordinance #91-2101, Section 17.

Purpose: Hear appeals and rule on special exceptions to the Zoning Ordinance.

Membership: 5 regular members

4 alternate members

Term: 2 years

Meeting Time/Place: 1st & 3rd Wednesdays each month, if application is filed by submission deadline; Council Chambers, Municipal Building.

City Staff: Director of Planning



APPLICATION SUMMARY

FEBRUARY 17, 2011 BOARD APPOINTMENTS

BUILDING & STANDARDS COMMISSION – 2 YEAR TERMS: Meets 1st Monday of each month at 2 p.m.

<u>5 Terms Expiring: 2 regular members</u> – Tony Gallagher and Derek Martin; <u>3 alternate members</u> – Ed Laughlin, Alan Brown and Scott Morrow

Eligible for Reappointment: All except Derek Martin; Tony (reg.), Scott (alt.) and Ed (alt.) would like to be reappointed

<u>Board Forms on File:</u> Kevin Bonner, Rayford Brown (Airport Brd), Jeff Byrd (Electrical Brd), Lamar Collins, Tonya Degges (Electrical Brd), Ruth Freeman, Mary Ann Rojas, Timothy Weddle, Starky Winnett (Bldg. Brd of Appeals)

TABA Recommendation:

Staff Recommendation:

DEVELOPMENT STANDARDS ADVISORY BOARD – 3 YEAR TERMS: Meet on called basis

<u>3 Terms Expiring:</u> Charles Lucko (surveying), Michael Brock (real estate), Kenny Paysse (insurance)

Eligible for Reappointment: All; all would like to be reappointed

Board Forms on File: Rayford Brown (Airport Brd), Dawn Sprague

TABA Recommendation:

Staff Recommendation:

ELECTRICAL BOARD – 3 YEAR TERMS: Meet on Called Basis

<u>3 Terms Expiring:</u> Alan Brown (master electrician), Melissa Bragg (attorney), Jeff Byrd (construction management)

Eligible for Reappointment: Melissa and Jeff; Melissa and Jeff would like to be reappointed

<u>Board Forms on File:</u> Kent Antwine (journeyman), Robert Bass (master), James Kinney (master and contractor), Gary Kotrla (master), David Patterson (real estate), Bennie Trevino, Timothy Weddle (master)

TABA Recommendation:

Staff Recommendation:

PARKS AND LEISURE SERVICES ADVISORY BOARD – 3 YEAR TERMS: Meets 2nd Tuesday of month at 5:30 pm

2 Terms Expiring: Charles Stout, Paul Erchinger

Eligible for Reappointment: None

<u>Board Forms on File:</u> Scott Allen, Jessica Andrews, John Bailey (RZ No. 1), Bill Bogucki, Patsy Cofer (Community Services Brd), Lamar Collins, William Crelin, Donald Gold, Margaret Goodwin (Public Safety Brd), Alan Horn (Bldg Brd of Appeals), Larry Neal, Dawn Sprague, Margarita Stefano-Rios (Library Brd), Valentine Villa, Rachel White

TABA Recommendation:

Staff Recommendation:

TREE BOARD – 3 YEAR TERMS: Meet on Called Basis (at least 4 times/year)

<u>2 Terms Expiring</u>: Doug Smith (Parks Board), James Staats (Planning Commission)

Eligible for Reappointment: Both; James and Doug would like to be reappointed

Board Forms on File: N/A

Staff Recommendation:

ZONING BOARD OF ADJUSTMENT – 2 YEAR TERMS: Meets on Called Basis

<u>4 Terms Expiring: 2 regular members</u> – Mat Naegele and Robbie Johnson; <u>2 alternate members</u> – Cynthia Martinez and Lamar Collins

Eligible for Reappointment: Mat Naegele and Cynthia Martinez; Cynthia (alt.) would like to be reappointed

Board Forms on File: Ed Laughlin (Bldg Standards)

TABA Recommendation:

Staff Recommendation: