

**MUNICIPAL BUILDING** 

**2 NORTH MAIN STREET** 

3<sup>rd</sup> FLOOR - CONFERENCE ROOM

**THURSDAY, MAY 19, 2011** 

3:00 P.M.

### **WORKSHOP AGENDA**

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 19, 2011.
- 2. Executive Session Pursuant to Chapter 551, Government Code, §551.072 Real Property The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.
- 3. Discuss the proposed FY 2011-2012 budget and related issues.

### 5:00 P.M.

### **MUNICIPAL BUILDING**

### 2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR

### TEMPLE, TX

### **REGULAR MEETING AGENDA**

### I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

### II. PROCLAMATIONS & SPECIAL RECOGNITIONS

- 3. (A) Recognition of Rotary Club Study Exchange Team from France
  - (B) Recognition of "Tourism Stars"
  - (C) National Public Works Week May 15 21, 2011/ Recognition of Sam Weed, Superintendent of Fleet Services Superintendent, for attaining life time membership in the American Public Works Association
  - (D) National EMS Week May 15-21, 2011
  - (E) National Police Week May 15-21, 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 an update regarding the City's Water Conservation Plan.

### <u>V. ELECTION ITEMS</u>

5. 2011-6285-R: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

### 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:

### Contracts, Leases & Bid

- (A) 2011-6286: Consider adopting a resolution authorizing the use of \$35,036.02 in Child Safety Fees to upgrade the school zone on North 31<sup>st</sup> Street at Temple High School to mast arm type flashing beacons and install new mast arm type flashing beacons at Holy Trinity Catholic High School on FM 2305.
- (B) 2011-6287-R: Consider adopting a resolution authorizing the purchase of metal refuse containers for the Solid Waste Division as follows:
  - 1. Front Loading containers from Wastequip, Statesville, NC, in the amount of \$45,736; and.
  - 2. Side Loading containers from Roll-Offs USA, Durant, OK, in the amount of \$2,125.
- (C) 2011-6288-R: Consider adopting a resolution authorizing the purchase of 1,900 plastic 95-gallon refuse containers for the Solid Waste Division from Toter, Inc., Statesville, NC, in the amount of \$88,673.
- (D) 2011-6289-R: Consider adopting a resolution authorizing the purchase of furniture for the Station 8 / Training Center / EOC from Perry Office Plus of Temple utilizing Texas State Contracts (TXMAS) in an amount not to exceed \$66,500.
- (E) 2011-6290-R: Consider adopting a resolution authorizing a construction contract with Roof USA, LLC of Richardson for remedial waterproofing of the Parks and Leisure Services Office in Wilson Park in the amount of \$27,135.71.
- (F) 2011-6291-R: Consider adopting a resolution authorizing an agreement with GovDeals, Inc. ("GovDeals") of Montgomery, Alabama, to provide online auction services to the City for a fee of 12.5% of the winning bid values.
- (G) 2011-6292-R: Consider adopting a resolution authorizing an amendment to the Fiscal Year 2010-2011 CDBG Annual Action Plan to fund \$200,000 for the Avenue H Resurface infrastructure project.
- (H) 2011-6293-R: Consider adopting a resolution authorizing an amendment to the Fiscal Year 2008-2009 CDBG Annual Action Plan to reallocate \$19,684 of Recovery Act of 2009 Program funds to the 1<sup>st</sup> Street Sidewalk infrastructure project.

- (I) 2011-6294-R: Consider adopting a resolution authorizing the resubmission of a grant application, to the Department of Justice for 6 new police officer positions through the COPS Hiring Program.
- (J) 2011-6295-R: Consider adopting a resolution authorizing the submission of a grant application to the Department of Justice for COPS Secure Our Schools Program.
- (K) 2011-6296-R: Consider adopting a resolution authorizing a one year lease agreement with the Texas Forest Service for lease of space in the Public Services Building.
- (L) 2011-6297-R: Consider adopting a resolution authorizing an amendment to the lease agreement with the Bell County HELP Center for lease of space in the Public Services Building.
- (M) 2011-6298-R: Consider adopting a resolution authorizing an amendment to the 2007 Funding and Operating Agreement between the City of Temple and Temple Economic Development Corporation and approving an amendment of the Bylaws of Temple Economic Development Corporation
- (N) 1. 2011-6299-R: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings, known as the Lawson Voluntary Annexation, for a 3+ acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 West State Highway 36.
  - 2. 2011-6300-R: Consider adopting a resolution directing the Staff to develop a municipal services plan and calling public hearings to consider the petition.

### Ordinances - Second and Final Reading

(O) 2011-4444: 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, and T5-c, for the remaining 165 residential properties identified in the original zoning change request.

### Misc.

- (P) 2011-6301-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2011.
- (Q) 2011-6302-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

### VII. REGULAR AGENDA

### **ORDINANCES**

- 7. 2011-4445: FIRST READING PUBLIC HEARING Consider adopting an ordinance designating a tract located at 3601 Eberhardt Road as City of Temple Tax Abatement Reinvestment Zone Number Twenty-One for commercial/industrial tax abatement.
- 8. 2011-4446: FIRST READING PUBLIC HEARING Consider adopting an ordinance designating a tract located at 3000 Pegasus Drive as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Two for commercial/industrial tax abatement.

### **RESOLUTIONS**

- 9. 2011-6303-R: Consider adopting a resolution authorizing a Chapter 380 grant agreement with Robert Flores representing Brother Empire LLC for redevelopment improvements at 201 South Main Street in the South First Street Strategic Investment Zone corridor in an amount not to exceed \$30,000.
- 2011-6304-R: Consider adopting a resolution authorizing a Chapter 380 grant agreement with Temple Pro Ventures Commercial, LP for redevelopment improvements at 1401 S. 1<sup>st</sup> Street in the South First Street Strategic Investment Zone corridor in an amount not to exceed \$30,000.
- 11. 2011-6305-R: Consider adopting a resolution appointing members to the following City boards and commissions:
  - (A) Animal Services Advisory Board one member to fill an unexpired term through September 1, 2012;
  - (B) Transit Advisory Committee one member to fill an unexpired term through September 1, 2011; and
  - (C) Temple Public Safety Advisory Board one member to fill an unexpired term through September 1, 2012
- 12. 2011-6306-R: Consider adopting a resolution authorizing the City Manager to execute a letter of intent to acquire the Bend O' River property located at 7915 South General Bruce Drive.
- 13. 2011-6307-R: Consider adopting a resolution authorizing an assignment of the non-emergency ambulance transfer service franchise from Central Texas EMS, L.L.C., to Acadian Ambulance Service, Inc.

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 2:40 PM, on May 16, 2011.

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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. \_\_\_\_

05/19/11 Item #3(A-E) Consent Agenda Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

### **ITEM DESCRIPTION:** Presentation of Proclamation:

- (A) Recognition of Rotary Club Study Exchange Team from France
- (B) Recognition of "Tourism Stars"
- (C) National Public Works Week May 15 21, 2011/ Recognition of Sam Weed, Superintendent of Fleet Services Superintendent, for attaining life time membership in the American Public Works Association

(D) National EMS Week May 15-21, 2011

(E) National Police Week May 15-21, 2011

**STAFF RECOMMENDATION:** Present proclamations as presented in item description.

**ITEM SUMMARY:** (A) This recognition was requested by Judy Duer, Director of Temple Public Library. Honorary Citizen Certificates will be presented to those on the Study Exchange Team from France.

- (B) Ken Cicora, Director of Parks and Leisure Services, has requested an opportunity to recognize the following "Tourism Stars", Marilyn Janes, Hilton Garden Inn; James Kirkland, Residence Inn by Marriott; Doreen Burlew, Candlewood Suites; and Kenny Kelly, Fairfield Inn & Suites.
- (C) This proclamation was requested by Nicole Torralva, Director of Public Works. The proclamation will be presented to the City of Temple Public Works Department staff. Sam Weed will also be recognized for attaining life time membership in the American Public Works Association.
- (D) This proclamation was requested by Chief Lonzo Wallace and will be received by local EMS personnel.
- (E) Chief Gary Smith requested this proclamation, and will be present to receive it.

05/19/11 Item #3(A-E) Consent Agenda Page 2 of 2

FISCAL IMPACT: N/A

**ATTACHMENTS:** N/A



### **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #4 Regular Agenda Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Director of Public Works

**ITEM DESCRIPTION:** Receive an update regarding the City's Water Conservation Plan.

**STAFF RECOMMENDATION:** Receive report as presented in item description.

<u>ITEM SUMMARY:</u> The City's current Drought Contingency and Water Conservation Plan, required by the Texas Commission on Environmental Quality (TCEQ), provides for ways that utilities and utility customers can conserve available water supplies, protect the integrity of water supply facilities, and protect the public health, welfare and safety.

This briefing describes the current plan, updated in 2009, and reviews the plan's five stages. Plan criteria are based upon system use and storage capacity.

FISCAL IMPACT: NA

### **ATTACHMENTS:**

Report



## City of Temple Water Conservation Briefing

Nicole Torralva, P.E.

Director, Department of Public Works

May 19, 2011



# Temple's Water Conservation Plan Is...

Mandated by the State (TCEQ / TWDB)

To Conserve Available Water Supply, Protect Integrity of Water Supply Facilities, & Protect Public Health, Welfare & Safety

- Plan has '5 Stages'
- City Manager Shall "Determine When Conditions Warrant Initiation" of Stages
- Based on System Use and/or Storage Capacity

## Conservation Message...

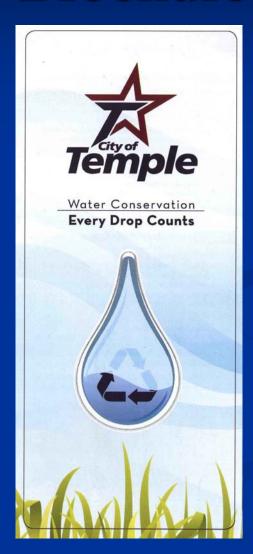
Provide Information in Utility Bills (April / May)

Provide Information on City's Website

■ Implement Stage 1 (Voluntary) - June 1<sup>st</sup>, each year



# Water Conservation Brochure





# 5 Stages Generally Categorized as...

- Stage 1: Awareness & Education (Voluntary)
- Stage 2: Mild to Moderate (Mandatory)
- Stage 3: Severe (Mandatory)
- Stage 4: Critical (Mandatory)
- Stage 5: Emergency (Mandatory)



## Stage 1 (Voluntary)

June 1st each year -

- Practice Conservation and Minimize or Discontinue
   Water Use for Non-Essential Purposes
- Voluntarily Limit Irrigation of Landscaped Areas to Two Days per Week, only between the hours of 12:00 midnight and 10:00 am in the morning, and between 8:00 pm in the evening to 12:00 midnight on designated watering days

## Temple Stage 1 cont'd (Voluntary)

June 1st each year -

- Sundays and Thursdays for water customers with a street address ending in an even number (0, 2, 4, 6, or 8)
- Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9)



## Stage 2 (Mandatory)

### Citizens Must -

- Limit Irrigation of Landscaped Areas to Two Days per Week, only between the hours of 12:00 midnight and 10:00 am in the morning, and between 8:00 pm in the evening to 12:00 midnight on designated watering days
- Wash any motor vehicle only on same designated watering days as listed above, with hand-held bucket or hand-held hose
- Fill, refill, or add to pools only on designated watering days
- Operate fountains only to support aquatic life
- Use fire hydrants for firefighting or related activities only
- Use fire hydrants for construction purposes under special permit only



## Stage 3 (Mandatory)

### Citizens Must –

- Follow all restrictions of Stage 2 and;
- Prohibit irrigation by means of hose-end sprinklers
- Prohibit the use of water for construction purposes from designated fire hydrants



## Stage 4 (Mandatory)

### Citizens Must -

- Follow all restrictions of Stage 2, Stage 3, and;
- Prohibit the use of hose-end sprinklers or permanently installed automatic sprinkler systems at all times
- Prohibit the washing of vehicles not in the immediate interest of public health, safety, and welfare
- Prohibit the filling, refilling or adding to pools
- Disallow any applications for new, additional, expanded, or increased in size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind



## Stage 5 (Mandatory)

### Citizens Must –

- Follow all restrictions of Stage 2, Stage 3, Stage 4, and;
- Prohibit the irrigation of landscaped areas
- Prohibit the washing of any motor vehicles
- Water rationing measurer may be instituted:
  - 8,000 gallons/month for single family resident



## Conservation Message...

Practice Water Conservation

Discontinue Non-Essential Use



## Conservation Tips

When washing dishes by hand, don't let the water run while rinsing

Run clothes washers and dishwashers only when full

 Use garbage disposal sparingly; compost vegetable food waste instead



## Conservation Tips

Adjust sprinkler so only vegetation is watered,
 and not the house, sidewalk, or street

Install covers on pools and spas and check for leaks around pumps

 Plant in the fall when conditions are cooler and rainfall more plentiful



## For Additional Info:

City of Temple's Website

www.ci.temple.tx.us/waterconservation

Links

www.WaterUseItWisely.com

www.EarthEasy.com

www.H2Ouse.org

www.twdb.state.tx.us/assistance/conservation/



# Questions?





### **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #5 Regular Agenda Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Section 4.6 of the City Charter states...."the City Council shall elected one of its members as a vice-chairman, who shall be known as Mayor Pro Tem, and who shall have and exercise all powers of Mayor in the absence of, or during the disability, from any cause, of the Mayor. The Mayor and Mayor Pro Tem shall hold their office (unless sooner removed as provided herein) until the first meeting of the City Council held after the next regular Municipal Election and their successors have been elected and qualified."

In order to comply with the Charter requirement, it is recommended the City Council elect a Mayor Pro Tem at this meeting.

FISCAL IMPACT: NA

### **ATTACHMENTS:**

Resolution

TEMPLE, TEXAS, ELECTING	G A MAYOR PRO TEM FOR THE ROVIDING AN OPEN MEETINGS
elect one of its members as a vice-chair	y Charter provides that the City Council shall man, who shall be known as Mayor Pro Tem, wers of Mayor in the absence of, or during the ;;
Whereas, in order to comply we desires to elected a Mayor Pro Tem; and	ith the Charter requirement, the City Council
Whereas, the City Council has cointerest to authorize this action.	onsidered the matter and deems it in the public
Now, Therefore, Be it Reso of Temple, Texas, That:	OLVED BY THE CITY COUNCIL OF THE CITY
Pro Tem for the City of Temple, to	to be Mayor hold the office (unless sooner removed as neeting of the City Council held after the next or has been elected and qualified.
this Resolution is passed was open to the	and and determined that the meeting at which he public as required and that public notice of meeting was given as required by the Open
PASSED AND APPROVED this	the <b>19<sup>th</sup></b> day of <b>May</b> , 2011.
	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham

RESOLUTION NO.



### **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #6(A) Consent Agenda Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva P.E., Director of Public Works Kenny Henderson, Superintendent of Street and Drainage Services

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the use of \$35,036.02 in Child Safety Fees to upgrade the school zone on North 31<sup>st</sup> Street at Temple High School to mast arm type flashing beacons and install new mast arm type flashing beacons at Holy Trinity Catholic High School on FM 2305.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The City has received a request from TISD to provide more visible school zone markings in the vicinity of Temple High School, located on North 31<sup>st</sup> Street. North 31<sup>st</sup> Street is a wide, heavily traveled, four (4) lane arterial roadway, which is utilized by students crossing the street during peak traffic hours. The Public Works Street and Drainage Division assessed this location, and recommends upgrade of the existing school zone serving Temple High School with installation of a pair of mast arm type solar powered flashing beacons to improve safety near the campus. A new pole and mast arm type solar flasher on each end of the school zone is recommended.

The City has also received a request from Holy Trinity Catholic High School to provide more visible school zone markings in the vicinity of this new campus, located on FM 2305 (Adams Avenue). TxDOT has subsequently performed a warrant study on this roadway and determined that the width of the road, posted speed limit and volume of vehicles warrants installation of a School Zone. Installation of a pair of mast arm type solar powered flashing beacons on each end of the school zone in this location is also recommended.

The materials required to complete these projects must be obtained from several different sources. A summary of the proposed purchases in the total amount of \$35,036.02 is as follows:

- 1) Four solar charged battery powered flashing school beacon cabinet assemblies from Naztec, Inc. \$15,360 (Naztec is the only source of these assemblies)
- 2) Four 28' mast arms with pole and anchors from Structural & Steel Products \$11,012 (3 competitive written quotes received)
- 3) Signal heads and parts from McCain, Inc \$2,956 (2 quotes received)
- 4) Signal brackets \$1,392 (purchase under annual contract)
- 5) Miscellaneous items with a individual purchase price of less than \$1,000 each, \$4,316.02

05/19/11 Item #6(A) Consent Agenda Page 2 of 2

Construction of the signals will be performed by City Traffic Signal crews. We request Child Safety Fees be used to upgrade the school zone serving Temple High School, and install poles and flashers at Holy Trinity Catholic High School.

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval appropriating \$35,037 to account 110-2800-532-6323, project # 100733, to fund this purchase. \$19,279 of these funds are new appropriations, from Child Safety Fees collected by the County on behalf of the City. A reallocation of project savings of \$15,758 originally funded with Child Safety Fees is also included in the budget adjustment.

After approval of this funding, there will be \$169,349 available in Child Safety Fees for future eligible expenditures.

### **ATTACHMENTS:**

Budget Adjustment Map Resolution

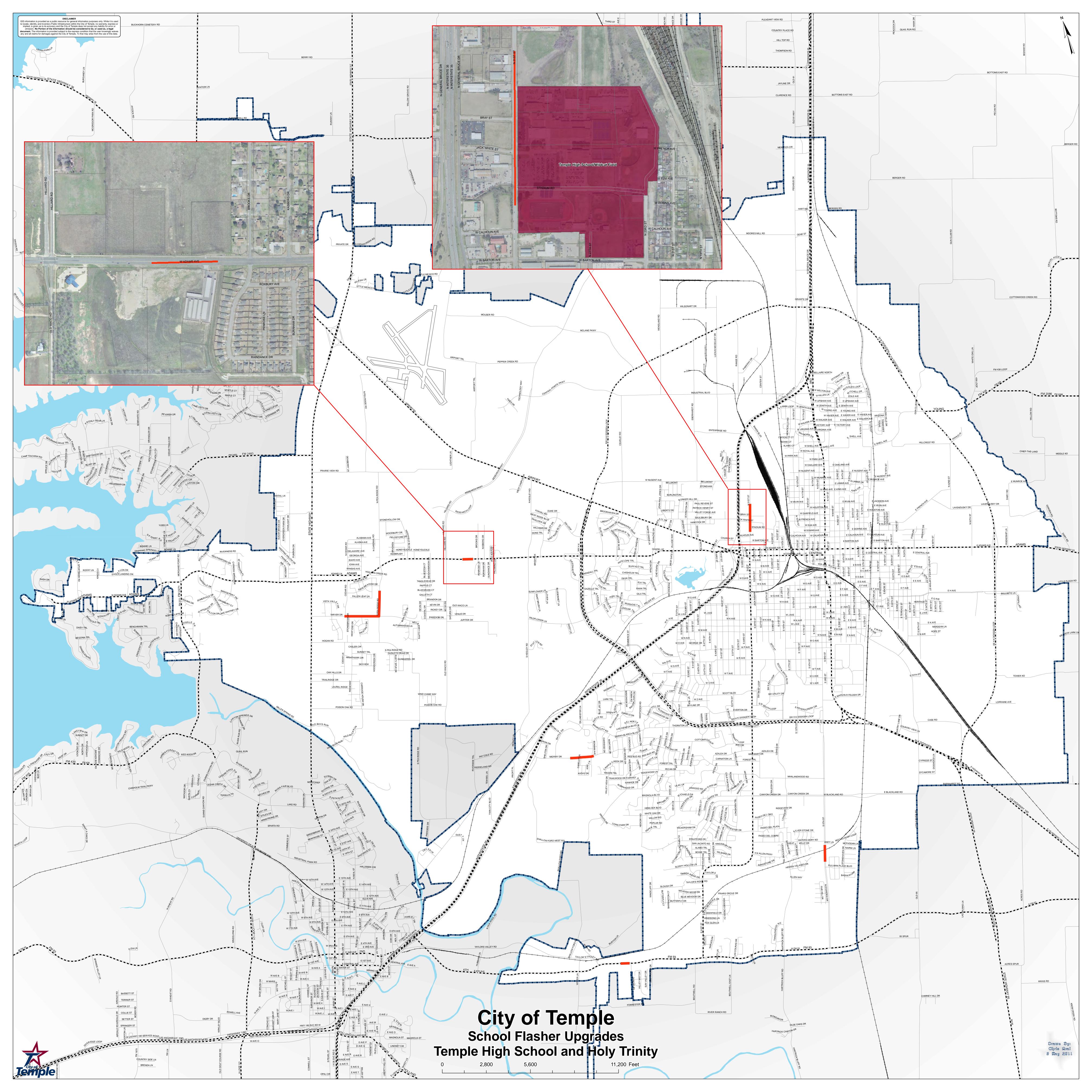
FY	2011

### **BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

	PROJECT						
ACCOUNT NUMBER	#	ACCOUNT DESCRIPT	ION	INC	CREASE		DECREASE
110-0000-452-01-64		Child Safety Fee Revenue		\$	19,279		
110-2800-532-63-23	100733	Traffic Signals			35,037		
110-2800-532-63-23	100513	Traffic Signals					15,758
TOTAL				\$	54,316		\$ 15,758
<b>EXPLANATION OF ADJ</b> account are available.	USTMENT	REQUEST- Include justification	n for increases	AND	reason why	/ fu	nds in decreased
To appropriate Child Safety Fees received from Bell County to fund upgrades to the school zones on North 31st Street at Temple High School to mast arm type flashing beacons and to install new mast arm type flashing beacons at Holy Trinity High School on FM 2305. The child safety fees must be used on programs designed to enhance child safety, health or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention. There is \$15,758 remaining from the funds appropriated for the upgrade of school zones at Jefferson and Lamar. These funds are being reallocated to this purchase. After approval of this budget adjustment, \$169,349 will remain available in Child Safety Fees for future allocation.							
DOES THIS REQUEST REQU		CIL APPROVAL? 5/19/2011	х	Yes		No	
WITH AGENDA ITEM?			х	Yes		No	
Department Head/Division Director		_	Date			Dis	proved sapproved
Finance		_	Date				proved sapproved
City Manager		_	Date				proved sapproved



RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF \$35,036.02 IN CHILD SAFETY FEES TO UPGRADE THE SCHOOL ZONE ON NORTH 31<sup>ST</sup> STREET AT TEMPLE HIGH SCHOOL TO MAST ARM TYPE FLASHING BEACONS AND INSTALL NEW MAST ARM TYPE FLASHING BEACONS AT HOLY TRINITY CATHOLIC HIGH SCHOOL ON FM 2305; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** the City of Temple receives an annual allocation of child safety fees from Bell County that are collected on every vehicle registered in Bell County;

Whereas, these funds must be used for programs such as school crossing guards, child safety, health or nutrition, child abuse prevention and intervention and drug and alcohol abuse prevention;

Whereas, from those funds, the Street Department request funding to upgrade the school zone on North 31<sup>st</sup> Street at Temple High Catholic School to mast arm type flashing beacons and install new type flashing beacons at Holy Trinity Catholic High School on FM 2305;

Whereas, an amendment to the FY2010-2011 budget needs to be approved to transfer the funds to the appropriate expenditure account; 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 use of \$35,036.02 in Child Safety Fees to upgrade the school zone on North 31<sup>st</sup> Street at Temple High School to mast arm type flashing beacons and install new type flashing beacons at Holy Trinity Catholic High School on FM 2305.
- <u>Part 2</u>: The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

<u>Part 3:</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 19<sup>th</sup> day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



### COUNCIL AGENDA ITEM MEMORANDUM

05/19/11 Item #6(B) Consent Agenda Page 1 of 2

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Director of Public Works Lisa Sebek, Superintendent of Solid Waste Services

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of metal refuse containers for the Solid Waste Division as follows:

- 1. Front Loading containers from Wastequip Manufacturing Co, LLC, Statesville, NC, in the amount of \$45,736; and,
- 2. Side Loading containers from Roll-Offs USA, Durant, OK, in the amount of \$2,125.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** On April 12, 2011, the City received bids for metal refuse containers. The bids are shown on the attached tabulation sheet.

The low bidder for the frontloading metal containers was Wastequip Manufacturing Co, LLC. Wastequip did take some minor exceptions to the specifications but the exceptions would not adversely affect the operation of the container or our service. The City has done business with Wastequip in the past and finds them to be a responsible vendor.

The low bidder for the side loading metal containers was Roll-Offs USA. Roll-offs USA took no exceptions to our bid specifications. The City has done business with Roll-offs in the past and finds them to be a responsible vendor.

**FISCAL IMPACT:** Funding has been appropriated in the account listed below.

Description	Account #	Amended Budget	Proposed Expenditure	
Frontload Containers	110-2350-540-2211	\$45,736	\$45,736	
Sideload Containers	110-2360-540-2211	\$2,125	\$2,125	
TOTALS		\$47,861	\$47,861	

05/19/11 Item #6(B) Consent Agenda Page 2 of 2

## ATTACHMENTS: Bid Tabulation

Resolution

## Tabulation of Bids Received on April 12, 2011 at 2:45 p.m. Metal Refuse Containers

		Roll Offs USA Durant, Ok		Toter Statesville, NC		Wastequip Mfg Co, LLC Statesville, NC	
Description	Qty	Unit Price	Total Price	Unit Price Total Price		Unit Price	Total Price
3 Yd Front Loading Containers	10	\$527.00	\$5,270.00	No	Bid	\$494.00	\$4,940.00
4 Yd Front Loading Containers	11	\$592.00	\$6,512.00	No	Bid	\$556.00	\$6,116.00
6 Yd Slant Top Front Loading Containers	22	\$738.00	\$16,236.00	No Bid		\$718.00	\$15,796.00
8 Yd Flat Top Front Loading Containers	12	\$899.00	\$10,788.00	No Bid		\$867.00	\$10,404.00
8 Yd Slant Top Front Loading Containers	10	\$886.00	\$8,860.00	No Bid		\$848.00	\$8,480.00
Subtotal		\$47,666.00		No Bid		\$45,736.00	
2 Yd Side Loading Containers	5	\$425.00	\$2,125.00	No Bid		\$463.00	\$2,315.00
Subtotal		\$2,125.00		No Bid		\$2,315.00	
Delivery		Yes		No Bid		Yes	
Exceptions		No		No Bid		Yes	
Local Preference		No		No Bid		No	
Credit Check Authorization		Yes		No Bid		Yes	

I hereby certify that this is a correct and true tabulation of all bids received.

Belinda Mattke

April 12, 2011

Note: Highlighted bid is recommended for Council approval.

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF METAL REFUSE CONTAINERS FOR THE SOLID WASTE DIVISION AS FOLLOWS: FRONT LOADING CONTAINERS FROM WASTEQUIP MANUFACTURING COMPANY, LLC, OF STATESVILLE, NC, IN THE AMOUNT OF \$45,736.00; AND SIDE LOADING CONTAINERS FROM ROLL-OFFS USA, OF DURANT, OK, IN THE AMOUNT OF \$2,125.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on April 12, 2011, the City received bids for the purchase of metal refuse containers for the Solid Waste Division;

Whereas, the Staff recommends purchasing the front loading containers from Wastequip Manufacturing Company, LLC, of Statesville, NC, in the amount of \$45,736.00 and side loading containers from Roll-Offs USA from Durant, OK, in the amount of \$2,125.00;

**Whereas**, funds are available for these purchases in Account Nos. 110-2350-540-2211 and 110-2360-540-2211; 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 purchasing front loading containers from Wastequip Manufacturing Company, LLC, of Statesville, NC, in the amount of \$45,736.00 and side loading containers from Roll-Offs USA from Durant, OK, in the amount of \$2,125.00.

<u>Part 2:</u> The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for these purchases.

<u>Part 3:</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 19<sup>th</sup> day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger City Secretary	Jonathan Graham City Attorney



05/19/11 Item #6(C) Consent Agenda Page 1 of 1

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Director of Public Works Lisa Sebek, Superintendent of Solid Waste Services

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of 1,900 plastic 95-gallon refuse containers for the Solid Waste Division from Toter, Inc., Statesville, NC, in the amount of \$88,673.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> On April 12, 2011, the City received bids for plastic refuse containers. The bids are shown on the attached tabulation sheet.

The low bidder for the 95-gallon plastic carts was Toter, Inc. Toter listed two exceptions to our bid specifications but upon review, it was more clarification to our specifications which we deemed as enhancements. The City has done business with Toter, Inc. and finds them to be a responsible vendor.

FISCAL IMPACT: Funding has been appropriated in the account listed below.

Description	Description Account #		Proposed Expenditure	
95 Gallon Carts	110-2330-540-2211	\$88,673	\$88,673	

### **ATTACHMENTS:**

Bid Tabulation Resolution

# Tabulation of Bids Received on April 12, 2011 at 2:30 p.m. Plastic Refuse Containers

		Bidders				
		Rehrig Pacific Company Dallas, TX			er, Inc. ville, NC	
Description	Qty	Unit Price Total Price		Unit Price	Total Price	
95 Gal Plastic Containers	1900	\$48.50	\$	92,150.00	\$46.67	\$88,673.00
Replacement Lids		\$9.00 w/o logo and \$10 w/logo		0 w/logo	\$16.50	
Replacement Wheels		\$5.00		\$3.20		
Delivery		Yes		Yes Yes		⁄es
Exceptions		Yes None		Yes None		lone
Local Preference		No		No		
Credit Check Authorization		Yes Yes		⁄es		

I hereby certify that this is a correct and true tabulation of all bids received.

Note: Highlighted bid is recommended for Council approval.

Belinda Mattke

12-Apr-11

Belinda Mattke, Director of Purchasing

Date

<b>RESOLUTION NO.</b> _	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 1,900 PLASTIC 95-GALLON REFUSE CONTAINERS FOR THE SOLID WASTE DIVISION FROM TOTER, INC., OF STATESVILLE, NC, IN THE AMOUNT OF \$88,673.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, on April 12, 2011, the City received bids for the purchase of plastic refuse containers for the Solid Waste Division;

**Whereas**, the Staff recommends purchasing the containers from Toter, Inc., of Statesville, NC, in the amount of \$88,673.00;

**Whereas**, funds are available for this purchase in Account No. 110-2330-540-2211; 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 purchasing 1,900 plastic 95-gallon refuse containers for the Solid Waste Division from Toter, Inc., of Statesville, NC, in the amount of \$88,673.
- <u>Part 2:</u> The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for these purchases.
- <u>Part 3:</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  $3^{rd}$  day of **June**, 2010.

	THE CITY OF TEMPLE, TEXAS		
	WILLIAM A. JONES, III, Mayor		
ATTEST:	APPROVED AS TO FORM:		
Clydette Entzminger City Secretary	Jonathan Graham City Attorney		



05/19/11 Item #6(D) Consent Agenda Page 1 of 1

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

Lonzo Wallace, Jr., Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of furniture for the Station 8 / Training Center / EOC from Perry Office Plus of Temple utilizing Texas State Contracts (TXMAS) in an amount not to exceed \$66,500.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Construction of the Station 8 / Training Center / EOC building located at 7260 Airport Road is scheduled to be complete in June 2011. Included in the original budget for the facility was funding to acquire new furniture for the facility.

The proposed furniture purchase will furnish all areas with new furniture. A summary of the proposed furniture purchase is as follows:

Hon Tables for Training Center / EOC – \$18,100 Hon & Allsteel Chairs for Training Center / EOC – \$29,500 Hon Desk & Storage for Training Center / EOC – \$8,900 Hon & JSI Desks and Tables for Station – \$4,500 Hon, JSI, & Allsteel Chairs for Station – \$5,500

Staff is recommending that the furniture purchases be made through Perry Office Plus utilizing an existing State of Texas TXMAS contract. The cost includes delivery and installation.

<u>FISCAL IMPACT:</u> Funding for the furniture purchase in the amount of \$66,500 is available in account 363-2200-522-6851, project #100411, for the construction of the new Station 8 / Training Center / EOC from the General Obligation bonds issued in the fall of 2009. After funding architectural services, the construction contract along with five change orders, consulting services, and miscellaneous costs related to the project, a balance of \$1,571,642 is available to fund this furniture purchase.

### **ATTACHMENTS:**

Resolution

KESC	LUI	ION N	Ю				
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FURNITURE FOR THE NEW FIRE STATION 8/TRAINING CENTER/ EOC FROM PERRY OFFICE PLUS OF TEMPLE, TEXAS, UTILIZING THE TEXAS STATE CONTRACT (TXMAS), IN AN AMOUNT NOT TO EXCEED \$66,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

DECOLUTION NO

**Whereas,** construction of the new Fire Station 8 located at 7260 Airport Road is scheduled to be complete in June, 2011 – funds are budgeted to acquire new furniture for the facility;

Whereas, the Staff recommends that the furniture purchases be made through Perry Office Plus utilizing an existing State of Texas (TXMAS) contract;

**Whereas,** purchase of the furniture will not exceed \$66,500, and funds are available for this purchase in Account No. 363-2200-522-6851, project #100411; 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 purchasing furniture for the new Fire Station 8/Training Center/EOC, for a cost not to exceed \$66,500, from Perry Office Plus of Temple, Texas, utilizing an existing State of Texas (TXMAS) contract.

<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 19<sup>th</sup> day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger City Secretary	Jonathan Graham City Attorney



05/19/11 Item #6(E) Consent Agenda Page 1 of 2

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

Ken Cicora, Parks and Leisure Services Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a construction contract with Roof USA, LLC of Richardson for remedial waterproofing of the Parks and Leisure Services Office in Wilson Park in the amount of \$27,135.71.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The Parks and Leisure Services office building is approaching 25 years of age and has developed several leaks allowing water to enter the building after heavy rains. Department personnel have attempted to stop the leaks on several occasions but have not been successful.

The City of Temple hired Building Diagnostics of Austin, Texas to investigate the problem and provide an engineering solution to the water infiltration. They inspected the building to determine the cause(s) of the leaks and developed plans and specifications for the remediation of the situation.

On April 19, 2011 the City of Temple received four bids to perform the work specified. Bids ranged from a high of \$58,100 to a low of \$27,135.71 with Roof USA, LLC of Richardson, Texas submitting the low bid. This resolution will also waive any building permit fees.

This project includes replacing sealant in all exterior joints, sealing the perimeter of penetrations and unsealed fasteners, installing drip edges at needed locations, repairing water damaged soffits, painting the exterior soffits and non-galvanized lintels, and applying a water repellent to the exterior brick masonry surfaces.

Building Diagnostics of Austin recommends awarding the contract to the low bidder. Building Diagnostics of Austin will provide the inspection services for the City on this project. We will enter into a separate agreement with them for that service.

05/19/11 Item #6(E) Consent Agenda Page 2 of 2

**FISCAL IMPACT:** Funding in the amount of \$35,000 was appropriated in account 110-5924-519-6310, project #100631 for this project. After funding professional services in the amount of \$6,900 and miscellaneous fees related to the project of \$180, a balance of \$27,920 is available to fund this contract.

## **ATTACHMENTS:**

Bid tab Resolution

## Tabulation of Bids Received on April 19, 2011 at 2:00 p.m. PALS Office Building Remedial Waterproofing

ĺ	Bidders					
	Roof USA LLC L.S. Decker Res		Mid-Continental Restoration Company, Inc.	Taylor Waterproofing Plus, Inc.		
	Richardson, TX	Houston, TX	FT. Worth, TX	Houston, TX		
Description						
Total Bid	\$27,135.71	\$58,100.00	\$32,270.00	\$36,853.00		
Bid Bond (required at bid opening)	5%	5%	5%	5%		
Acknowledged Addendum	Yes	Yes	Yes	Yes		
Local Preference	No	No	No	No		
Bond Affidavit	Yes	No	Yes	Yes		
Insurance Affidavit	Yes	Yes	Yes	Yes		
Credit Check Authorization Form	Yes	No	Yes	Yes		

**Bid recommended for Council approval** 

I hereby certify that this is a correct and true tabulation of all bids received.

Belinda Mattke

19-Apr-11

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH ROOF USA, LLC, OF RICHARDSON, TEXAS, FOR REMEDIAL WATERPROOFING OF THE PARKS AND LEISURE SERVICES OFFICE IN WILSON PARK, IN THE AMOUNT OF \$27,135.71; WAIVING PERMIT FEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 19, 2011, the City received 4 bids for remedial waterproofing of the Parks and Leisure Services Office in Wilson Park;

**Whereas,** the Staff recommends accepting the bid received from Roof USA, LLC, of Richardson, Texas, in the amount of \$27,135.71;

**Whereas,** funds are available for this project in Account No. 110-5924-519-6310, project # 100631; 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, or his designee, to execute a construction contract with Roof USA, LLC, of Richardson, Texas, after approval as to form by the City Attorney, for the remedial waterproofing of the Parks and Leisure Services Office in Wilson Park, in the amount of \$27,135.71.

<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 19<sup>th</sup> day of May, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



05/19/11 Item #6(F) Consent Agenda Page 1 of 2

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an agreement with GovDeals, Inc. ("GovDeals") of Montgomery, Alabama, to provide online auction services to the City for a fee of 12.5% of the winning bid values.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Historically, the City has used a local auctioneer to bi-annually auction off surplus goods of the City. In recent years many governmental entities have moved away from the live auction method in favor of an online method for the following reasons: (a) more bidders can be reached through the online process, which ultimately can lead to higher prices on goods, (b) surplus goods can remain in a weather-controlled environment that is necessary for certain items (e.g. office furniture, computer equipment), and (c) weather is not a controlling factor in the successfulness of an auction.

As shown on the attached solicitation tabulation, on April 5, 2011, the City received four (4) proposals for online auction services. As stated in the Request for Proposals (RFP), the award of the contract would be made to the responsible offeror whose proposal was determined to be the highest evaluated offer taking into consideration the following evaluation criteria: 30%, fees; 20%, qualifications and experience; 15%, services available; 10%, database; 10%, training and technical support; 10% advertising/marketing; and 5%, reporting features. An evaluation committee comprised of representatives from Information Technology, Fleet Services, Finance, Police, and Purchasing Departments reviewed and rated the four (4) proposals received.

It is the committee's unanimous recommendation to award the online auction services contract to GovDeals. It is the committee's conclusion that GovDeals offers the best value to the City for the following reasons: 10 years of experience in the on line auction business, good references from other municipalities in the state, secure servers and firewalls, secure online payment software, over 200,000 registered bidders, on-site training, technical support, 58 employees, and a full array of standard reports.

GovDeals fee for using their online auction service is 7.5% for assets sold for less than \$100,000. This fee is reduced for assets selling for greater than \$100,000. GovDeals offers a flexible pricing option whereby (1) the City can choose to collect the proceeds from the low bidders versus letting GovDeals collect (an additional 5% fee is charged for this option) and (2) the City has the option to pass a portion or all of the fee onto the low bidder. It is the evaluation committee's recommendation that GovDeals collect the proceeds from the low bidder and that the total 12.5% fee be allocated 10% to the buyer and 2.5% to the City.

A summary of the City's auction activities for the four (4) past fiscal years is as follows:

	<u>FY 07</u>	<u>FY 08</u>	FY 09	<u>FY 10</u>
Total Proceeds Number of Live Auction	\$152,422	\$74,990	\$80,342	\$110,799
Items Sold Number of Online Auction	326	330	366	488
Items Sold	0	0	0	552

The Staff is recommending that the agreement with GovDeals commence immediately and go through September 30, 2012, with the option to renew the agreement with the same term and conditions for four additional one-year periods, if so agreed to by the City and GovDeals.

**FISCAL IMPACT:** An increase in revenue will be generated from the sale of auction items. The 2.5% fee that will be absorbed by the City will be netted against the proceeds of the sold goods.

#### **ATTACHMENTS:**

Summary of Proposals Received Resolution

# On-Line Auction Services Summary of Proposals Received April 5, 2011

		Eddy Lange & Associated Auctioneers	The Public Group LLC	GovDeals, Inc	Lone Star Auctioneers
Fees					
	Fees to the City	8% - 10% for Police	1%	0%-7.5%	0%
	Fees to the Bidder	No response	9%	5%-12.5%	10%
Qu	alifications				
	Total \$ for each sale during the last 5 years	\$1,032,028.00	Sample of closed auctions attached	\$404,307,000.00 /past 10 years	Online - \$46,841344.87 Live - \$68,837354.14 Webcast - \$12,069,736.37 Total - \$127,749,115.38
	Principal Place of Business Website	Temple, Texas www.langeauction.com	Corporate office Provo, UT Texas Office McKinney, TX www.publicsurplus.com	Montgomery, AL Local Rep based in Texas www.govdeals.com	Fort Worth, Texas 76106 www.lonestarauctioneers.com
	Years on-line Auction	1 year (January of 2010)	10 years	10 years	8 years
	Insurance		Liability Insurance & Professional Liability that has an employee dishonesty coverage that would protect the COT from loss of funds.	GovDeals has all the standard insurance coverage required by governments including a \$5 million theft insurance policy that will protect the City form any loss of funds.	Lone Star carries ample amounts of General Commercial Liability, Automobile Liability, Workers Compensation and Employers Liability and Errors and Omissions insurance coverage which will protect the City from loss of funds.
	How many bidders are registered internationally, nationally and in the State	4,000 registered live auction bidders/300 bidders on-line	listed as confidential information	Total Registered Bidders - 216,125 Registered in Texas - 7,620 Registered Internationally - 1,066	67,535 users, including 61,407 users who are active.
	Number of bidders within a 200 mile radius	90%	listed as confidential information	4,350	N/A
	Number of auction posted in the last 12 months/total paid	12 / \$65,235	listed as confidential information	87,756/1.048 average per asset \$91,944,351.00 total sales	N/A
Exc	ceptions				
		Will not provide full access to the website;     Does not accept PayPal	Will not provide on-site support; 2. Capability for the City to set bid increments; and 3. Will not remit sales tax to state	None	1. Dynamic Closing Rather than Static Closing; 2. The president/CEO of Lone Star sets starting prices, bid increments, and monitors progress; 3. Do not accept credit card payment via internet site and does not accept PayPal.

Lone Star Auctioneers proposes to conduct online auctions for the COT under a multi-year cooperative purchasing contract with TCPN.

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH GOVDEALS, INC., OF MONTGOMERY, ALABAMA, TO PROVIDE ONLINE AUCTION SERVICES TO THE CITY FOR A FEE OF 12.5% OF THE WINNING BID VALUES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 5, 2011, the City received 4 proposals for online auction services;

**Whereas**, a Staff evaluation committee reviewed the proposals and unanimously recommend award of the online auction agreement to GovDeals, Inc., of Montgomery, Alabama, for a fee of 12.5% of the winning bid values;

**Whereas**, an increase in revenue will be generated from the sale of auction items – the 12.5% fee that will be absorbed by the City will be netted against the proceeds of the sold goods; 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, or his designee, to execute an agreement with GovDeals, Inc., of Montgomery, Alabama, after approval as to form by the City Attorney, to provide online auction services to the City for a fee of 12.5% of the winning bid values.

<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 19<sup>th</sup> day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A TONES III Mover
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



05/19/11 Item #6(G) Consent Agenda Page 1 of 1

#### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Traci Barnard, Director of Finance

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing an amendment to the Fiscal Year 2010-2011 CDBG Annual Action Plan to fund \$200,000 for the Avenue H Resurface infrastructure project.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The Fiscal Year 2010-2011 CDBG Annual Action Plan originally included \$200,000 for public facilities and demolition to provide shelter and transitional facilities/housing for the homeless population. The City's involvement in the project has ended which allows for reallocation of the CDBG funds.

Public hearings were held on April 6<sup>th</sup>, 13<sup>th</sup> and 20<sup>th</sup> of 2011 for comments on the amendment to the annual action plan. No comments were received.

We propose that the \$200,000 allocated to public facilities and demolition be reallocated to the Avenue H resurface infrastructure project. The project will include a full street resurface of West Avenue H from South 1<sup>st</sup> Street to South 25<sup>th</sup> Street. The resurface will include milling, seal coat and overlay.

**FISCAL IMPACT:** This project is proposed to be funded through \$200,000 of CDBG Block Grant funds that became available upon the approval of substitute funding for the public facilities and demolition project. A budget amendment is presented for Council's approval appropriating \$200,000 to account 260-6100-571-63-17, Streets/Alleys, project 100735. After the Council's approval of this amendment to the FY 2010-2011 CDBG Annual Action Plan, the amendment will be submitted for HUD's approval and the environmental clearance process will begin. We anticipate that the funding will be available in August.

## **ATTACHMENTS:**

Budget Adjustment Resolution

FY	2	01	1

## **BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

			+	-
ACCOUNT NUMBER	PROJECT#	ACCOUNT DESCRIPTION	INCREASE	DECREASE
260-6100-571-63-17	100735	Streets/Alleys - Ave H	\$ 200,000	
260-6100-571-26-31		Lot Cleanup / Code Enforcement		50,000
260-6100-571-61-10	100624	Land		150,000
TOTAL			\$ 200,000	\$ 200,000
EXPLANATION OF ADJU are available.	ISTMENT R	EQUEST- Include justification for increases AND	reason why funds in	decreased account
	blic facilities ar	nd demolition project to the Ave. H resurface infrast	ructure project.	
DOES THIS REQUEST REQUI			Yes	lo
DATE OF COUNCIL MEETING		5/19/2011		
WITH AGENDA ITEM?		X	Yes N	lo
				d
Department Head/Division	Director	 Date		pproved visapproved
•				
Finance		 Date		pproved visapproved
rinance		Date		лэарргочец
				pproved
City Manager		Date		isapproved

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2010-2011 CDBG ANNUAL ACTION PLAN TO FUND \$200,000 FOR THE AVENUE H RESURFACE INFRASTRUCTURE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Fiscal Year 2010-2011 CDBG Annual Action Plan originally included \$200,000 for public facilities and demolition to provide shelter and transitional facilities/housing for the homeless population – the City's involvement in the project has ended which allows for reallocation of the CDBG funds;

Whereas, Staff recommends that the funds be used for a full street resurface of West Avenue H from South 1<sup>st</sup> Street to South 25<sup>th</sup> Street, to include milling, seal coat and overlay;

Whereas, the FY 2010-2011 budget needs to be amended to transfer the funds to the appropriate expenditure account; 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 the Fiscal Year 2010-2011 CDBG Annual Action Plan to fund \$200,000 for the Avenue H Resurface Infrastructure Project.
- <u>Part 2:</u> The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this project.
- <u>Part 3:</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 19<sup>th</sup> day of May, 2011.

THE CITY OF TEMPLE, TEXAS

ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



05/19/11 Item #6(H) Consent Agenda Page 1 of 1

#### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Traci Barnard, Director of Finance

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing an amendment to the Fiscal Year 2008-2009 CDBG Annual Action Plan to reallocate \$19,684 of Recovery Act of 2009 Program funds to the 1<sup>st</sup> Street Sidewalk infrastructure project.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The Fiscal Year 2008-2009 CDBG Annual Action Plan was amended for \$136,673 of Recovery Act of 2009 Program funds awarded to the City. The funds were allocated to general administration and the Avenue H from South 1<sup>st</sup> Street to the overpass before South 10<sup>th</sup> Street resurface infrastructure project. The Avenue H resurface project is complete and \$19,684 of funds are available for reallocation.

Public hearings were held on April 6<sup>th</sup>, 13<sup>th</sup> and 20<sup>th</sup> of 2011 for comments on the amendment to the annual action plan. No comments were received.

We propose that the \$19,684 allocated to the Avenue H resurface project be reallocated to the 1<sup>st</sup> Street sidewalk infrastructure project that was included in the 2010-2011 CDBG Annual Action Plan. The project will include the installation of sidewalks, any necessary ADA ramps, curbs and gutters and landscaping along South 1<sup>st</sup> Street within the boundaries of West Avenue F on the north and West Avenue M on the south.

<u>FISCAL IMPACT:</u> Reallocate \$19,684 of CDBG Block Grant Recovery Act of 2009 funds. A budget amendment is presented for Council's approval appropriating \$19,684 to account 260-6100-571-63-15, Streets/Alleys project 100623. After the Council's approval of this amendment to the FY 2008-2009 CDBG Annual Action Plan, the amendment will be submitted for HUD's approval and the environmental clearance process will begin. We anticipate that the funding will be available in August.

#### **ATTACHMENTS:**

Budget Adjustment Resolution

## **BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	IN	CREASE	D	ECREASE	
260-6100-571-63-15	100623	Sidewalk/Curb/Gutter - 1st Street	\$	19,684			
260-6100-571-63-17	100512	Streets and Alleys - Ave H				19,684	
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						-	
							<u> </u>
TOTAL			\$	19,684	\$	19,684	
<b>EXPLANATION OF ADJU</b> are available.	JSTMENT R	EQUEST- Include justification for increases AND	reaso	n why funds i	n decre	eased accoun	t
	e. H resurface	project to the 1st Street Sidewalk project.					
DOES THIS REQUEST REQUI	RE COUNCIL	APPROVAL? X	Yes		No		
DATE OF COUNCIL MEETING		5/19/2011	_				
WITH AGENDA ITEM?		Х	Yes		No		
					Approv	ed ·	
Department Head/Division	Director	Date			Disapp		
					Approv		
Finance		Date		I	Disapp	roved	
City Manager		Date			Approv Disapp		
City Manager		Date		'	Jisapp	10760	

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2008-2009 CDBG ANNUAL ACTION PLAN TO REALLOCATE \$19,684 OF RECOVERY ACT OF 2009 PROGRAM FUNDS TO THE 1<sup>ST</sup> STREET SIDEWALK INFRASTRUCTURE RPOJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the FY 2008-2009 CDBG Annual Action Plan was amended for \$136,673 of Recovery Act of 2009 Program funds awarded to the City

**Whereas,** Staff recommends amending the FY 2008-2009 CDBG Annual Action Plan to reallocate \$19,684 of Recovery Act of 2009 Program funds for the 1<sup>st</sup> Street Sidewalk Infrastructure Project;

**Whereas,** the FY 2010-2011 budget needs to be amended to transfer the funds to the appropriate expenditure account; 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 an amendment to the Fiscal Year 2008-2009 CDBG Annual Action Plan to reallocate \$19,684 of Recovery Act of 2009 Program funds awarded to the City of Temple to the 1<sup>st</sup> Street Sidewalk Infrastructure Project.
- <u>Part 2:</u> The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this project.
- <u>Part 3:</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 19<sup>th</sup> day of May, 2011.

THE CITY OF TEMPLE, TEXAS

	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



05/19/11 Item #6(I) Consent Agenda Page 1 of 1

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

David A. Blackburn, City Manager

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the resubmission of a grant application to the Department of Justice for 6 new police officer positions through the COPS Hiring Program.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The Department of Justice, Office of Community Oriented Policing Services (COPS), has announced the opening of the COPS Hiring Program (CHP). This program is intended to provide funding to law enforcement agencies to create and preserve jobs and to increase their community policing capacity and crime-prevention efforts. The funding is available for hiring full-time career law enforcement officers. There is no local matching requirement for the duration of the grant. However, grant recipients are required to retain the positions after the grant period has concluded.

**FISCAL IMPACT:** The total cost of hiring 6 Police Officers over the 36 month grant period is currently estimated to be \$1,079,884. This cost includes salary, benefits and operational costs. The grant would fund the salaries and benefits for an estimated total of \$987,690. The City's operational cost not covered by the grant would be approximately \$92,194. The operational costs not covered by the grant include radios, uniforms and some disallowed benefit costs such as longevity, clothing allowance and some certification pays. The City's cost of the new positions after the initial grant period must be included in the budget for at least one full budget cycle with an estimated annual cost of \$388,693. All amounts are based on current information with assumptions made for future years to project future costs.

Additional equipment items, such as police cars, are not requested at this time and are not included in the estimates provided above. These requests will follow over future budgets as needs are better identified and projected.

#### **ATTACHMENTS:**

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR 6 NEW POLICE OFFICER POSITIONS THROUGH THE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) 2011 COPS HIRING PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Police Department desires to apply for grant funds available through the Department of Justice COPS 2011 Hiring Program, which is intended to provide funding to law enforcement agencies to create and to preserve jobs to increase community policing capacity and crime-prevention efforts;

**Whereas**, there is no local matching requirement for the duration of the grant; however, recipients are required to retain the positions after the 36 month grant period has concluded;

**Whereas**, the City's cost of the new positions after the initial grant period must be included in the budget for at least one full budget cycle with an estimated annual cost of \$388,693; 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, or his designee, to submit a grant application for 6 new police officer positions to the Department of Justice COPS 2011 Hiring Program, and commits to retaining the positions after the 36 month grant period has concluded, to be included in the budget for at least one full budget cycle with an estimated annual cost of \$388,693.
- <u>Part 2:</u> The City Manager, or his designee, is authorized to execute any documents which may be necessary to apply for this grant, after approval as to form by the City Attorney.
- <u>Part 3:</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 19<sup>th</sup> day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



05/19/11 Item #6(J) Consent Agenda Page 1 of 1

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

David A. Blackburn, City Manager

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the submission of a grant application, to the Department of Justice for the COPS Secure Our Schools Program.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The Department of Justice, Office of Community Oriented Policing Services, (COPS) has announced the opening of the COPS Secure Our Schools Program intended to provide funding to law enforcement agencies that have primary law enforcement authority within a partner primary or secondary school. The funding is available for programs and equipment that enhance and improve school safety. There is a 50% matching requirement for the total cost of the approved project. The Temple Police Officers are assigned to various schools within the Temple ISD. These officers experience difficulty in transmitting and receiving radio messages. The grant application will pursue placing bi-directional antennas at schools. These devices will significantly improve radio communication during routine and emergency situations.

**FISCAL IMPACT:** We are currently in the process of acquiring quotes for the bi-directional antennas to be installed at the schools. Updated information will be provided prior to the meeting. The department will be using Federal Seized Funds for the 50% matching requirement.

#### **ATTACHMENTS:**

Resolution

RESOLUTION NO.	
----------------	--

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION AND ACCEPT FUNDING THROUGH THE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) SECURE OUR SCHOOLS PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Police Department desires to apply for grant funds available through the Department of Justice COPS Secure Our Schools Program, which is intended to provide funding to law enforcement agencies that have primary law enforcement authority within a partner primary or secondary school;

**Whereas**, the funding is available for programs and equipment that enhance and improve school safety;

**Whereas**, the grant application will pursue placing bi-directional antennas for schools that will significantly improve radio communication during routine and emerge situations;

Whereas, there is a 50% matching grant requirement for the total cost of the approved project – the Police Department will use Federal Seized Funds to meet the matching requirement; 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, or his designee, to submit a grant application to the Department of Justice COPS Secure Our Schools Program.
- <u>Part 2:</u> The City Manager, or his designee, is authorized to execute any documents which may be necessary to apply for this grant, after approval as to form by the City Attorney.
- <u>Part 3:</u> The City Council accepts any funds that may be received for this grant, and commits to the City's 50% match if the grant is awarded.

<u>Part 4:</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 19<sup>th</sup> day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clarlette Francisco	Legather Corters
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



05/19/11 Item #6(K) Consent Agenda Page 1 of 1

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a one year lease agreement with the Texas Forest Service for lease of space in the Public Services Building.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The Texas Forest Service has requested to lease approximately 157 sq. ft. of office space in the Public Services Building at 102 East Central Avenue. Under the lease, the Texas Forest Service will be responsible for all utilities, janitorial services, and other daily maintenance. This is an "as-is" lease since the City will not be making any adjustments or upgrades to the space. The rent will be \$0.65 per square foot.

**FISCAL IMPACT:** The tenant will pay \$102.10 plus \$20 for utilities per month, for a total monthly rental fee of \$122.10.

#### **ATTACHMENTS:**

Resolution

RESOLUTION NO.	RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE WITH THE TEXAS FOREST SERVICE FOR LEASE OF SPACE IN THE PUBLIC SERVICES ANNEX; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Forest Services desires to lease approximately 157 sq. ft. of office space in the Public Services Building at 102 East Central Avenue;

Whereas, the Texas Forest Service will be responsible for all utilities, janitorial services, and other daily maintenance;

**Whereas**, the tenant will pay \$102.10 (\$.65 per sq. ft.) plus \$20 for utilities per month, for a total monthly rental fee of \$122.10; 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 the City Manager, or his designee, to execute a lease agreement between the City of Temple and the Texas Forest Service, after approval as to form by the City Attorney, for the lease of space in the City's Public Service Annex located at 102 East Central.

<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 19<sup>th</sup> day of May, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



05/19/11 Item #6(L) Consent Agenda Page 1 of 1

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to the lease agreement with the Bell County HELP Center for lease of space in the Public Services Building.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> On December 17, 2010, the City Council approved a one year lease agreement with the Bell County HELP Center for lease of 4,917 sq. ft. in the Public Services Building for a monthly lease of \$2,704.35. The HELP Center is responsible for all utilities. A portion of the space (approximately 157 sq. ft.) included in the area for which the HELP Center has been paying utilities will be leased to the Texas Forest Service beginning June 1, 2011. The HELP Center has not been using the space even though they have been paying utilities for it because of its proximity to the area leased by the HELP Center. The Staff recommends reducing the monthly lease payment for the HELP Center by \$20 since the Texas Forest Service will be responsible for paying that amount.

**FISCAL IMPACT:** The monthly lease payment by the HELP Center (\$2,704.35) will be reduced by \$20, for a new monthly lease payment of \$2,684.35 beginning June 1, 2011.

## ATTACHMENTS:

Resolution

RESOLUTION NO.	RESOLUTION NO.
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE LEASE WITH THE BELL COUNTY HELP CENTER FOR LEASE OF SPACE IN THE PUBLIC SERVICES ANNEX; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 17, 2011, the City Council approved a one year lease agreement with the Bell County HELP Center for lease of 4,917 sq. ft. in the Public Services Building, for a monthly lease of \$2,704.35 plus utilities;

Whereas, a portion of the space (approximately 157 sq. ft.)included in the area for which the HELP Center has been paying utilities will be leased to the Texas Forest Service beginning June 1, 2011;

Whereas, the HELP Center has not been using the space even though they have been paying utilities for it because of its proximity to the area leased by the HELP Center – the Staff recommends reducing the monthly lease payment for the HELP Center by \$20 since the Texas Forest Service will be responsible for paying that amount – for a new monthly lease of \$2,684.35 beginning June 1, 2011; 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, or his designee, to execute an amendment to the lease agreement between the City of Temple and the Bell County HELP Center, after approval as to form by the City Attorney, for the lease of space in the City's Public Service Annex located at 102 East Central.

<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 19<sup>th</sup> day of May, 2011.

THE CITY OF TEMPLE, TEXAS

	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #6(M) Consent Agenda Page 1 of 1

# **DEPT./DIVISION SUBMISSION & REVIEW:**

David Blackburn, City Manager, Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to the 2007 Funding and Operating Agreement between the City of Temple and Temple Economic Development Corporation and approving an amendment of the Bylaws of Temple Economic Development Corporation

**STAFF RECOMMENDATION**: Adopt resolution as presented in item description.

ITEM SUMMARY: Under the 2007 Funding and Operating Agreement between the City and TEDC, and the Bylaws for TEDC, the City Council appoints all members to the Board of Directors for TEDC. Under the current agreement and bylaws, those appointments include but aren't limited to appointing four (4) members from the current Temple Chamber of Commerce board of directors and five (5) members from the public at large to be voting members of the TEDC Board of Directors. Both the City and TEDC desire to reduce the number of appointees from the Chamber of Commerce from four to two members, and to increase the number of appointees from the public at large from five (5) to seven (7). This requires amendment of both our 2007 Funding and Operating Agreement and of the Bylaws of TEDC. Under the bylaws for TEDC, the bylaws themselves can be amended by its board of directors only with the approval of the City as the sponsoring entity for TEDC.

FISCAL IMPACT: N/A

# **ATTACHMENTS**:

Proposed Amendment to 2007 Funding and Operating Agreement Restated Bylaws Resolution

# AMENDMENT TO 2007 FUNDING AND OPERATING AGREEMENT CITY OF TEMPLE AND TEDC

This Amendment to 2007 Funding and Operating Agreement City of Temple and TEDC, (the "Amendment") is executed by Temple Economic Development Corporation ("TEDC") and the City of Temple ("City").

# **BACKGROUND**

- A. TEDC and City have entered into that certain 2007 Funding and Operating Agreement City of Temple and TEDC (the "Contract") dated January 15, 2008, providing for the funding and operation of TEDC in its capacity to promote and participate in the economic development of the City of Temple, as more specifically described in the Contract.
- B. Pursuant to Section 3(g)(1) of the Contract, the City Council is charged with appointing four voting members from the membership of Board Directors of the Temple Chamber of Commerce to serve on the Board of Directors of TEDC, and furthermore, that the City Council shall appoint five Directors of TEDC from the public at large.
- C. TEDC and City desire to amend the Contract to reduce the number of Directors of TEDC appointed from the Board of the Temple Chamber of Commerce from four (4) Directors to two (2) Directors, and to increase the number of Directors appointed from the public at large from five (5) Directors to seven (7) Directors.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, TEDC and City agree to amend Section 3(g)(1) of the Contract, which section shall be replaced, in its entirety, with the following:

Board of Directors; composition. The Board of Directors shall consist of fifteen voting members appointed by the City, acting through its City Council. Two council members (one of whom may be the Mayor) periodically designated by resolution of the City Council, The City Manager and the Chair of the Board of Directors for the city of Temple Tax Increment Financing Reinvestment Zone Number One shall be voting members of the TEDC Board. Of the remaining eleven positions on the TEDC Board (the "Public Directors"), the City Council shall appoint two voting members from the membership of Board Directors of the Temple Chamber of Commerce, one representative from the Temple Health and Bioscience Economic Development District, one representative (in addition to the chairperson) from the City of Temple Tax Increment Financing Reinvestment Zone Number One. The remaining seven Directors shall be chosen by the City Council from the public at large. The immediate Past Chair of the TEDC Board, if his/her term shall otherwise have expired, shall be an *ex officio* (non-voting) member of the TEDC Board of Directors with the right to have notice of, to attend, and to speak at all meetings of the Board of Directors. (See Table below.) From time to time, the Board of Directors may invite other members of the community, such as the Bell County Judge, the President of Temple College,

representatives of the school districts lactated with in the City, the executive director of the Temple Health & Bioscience Economic Development District, or such other individuals as the Board of Directors determines would be advantageous to have present at a particular board meeting.

	Composition of Board of Directors of TEDC							
	<b>Sponsoring Entity:</b>	Position (all appointed by City Council)						
1.	For City of Temple:	Mayor or Councilmember (designated by CC)						
2.		Councilmember (designated by CC)						
3.		City Manager						
4.	For TIFRZ #1:	Chair of TIRZ Board						
5.		Additional TIFRZ Board Member						
6.	For Temple Chamber of Commerce:	Representative from Chamber Board						
7.		Representative from Chamber Board						
8.	For Temple Health & Bioscience Economic Development District:	One Board Member						
9.	At large representatives:	Unrestricted Appointment						
10.		Unrestricted Appointment						
11.		Unrestricted Appointment						
12.		Unrestricted Appointment						
13.		<b>Unrestricted Appointment</b>						
14.		Unrestricted Appointment						
15.		<b>Unrestricted Appointment</b>						
	Ex-Officio	Immediate Past Chair of TEDC Board						

- 3. Except as specifically amended herein, the Contract remains in full force and effect.
  - 4. TEDC and City do hereby ratify and amend the Contract.

	EXECUTED by the parties on the	day of	, 2011.
	Сіту	OF TEMPLE	
By:	William A. Jones, III Mayor		
ATT.	EST:	Approved as	to form:
	ette Entzminger Secretary	Jonathan Gra City Attorne	
	TEMPLE ECONOMIC D	DEVELOPMENT CORI	PORATION
Ву:	Chair of the Board		
ATT	EST:		
		(Corporate Seal)	

#### AMENDED AND RESTATED BYLAWS OF

# TEMPLE ECONOMIC DEVELOPMENT CORPORATION

 , 2011
 , 2011

#### **ARTICLE I**

# **POWERS AND PURPOSES**

- **Section 1.1.** Nonprofit Corporation. Temple Economic Development Corporation (the "Corporation") shall be a nonprofit corporation, and no part of its earnings remaining after payment of its expenses or other obligations shall ever inure to the benefit of any individual, private association or corporation.
- **Section 1.2.** Effect of Articles. The affairs of the Corporation shall be conducted at all times in a manner subject to and in compliance with the Articles of Incorporation (the "Articles").
- **Section 1.3.** Rights of Sponsoring Entity. The Sponsoring Entity named in the Articles (the "Sponsoring Entity") may review the financial affairs, programs and activities of the Corporation at any time and from time to time, and the Sponsoring Entity shall have all other rights reserved to it in the Articles.
- Section 1.4. <u>Books and Records</u>. The Corporation shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of its board of directors (the "Board of Directors") and any committees having any of the authority of the Board of Directors. All books and records of the Corporation may be inspected by any Director or his agent or attorney for any proper purpose at any reasonable time; and at all times the Sponsoring Entity and its representatives shall have access to the books and records of the Corporation. All funding received by the Corporation from the Sponsoring Entity shall be accounted for separately.
- **Section 1.5.** Annual Audit. The Board of Directors will cause an audit of the books and accounts of the Corporation to be made annually by a certified public accountant and will furnish a copy of the annual audit report to the Sponsoring Entity within three months following the end of its fiscal year. The Corporation shall furnish to the Sponsoring Entity not less than quarter-annually, statements of its financial condition including Statements of Income and Expenses and a Balance Sheet.

# **ARTICLE II**

# **BOARD OF DIRECTORS**

# Section 2.1 Powers, Number, and Term of Office.

- (a) The property and affairs of the Corporation shall be managed and controlled by the Board of Directors, and, subject to the restrictions imposed by contract law, the Articles, and these Bylaws, the Board of Directors shall exercise all of the powers of the Corporation.
- (b) The Board of Directors shall consist of fifteen (15) voting directors appointed by the Sponsoring Entity acting through its City Council. The City Council shall appoint two (2) voting directors from the membership of Board of Directors of the Temple Chamber of Commerce, one (1) director from the Board of Directors or the advisory board of the Temple Health and Bioscience Economic Development District (the "Bioscience District"), one (1) director (in addition to the Chairman) of the City of Temple Tax Increment Financing Reinvestment Zone Number One (the "Zone"), seven (7) persons from the general public (such eleven directors being sometimes called the "Public Directors"), and the remaining four voting directors shall be as follows:
  - 1. The City Manager of the City of Temple;
  - 2. Two council members of the City Council of the City of Temple (one of whom may be the Mayor);
  - 3. The Chairman of the Zone.

In addition, the Immediate Past Chairman of the Corporation's Board (if such person's term on the Corporation's Board has expired), shall be an ex officio (non-voting) member of the Board of Directors with the right to have notice of, to attend, and to speak at meetings of the Board of Directors and Executive Committee of the Corporation. The Board of Directors in its discretion may invite other guests to attend meetings of the Board from time to time.

(c) Public Directors shall be appointed by the City of Temple in October of each year or as soon thereafter as practical. Each Public Director shall serve until October of the third year following appointment or until his or her successor is appointed, whichever is later. Directors whose terms are to expire may be reappointed to the Board of Directors.

- (d) Any Public Director may be removed from office at any time by the majority vote of the other Directors. The City of Temple, acting through its City Council, will fill any vacancies created on the Board of Directors; however, if the Director being replaced was named by the City Council from the membership of the Board of Directors of the Temple Chamber of Commerce the Zone, or the Bioscience District, such Director's replacement shall likewise be appointed from the membership of the applicable Board of Directors of the Temple Chamber of Commerce, the Zone, or the Bioscience District.
- In June of each year and at such other times as needed, the respective Boards (e) of Directors of the Temple Chamber of Commerce, the Bioscience District, or the Zone may make recommendations to the Mayor of the City of Temple as to whom the City Council should appoint to fill the vacancy or vacancies of Directors originally appointed from the membership of such Boards. The City Council may appoint whomever it chooses so long as such person is then serving on the applicable Board of Directors of the Temple Chamber of Commerce, the Bioscience District, or the Zone. Once appointed, a Public Director shall serve his or her entire term on the Corporation's board even though such person's term on the Board of Directors of the Temple Chamber of Commerce, the Zone, or the Bioscience District shall expire or be terminated. For those directors serving from the Temple Chamber of Commerce's Board, no more than two such directors' terms shall expire in any one year. All Public Directors shall serve three year terms. The two City Councilmembers shall serve until changed by the City Council. All other Directors shall serve for so long as they hold the office that entitled them to a position on the Board of Directors.
- **Section 2.2.** Regular Meetings. Regular meetings of the Board of Directors shall be held at least quarterly without necessity of notice of such times and places as shall be designated, from time to time, by resolution of the Board of Directors.

# Section 2.3. Special Meetings.

- (a) Special Meetings of the Board of Directors shall be held whenever called by the Chairman, the President, the Secretary, or any three of the Directors. The person or person authorized to call special meetings of the Board may fix any place, within or without the State of Texas, as the place for holding any special meetings of the Board called by them.
- (b) The Corporation shall give notice to each Director of each special meeting in person, or by mail, telephone, or telegraph, at least two days before the

- meeting. However, such notice to the Directors is not required for any special meeting at which all Directors then in office are present.
- (c) Any matter that may be considered and acted upon at a regular meeting of the Board of Directors may be considered an acted upon at a special meeting unless otherwise indicated at the notice of the special meeting.
- **Section 2.4. Quorum.** A majority of the number of voting Directors constituting the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the voting Directors is present at such meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice. The act of a majority of the voting Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors, unless the act of the greater number is required by law or by these Bylaws.

# Section 2.5. Conduct of Business.

- (a) At the meetings of the Board of Directors, the business to be transacted shall be considered in such order as from time to time the Board of Directors may determine.
- (b) At all meetings of the Board of Directors, the Chairman shall preside; in the absence of the Chairman, the Vice Chairman shall preside; and in the absence of the Chairman and the Vice Chairman, the Vice Presidents in order of their election shall preside.
- (c) The Secretary shall act as secretary of all meetings of the Board of Directors, but in the absence of the Secretary, the presiding officer, may appoint any person to act as secretary of the meeting.
- **Section 2.6.** Compensation of Directors. Directors as such shall not receive any salary or other compensation for their services as Directors, except that they may be reimbursed for their actual expenses incurred in performing such services, and they may be compensated in reasonable amounts for other services or products provided to the Corporation.
- Section 2.7. Conflict of Interest. No Director shall ever be pecuniarily interested, directly or indirectly, in any transaction involving the Corporation, unless such Director discloses such interest to the Board of Directors of the Corporation, and such Director does not vote on the decision, or involve himself or herself in the discussion, as to whether the Corporation will enter into such transaction. The Corporation's Board of Directors shall be the sole and final judge of whether a conflict of interest exists with respect to a Director. A Director with a conflict of

interest shall be counted for the purpose of determining whether a quorum exists at any meeting. The transaction shall be approved by the affirmative vote of a majority of the disinterested Directors.

- **Section 2.8.** Attendance. Directors, exclusive of members of the Temple City Council, shall automatically forfeit their position on the Board for failing to attend at least 50% of all scheduled meetings during a twelve month period or for missing three or more consecutive meetings. If a member of the Temple City Council violates the above attendance requirements, the City Council shall take such action as the City Council deems appropriate. The Secretary of the Corporation shall notify the City Secretary if any director violates these attendance requirements, and the City Secretary shall send appropriate notice.
- **Section 2.9** <u>Confidentiality</u>. All directors shall execute and deliver to the Corporation a confidentiality agreement in a form prescribed by the Board of Directors from time to time.

## ARTICLE III

#### **OFFICERS**

- Section 3.1. Officers. The officers of the Corporation shall be a Chairman of the Board (the "Chairman"), Vice Chairman, a President, one or more Vice Presidents (the number thereof to be determined by the Board of Directors), a Secretary, a Treasurer, and such other officers as may be elected in accordance with the provisions of this Article. The Board of Directors may elect or appoint such other officers, including one or more Assistant Secretaries and one or more Assistant Treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person, except the offices of President and Secretary. All offices except the President shall be members of the Board of Directors.
- **Section 3.2.** Election and Term of Office. The officers of the Corporation shall be elected annually by the Board of Directors at a meeting of the Board of Directors to be held in October of each year or the meeting following appointment of new Directors, whichever is later. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his or her successor shall have been duly elected and shall have qualified.
- **Section 3.3.** Removal. Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation would be served thereby.

- **Section 3.4.** <u>Vacancies.</u> A vacancy in any office because of death, resignation, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.
- **Section 3.5.** Chairman. The Chairman shall preside at all meetings of the Board of Directors and he or she shall have such other duties as are assigned to the Chairman from time to time by the Board of Directors.
- **Section 3.6.** <u>Vice Chairman</u>. The Vice Chairman shall exercise the powers and perform the duties of the Chairman in the Chairman's absence or inability or refusal to act. The Vice Chairman shall perform such other duties as may be assigned by the Chairman or the Board of Directors.
- Section 3.7. President. The President shall be the chief executive officer of the Corporation, and subject to the control of the Board of Directors. The President shall be in general charge of the properties and affairs of the Corporation. The President may sign and execute contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments in the name of the Corporation; provided, however, any disbursal or obligation involving \$750.00 or more shall require the signature of the President or another designated employee of the Corporation and the co-signature of another officer of the Corporation unless the Directors resolve otherwise.
- Section 3.8. <u>Vice Presidents</u>. The Vice President (or in the event there be more than one Vice President, the Vice Presidents in order of their election or such order as the Board of Directors may determine) shall exercise the powers and perform the duties of the President during the President's absence or inability or refusal to act. The Vice President shall perform such other duties as may be assigned by the Chairman or the Board of Directors.
- Section 3.9. Secretary. The Secretary shall keep the minutes of all meetings of the Board of Directors in books provided for the purpose and shall attend to the giving and serving of all notices for or on behalf of the Corporation. In furtherance of the purposes of the Corporation, the Secretary may sign with the President in the name of the Corporation and/or attest the signature of the President on contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation. The Secretary shall have charge of the Corporation's corporate books and records and such other property of the Corporation as the Board of Directors may direct. The Secretary shall perform all duties incident to the office of Secretary, subject to the control of the Board of Directors.
- **Section 3.10.** <u>Treasurer.</u> If required by the Board of Directors, the Treasurer shall give bond for the faithful discharge of his duties in such sum and with such sureties as the Board of

Directors shall determine. The Treasurer shall be the custodian of all the funds and securities of the Corporation that come into the Treasurer's hands. When necessary or proper, the Treasurer or other employee of the Corporation designated by the Board may endorse, on behalf of the Corporation, for collection or payment, checks, notes, and other obligations and shall deposit the same to the credit of the Corporation in such depository or depositories as have been designated in the manner prescribed by the Board of Directors. The Treasurer may sign all receipts and vouchers for payment made to the Corporation, either alone or jointly with such other officer or employee of the Corporation as is designated by the Board of Directors. Whenever required by the Board of Directors, the Treasurer shall render a statement of the Corporation's cash account, and the Treasurer shall enter or cause to be entered regularly in the books of the Corporation to be kept of that purpose full and accurate amounts of all monies received and paid out on account of the Corporation. The Treasurer shall perform all acts incident to the position of Treasurer, subject to the control of the Board of Directors.

Assistant Secretaries and Assistant Treasurers. The Assistant Secretaries and Assistant Treasurers in general shall perform such duties as shall be assigned to them by the Treasurer or the Secretary or by the Chairman. If required by the Board of Directors, the Assistant Treasurers shall give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board of Directors shall determine.

## **ARTICLE IV**

# **COMMITTEES**

- Section 4.1. <u>Committee of Directors</u>. The Board of Directors may designate and appoint one or more committees to perform such duties and functions and to exercise such authority as may be delegated to it by the Board of Directors, provided however, that the designation and appointment of any such committee or the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual director, of any responsibility imposed upon it, him or her by law or by the Articles of Incorporation or Bylaws of the Corporation.
- **Section 4.2.** Term of Office. Each member of a committee shall continue as such until the next election of officers of the Corporation and until his or her successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.
- **Section 4.3.** Chairman. One member of each committee shall be appointed Chairman by the person or persons authorized to appoint the members thereof.

- **Section 4.4.** <u>Vacancies</u>. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.
- **Section 4.5. Quorum.** Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum and the act or a majority of the members present at the meeting at which a quorum is present shall be the act of the committee.
- **Section 4.6.** Rules. Each Committee may adopt rules for its own government not inconsistent with these bylaws or with rules adopted by the Board of Directors.
- **Section 4.7.** Executive Committee. The Corporation shall have an Executive Committee composed of six (6) members, as follows:
  - 1. The Chairman, Vice Chairman, and Treasurer of the Corporation;
  - 2. The Mayor or the City Manager of the City of Temple, and
  - 3. The Chairman of the Zone.
  - 4. The immediate past Chairman of the Corporation, who shall be an ex officio member.

The Executive Committee shall meet at least monthly at a date and time determined by the members of the Executive Committee or at such other times as may be determined by the Chairman of the Corporation or any two members of the Executive Committee. The Executive Committee shall have the power to act for and on behalf of the Corporation in the same manner as may the Board of Directors.

# **ARTICLE V**

# CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

- **Section 5.1.** Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation. Such authority may be general or confined to specific instances.
- **Section 5.2.** Checks and Drafts. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation as herein provide or in such manner as shall from time to time be determined by resolution of the Board of Directors.

- **Section 5.3.** Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select.
- **Section 5.4.** Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the Corporation.

#### **ARTICLE VI**

# PROVISIONS REGARDING ARTICLES OF INCORPORATION AND BYLAWS

**Section 6.1.** When Bylaws Take Effect. These Bylaws shall become effective upon the approval of these Bylaws by the Sponsoring Entity and the adoption of these Bylaws by the Board of Directors.

# Section 6.2. <u>Amendments to Articles and Bylaws</u>.

- (a) The Articles may be amended as prescribed therein.
- (b) These Bylaws may be amended at any time and from time to time by the Board of Directors, with approval of the Sponsoring Entity.

#### **ARTICLE VII**

# **INDEMNIFICATION**

Section 7.1. Each person who serves as Director or officers of the Corporation shall be indemnified by the Corporation against liabilities imposed upon him or her and expenses reasonably incurred by him or her in connection with any claim made against him or her on any action, suit, or proceeding to which he or she may be a party by reason of his or her being, or having been, such Director or officer, including such sums as independent counsel selected by the Board of Directors shall deem reasonable payment made in further including payments in settlement to avoid expenses of litigation; provided, however, that no Director or officer shall be indemnified with respect to matters as to which he or she shall be adjudged in such action, suit or proceeding to be liable for willful negligence or misconduct in the performance of duty or with respect to any matters which performance of duty or with respect to any matters which shall be settled by the payment of sums which counsel selected by the Board of Directors shall not deem reasonable payment for avoiding expenses of litigation, or with respect to matters for which such

indemnification shall be in addition to any other rights to which Directors or officers may be entitled. The Board of Directors may, at the expense of the Corporation, obtain directors' and officers' liability insurance policies.

# **ARTICLE VIII**

#### **GENERAL PROVISIONS**

- **Section 8.1.** Principal Office. The principal office of the Corporation shall be located in the City of Temple, Bell County, Texas. The Corporation may have such other offices, within or without the State of Texas, as the Board of Directors may determine or the affairs of the Corporation may require from time to time.
- **Section 8.2.** Fiscal Year. The fiscal year of the Corporation shall be as determined by the Board of Directors.
- **Section 8.3.** Seal. The seal of the Corporation shall be the same as that used by the City of Temple.
- **Section 8.4.** Resignations. Any Director or officer may resign at any time. Such resignation shall be made in writing directed to the Board of Directors. A resignation shall take effect at the time specified therein, or, if no time is so specified, at the time of its receipt by the President. The acceptance of the resignation is not necessary to make it effective, unless expressly so provided in the resignation.
- **Section 8.5.** Action Without a Meeting of Directors or Committee. Any action that may be taken at a meeting of the Board of Directors or any committee may be taken without a meeting if consent in writing, setting forth the action to be taken, is signed by all of the directors then in office, or all of the members of the committee, as the case may be. Such consent shall have the same force and effect as a unanimous vote of the Board of Directors.

ADOPTED this	day of		, 2011.	
		Secretary		

<b>RESOLUTION NO.</b>	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE 2007 FUNDING AND OPERATING AGREEMENT BETWEEN THE CITY OF TEMPLE AND THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION; APPROVING AN AMENDMENT TO THE BYLAWS OF TEMPLE ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, under the 2007 Funding and Operating Agreement between the City and TEDC, and the Bylaws for TEDC, the City Council appoints all members to the Board of Directors for TEDC;

Whereas, the City and TEDC desire to reduce the number of appointees from the Temple Chamber of Commerce from 4 to 2 members and to increase the number of appointees from the public at large from 5 to 7 members;

Whereas, under the Articles of Incorporation for TEDC, changes to the Bylaws of TEDC must first be approved by TEDC's Board of Directors and then by the Sponsoring Entities; 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, or his designee, to execute an amendment to the 2007 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation, after approval as to form by the City Attorney, regarding appointments to the Board of Directors for TEDC.
- <u>Part 2:</u> The City Council approves the revised Bylaws for the Temple Economic Development Corporation, substantially in the form of the copy attached as Exhibit A.
- Part 3: 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 19<sup>th</sup> day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
_	
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# COUNCIL AGENDA ITEM MEMORANDUM

05/19/11 Item #6(N) Consent Agenda Page 1 of 2

# **DEPT. /DIVISION SUBMISSION & REVIEW:**

Brian Mabry, AICP, Planning Director

**ITEM DESCRIPTION:** 1. Consider adopting a resolution granting a petition to institute voluntary annexation proceedings, known as the Lawson Voluntary Annexation, for a 3± acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 West State Highway 36.

2. Consider adopting a resolution directing the Staff to develop a municipal services plan and calling public hearings to consider the petition.

**STAFF RECOMMENDATION:** Adopt resolutions as presented in item description.

<u>ITEM SUMMARY:</u> Frank Lawson filed a petition on May 4, 2011, seeking voluntary annexation of approximately 3± acre acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

- 1. Less than one-half mile in width,
- 2. Contiguous to the annexing municipality, and
- 3. Vacant and without residents or on which fewer than three qualified voters reside.

The landowner's petition meets the statutory requirements and is recommended to be granted.

The proposed dates for initial public hearings are June 2, 2011, (regular meeting) and June 3, 2011, (special meeting, 8:00 a.m., Council Chambers). The resolution sets the time and place for these meetings. No on-site hearing will be necessary, as there are no residents on the land proposed to be annexed. Planning staff will present a Municipal Services Plan at the hearing on June 2<sup>nd</sup> as required by state law, showing how the City will serve the area proposed to be annexed into the City. The proposed schedule anticipates completion of annexation proceedings July 21, 2011. The Planning and Zoning Commission will make a recommendation to the Council for the applicant's requested zoning to C, Commercial, to be part of the annexation and zoning ordinance readings, at its June 6 meeting.

**FISCAL IMPACT:** Future tax revenue.

05/19/11 Item #6(N) Consent Agenda Page 2 of 2

ATTACHMENTS: Petition and Map Annexation schedule Resolutions

# VOLUNTARY PETITION FOR ANNEXATION by City are Temple

MAY. 4,-2011

To the City Council of the City of Temple:

I am the OWNER of a 3.00 acre tract of land (hereafter called the Tract), more particularly described as follows:

Exhibit "A" a two part description, Part One being a sketch plan, and Part Two, a metes and bounds description, is attached hereto and made a part hereof by reference for all pertinent purposes.

Said tract of land is more or less: 165 feet in width and 973 feet in length and contains 3.00 acres of land and is contiguous to the current limits of the City of Temple and has no qualified voters as residents. I am petitioning the City Concil to take the appropriate action to annex said Tract pursuant to Section 43.028 of the Local Government Code.

Frank J. Lawson, Owner.

STATE OF TEXAS:

COUNTY OF BELL:

BEFORE ME, the undersigned authority, personally appeared Known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, for the purpose and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE this 2011.

LESLIE H. EVANS
Notary Public
STATE OF TEXAS
My Comm. Exp. 08/24/2013

# **EXHIBIT A**

Field Notes for a 3.00 acre tract of land out of the Sarah Fitzhenry Survey, Abstract #312, Bell County, Texas, and also being a part of a 15.00 acre tract of land described in a deed to Frank J. Lawson, recorded in Volume 4149, page 773 of the Deed Records of Bell County, Texas, said 3.000 acre tract being more fully described as follows:

Beginning at a 5/8" iron rod found in the North line of State Highway 36 for the Southwest corner of this tract of land, the Southwest corner of the aforementioned 15.00 acre tract of land and the Southwest corner of a 11.54 acre tract of land described in a deed to C. B. B. PROPERTIES, recorded in Document #2009-28362 of the Deed Records of Bell County, Texas.

Thence: North 27° 59' 04" West, 77.99 feet, (Deed North 26° 26' 29" West, 77.69 feet) with the South line of this tract of land, the South line of the aforementioned 15.00 acre tract of land and the North line of SH 36, to a Tex-Dot Monument an angle point in the South line of this tract of land, an angle point in the South line of the said 15.00 acre tract of land, and an angle point in the North line of SH 36.

Thence: North 45° 39' 51" West, 25.00 feet, (Deed North 43° 18' 49" West) continuing with the South line of this tract of land, the South line of the aforementioned 15.00 acre tract of land and the North line of SH 36 to a cotton spindle set in a gravel drive for the Southwest corner of this tract of land.

Thence: With the West line of this tract of land to wit:

North 44° 03' 04" East, 29.27 feet, an IRS w/ Cap#2181.

North 58° 39' 35" East, 81.11 feet, an IRS w/ Cap#2181.

North 30° 23' 35" East, 82.23 feet, an IRS w/ Cap#2181.

North 10° 10' 09" East, 63.25 feet, a Cotton Spindle Set.

North 47° 57' 48" East, 152.88 feet, an IRS w/ Cap#2181.

South 43° 45' 57" East, 81.28 feet, an IRS w/ Cap#2181.

North 48° 37' 31" East, 81.06 feet, an IRS w/ Cap#2181

North 41° 22' 29" West, 90.38 feet, an IRS w/ Cap#2181, and

North 48° 37' 31" East, 453.19 feet, to an IRS w/ Cap#2181 for the Northwest corner of this tract of land.

Thence: South 41° 22' 29" East, 165.00 feet with the North line of this tract of land to an iron rod set w/ cap#2181 in the East line of the aforementioned 15.00 acre tract of land and in the West line of the aforementioned 11.54 acre tract of land for the Northwest corner of this tract of land.

Thence: South 48° 37'31" West, 943.37 feet with the East line of this tract of land, the East line of the aforementioned 15.00 acre tract of land and the West line of the aforementioned 11.54 acre tract of land to the place of BEGINNING, containing 3.00 acres.

Bearing Basis for this survey is Grid North, NAD 83, Zone 4203, Convergence = 1° 28' 54".

STATE OF TEXAS: COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Carl B. Pearson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground on the 11th day of March, 2011, the above described tract of land and to the best of my knowledge and belief, said description is true and accurate.

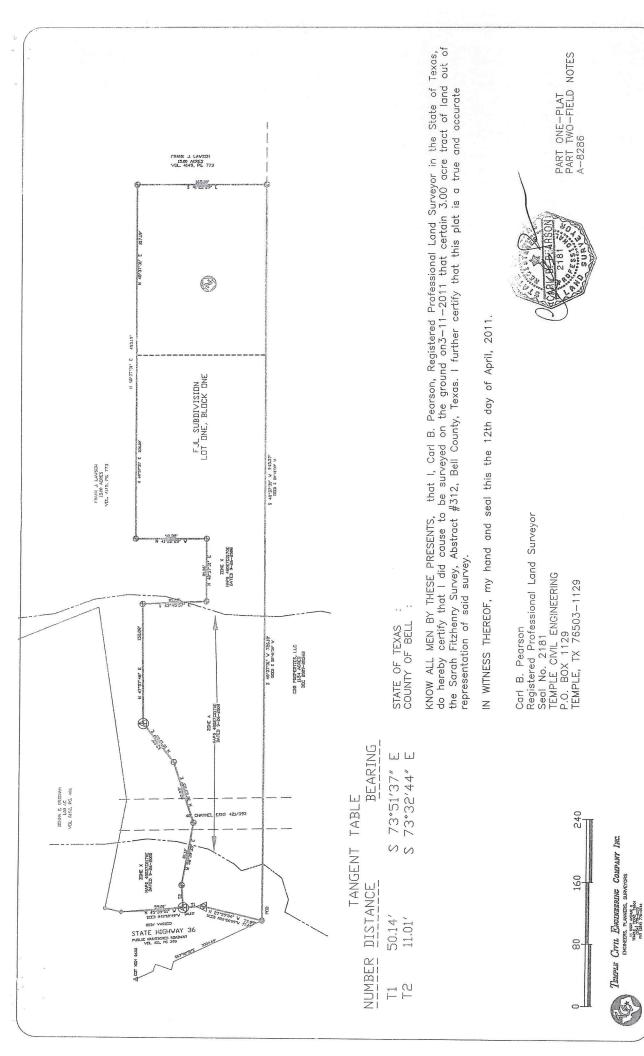
IN WITNESS THEREOF, my hand and seal, this 11th day of April, 2011

Carl B. Pearson Registered Professional Land Surveyor Seal No. 2181

TEMPLE CIVIL ENGINEERING P.O. BOX 1129 TEMPLE, TEXAS 76503-1129 PART ONE -

PART TWO - FIELD NOTES

FNS - 8286



RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE PETITION TO INSTITUTE VOLUNTARY ANNEXATION PROCEEDINGS, KNOWN AS THE *LAWSON VOLUNTARY ANNEXATION*, FOR A TRACT OF LAND CONSISTING OF APPROXIMATELY 3 ACRES LOCATED ON THE EAST SIDE OF STATE HIGHWAY 36, NORTH OF MOFFAT ROAD, PART OF OUTBLOCK 10790-A, MORE COMMONLY KNOWN AS 10740 WEST STATE HIGHWAY 36, PURSUANT TO SECTION 43.028 OF THE LOCAL GOVERNMENT CODE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** the owner of a tract of land consisting of approximately 3 acres located on State Highway 36 petitioned the City to annex the tract;

Whereas, Section 43.028 of the Texas Local Government Code authorizes municipalities to annex a sparsely occupied area on petition of area landowners;

Whereas, the landowner's petition meets the requirements of Section 43.028 that the petition be made in writing, describe the area by metes and bounds, and be acknowledged in the manner required for deeds by each person having an interest in the area;

Whereas, the area requested to be annexed meets the conditions in Section 43.028, that is, the area is (1) one-half mile or less in width; (2) contiguous to the annexing municipality; and (3) vacant and without residents or on which fewer than three qualified voters reside; and

Whereas, the City Council has considered the matter and deems it in the public interest to accept the landowner's petition for voluntary annexation.

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

<u>Part 1:</u> The City Council accepts the petition for voluntary annexation, a copy of which is attached hereto as Exhibit A, for an approximately 3 acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 West State Highway 36, pursuant to Section 43.028 of the Local Government Code.

<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 19<sup>th</sup> day of May, 2011.

THE CITY OF TEMPLE, TEXAS

ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DIRECTING THE STAFF TO DEVELOP A MUNICIPAL SERVICES PLAN AND CALLING PUBLIC HEARINGS FOR JUNE 2, 2011, AND JUNE 3, 2011, TO CONSIDER A PETITION FOR VOLUNTARY ANNEXATION, KNOWN AS THE LAWSON VOLUNTARY ANNEXATION, FOR A TRACT OF LAND CONSISTING OF APPROXIMATELY 3 ACRES LOCATED ON THE EAST SIDE OF STATE HIGHWAY 36, NORTH OF MOFFAT ROAD, PART OF OUTBLOCK 10790-A, MORE COMMONLY KNOWN AS 10740 WEST STATE HIGHWAY 36; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, on May 19, 2011, the City Council accepted a petition to voluntarily annex a tract of land consisting of approximately 3 acres to the city limits of Temple;

**Whereas**, the Staff recommends that the City prepare a municipal services plan to indicate the level of commitment to be made in conjunction with the annexation, and to identify public improvements necessary to serve the area proposed for annexation and how it plans to provide those services within specified time periods; and

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

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

- <u>Part 1</u>: The schedule for the voluntary annexation, which is more fully described herein, attached hereto and made a part hereof for all purposes, as Exhibit A, is adopted.
- **Part 2**: The Staff is hereby directed to prepare a municipal services plan for the annexation area as follows:

an approximately 3 acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 West State Highway 36

The above tract is more fully described by metes and bounds contained in field notes which is attached hereto and made a part of this Resolution for all purposes as Exhibit B.

<u>Part 3</u>: The City Council hereby calls two public hearings to gather comment concerning the proposed annexation described in Section 2 above, with the first public hearing scheduled for the Regular Council Meeting on June 2, 2011, at 5:00 PM, and the second public hearing at a Special Called City Council Meeting on June 3, 2011, at 8:00 AM,

both public hearings to be held in the City Council Chambers on the 2nd floor of the Municipal Building located at Main and Central in Temple, Bell County, Texas.

<u>Part 4</u>: The City Staff is hereby authorized to relocate the second public hearing to a suitable location within the area to be annexed in the event of protest.

<u>Part 5</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 19<sup>th</sup> day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #6(O) Consent Agenda Page 1 of 5

# **DEPT./DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** 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, and T5-c, for the remaining 165 residential properties identified in the original zoning change request.

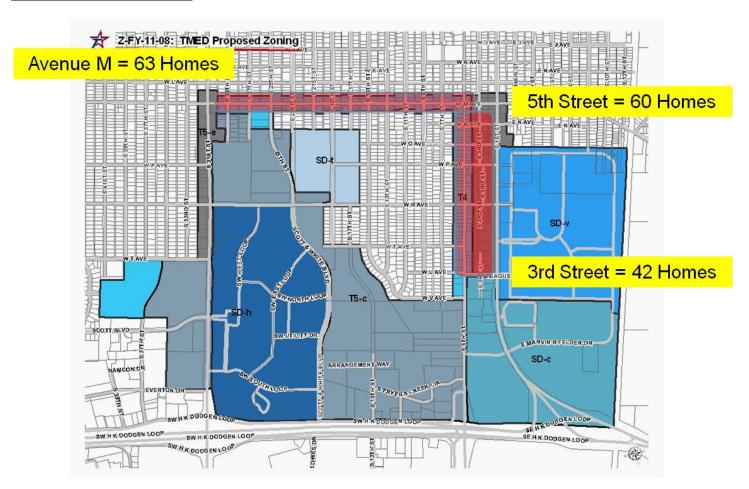
<u>CITY COUNCIL PRIOR ACTION:</u> At its February 3, 2011, meeting, City Council voted 5/0 to change the zoning on all TMED properties excluding the 165 residential properties identified during the meeting.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, second and final reading.

<u>ITEM SUMMARY:</u> The creation of the TMED zoning district is a two step process. The first part created the TMED Districts and standards in the UDC framework. The standards were approved on January 6, 2011. The second portion dealt with the zoning of the properties in the TMED Districts. The first portion of the zoning change was approved on February 3, 2011. This proposed final zoning change will complete the second part of the process to rezone the property in the TMED zoning district boundaries.

At its February 3, 2011, meeting, City Council tabled action concerning the 165 residential properties identified during the meeting. These properties were to be brought back in the future after consensus was reached concerning residential applicability of TMED standards. On April 21, 2011, City Council held a public hearing and made a motion on first reading to approve the TMED Code amendments including residential applicability changes. The second reading of that ordinance is item #\_\_\_\_on this agenda.

# **PROPERTY LOCATION:**



# **RESIDENTIAL STANDARDS:**

Single-Family Residential Development Type	Review Process	General Standards	Use Standards	Circulation Standards	Parking and Loading Standards	Bicycle Facility Standards	Private Property Landscaping Standards	Screening Standards	Public Frontage Standards	General Planting Criteria	Architectural Standards	Common Area	Sign Standards	Lighting Standards	Utility Standards
New construction	✓	✓	*	✓	✓		✓		✓	*	✓			*	✓
Change in Use from Single-Family Residential to Multi-family and Non-residential Use (See City Code 12-18 Business Registration)		<b>√</b>	1	1	1		4	<b>√</b>	¥	1	4	<b>y</b>	¥	*	
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	1	>	<b>*</b>		7.4.4 Applies						7.7.2 Applies				
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	<b>,</b>	<b>*</b>	1		7.4.4 Applies						7.7.2 Applies				
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	¥	4	¥.		7.4.4 Applies						7.7.2 Applies				
Interior or exterior restoration or rehabilitation of existing structure with no increase in gross floor area															

# **COMPREHENSIVE PLAN COMPLIANCE:**

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan:

- **Goal 3.1** Enhanced character and development guidance around Temple's key economic assets.
  - o The rezoning of this area establishes character based zoning for the TMED.
- Goal 3.3 Renewed vitality and development interest in Temple's oldest neighborhoods.
  - The proposed rezoning targets an area identified for redevelopment potential.
- **Goal 3.4** Better image and identity for Temple by setting a higher standard for public and private development practices.
  - o The TMED districts have increased design standards and requirements.

- **Goal 4.1** Growth and development patterns should be consistent with the City's infrastructure and public service capacities and desired community form and character.
  - The TMED zoning districts encourage new development in the area and allow for infill and higher density in exchange for increased design standards.
- **Goal 5.4** A mobility system that is integrated with and complements neighborhood and community character.
  - A key element of the TMED zoning districts is the requirement for wider sidewalks and streetscape and pedestrian amenities.
- **Goal 6.1** Neighborhood environments and residential living options that make Temple an inviting place to call home.
  - o The TMED zoning districts include increased design standards for high-density residential and incorporate anti-monotony provisions for residential development.
- **Goal 6.2** An expanding housing stock that offers local buyers and renters both affordability and value.
  - The TMED zoning districts include a wide variety of housing types permitted by right and decreased lot area requirements.
- Goal 6.3 A diverse mix of residential options to address both life-cycle needs and interests of various niche groups seeking new or existing housing in Temple.
  - The TMED zoning districts include a wide variety of housing types permitted by right and decreased lot area requirements.
- Goal 7.1 A vibrant and growing Healthcare and Bioscience economic cluster in Temple.
  - The proposed rezoning is a step towards revitalization for the area which promotes a dense, mixed-use environment.
- **Goal 7.4** Excellence in Temple schools and higher education to assist in attracting employers and employees.
  - The creation of the TMED district aids in the development of a revitalization plan for the Temple College area.
- Map 3.1 Future Land Use and Character map identifies this area as the Temple Medical Education District.

<u>PUBLIC NOTICE:</u> Staff mailed 355 notices to property owners within the TMED Districts and 523 courtesy notices to property owners within 200' of the proposed zoning change. As of Friday January 7, 2011, the following responses were received:

Of 355 notices to property owners within the TMED Districts: 24 in Favor, 11 Opposed

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Of 523 courtesy notices to property owners within 200' of the proposed zoning change: 44 in Favor, 18 Opposed, 1 Neutral

FISCAL IMPACT: NA

# **ATTACHMENTS:**

City Council Minutes (February 3, 2011) Residential Addresses Ordinance

# **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-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-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± 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

ATTEST:	William A. Jones, III, Mayor
Clydette Entzminger City Secretary	

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1307	S	29TH	ST	GR	RESIDENCE	Avenue M
1309	S	29TH	ST	2F	RESIDENCE	Avenue M
1311	S	29TH	ST	2F	RESIDENCE	Avenue M
1319	S	29TH	ST	2F	RESIDENCE	Avenue M
1401	S	29TH	ST	2F	RESIDENCE	Avenue M
1411	S	29TH	ST	2F	RESIDENCE	Avenue M
1419	S	29TH	ST	2F	RESIDENCE	Avenue M
1209	S	7TH	ST	GR	RESIDENCE	Avenue M
1210	S	7TH	ST	GR	RESIDENCE	Avenue M
1217	S	7TH	ST	GR	RESIDENCE	Avenue M
1220	S	7TH	ST	GR	RESIDENCE	Avenue M
1302	S	7TH	ST	GR	RESIDENCE	Avenue M
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## ORDINANCE NO. 2011-4444

# [PLANNING NO. Z-FY-11-08]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM MULTIPLE ZONING DISTRICT CLASSIFICATIONS TO TEMPLE MEDICAL AND EDUCATION DISTRICT (TMED) ZONES, BEING T4, T5-e, AND T5-c, FOR THE REMAINING 165 RESIDENTIAL PROPERTIES IDENTIFIED IN THE ORIGINAL ZONING CHANGE REQUEST; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** on January 20, 2011, the City Council approved on first reading and public hearing the rezoning of approximately 849 acres from multiple zoning districts to Temple Medical and Education (TMED) Zones, being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c;

Whereas, on second reading of the ordinance the City Council tabled 165 of the properties and rezoned 190 properties – the 165 properties were to be brought back in the future after consensus was reached concerning residential applicability of TMED standards;

Whereas, on April 21, 2011, the City Council held a public hearing and made a motion on first reading to approve the TMED Code amendments including residential applicability changes; and

**Whereas**, the Staff recommends approval of rezoning the remaining 165 properties identified in the original TMED zoning change request.

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

<u>Part 1</u>: The City Council approves a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) Zones, being T4, T5-e, and T5-c, for the remaining 165 properties identified in the original zoning change request (Ordinance No. 2011-4420), said 165 properties being identified 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.

<u>Part 3</u>: 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.

TABLED on First Reading on the 20<sup>th</sup> day of January, 2011.

PASSED AND APPROVED on First Reading and Public Hearing on the  $\mathbf{5}^{\text{th}}$  day of  $\mathbf{May}, 2011.$ 

PASSED AND APPROVED on Second Reading on the 19th day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #6(P) Consent Item Page 1 of 1

# **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution approving second quarter financial results for Fiscal Year 2011.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> This item will present in detail the second quarter ending March 31, 2011, for the General, Water & Sewer, Hotel/Motel Tax, Drainage, and Self-Funded Health Insurance Funds.

Included with these second quarter results will be various schedules detailing grants, sales tax, capital projects and investments.

The second quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2011.

As part of this quarterly review, the Council's travel and training account and food item/ supplies account will be included. The Council Business Disclosure Summary report for the quarter ended March 31<sup>st</sup> will also be provided.

FISCAL IMPACT: N/A

# **ATTACHMENTS:**

Quarterly Financial Statements Resolution

# Second Quarter Financial Statements







For the six months ended 03.31.2011



# Quarterly Financial Statements

# For the six months ended March 31, 2011

# 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 Kiyoko McDonald

Treasury/Grants Manager Senior Accountant

Stacey Hawkins

Accountant



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May 19, 2011

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 six months ended March 31, 2011. 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.

### SIX-MONTH REVIEW

### **GENERAL FUND -**

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

	Actual		 mended Sudget	Percent of Budget
Revenues:	-			
Taxes	\$	18,523	\$ 25,815	72%
Franchise fees		4,779	6,000	80%
Licenses and permits		214	279	77%
Intergovernmental		134	258	52%
Charges for services		9,180	18,382	50%
Fines		1,056	1,725	61%
Interest and other		407	 556	73%
Total revenues	\$	34,294	\$ 53,016	65%

# Transmittal Letter

Revenues compared to the amended budget for FY 2011 are at 65% with 50% of the year completed. A detail of the revenues as compared to budget is shown below:

Revenues	% of Budget
Ad valorem taxes	96.53%
Sales tax receipts	53.69%
Other taxes	58.74%
Franchise fees	79.64%
Licenses and permits	76.87%
Intergovernmental revenues	51.79%
Charges for services	49.94%
Fines	61.19%
Interest	58.23%

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

	Actual		Ar	nended	Percent
			B	udget	of Budget
Expenditures:					
General government	\$	5,547	\$	11,679	47%
Public safety		11,382		23,521	48%
Highways and streets		1,516		3,180	48%
Sanitation		2,958		5,654	52%
Parks and leisure services		2,924		7,053	41%
Education		808		1,666	49%
Airport		1,385		2,624	53%
Debt Service:					
Principal		29		136	21%
Interest		3		22	12%
Total expenditures	\$	26,552	\$	55,534	48%



Expenditures compared to the amended budget are at 48% with 50% of the year complete. Detail is provided below:

Expenditures	% of Budget
Personnel	48.04%
Operations	43.82%
Capital	76.23%
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 \$776,132 over the same time period as last fiscal year. Operating expenses increased by \$322,319 compared to the same period of last fiscal year. Second quarter financials for this fund begin on page 34.

### **HOTEL-MOTEL FUND -**

The Hotel-Motel Fund is reported beginning on page 42. 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 45. 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 52. 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 March 31, 2011, the City had cash and investments with a carrying value of \$110,219,582 and a fair value of \$110,297,162. Total interest earnings for the six months ended are \$101,691. 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 two of our investment type options.

- •Triple A rated (AAA) investment pools
- Money market sweep accounts

Details of our current investment portfolio begin on page 72, Exhibit G-1 through G-2.



# **SUPPLEMENTAL INFORMATION –**

This section has details of General Fund balances and designations (page 76). 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,

Traci L. Barnard, CPA

Director of Finance





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.

	2011	2010	Increase (Decrease)	
ASSETS				
Cash	\$ 4,845	\$ 5,095	\$ (250)	
Investments	33,585,016	31,322,897	2,262,119	
Receivables (net of allowance for estimated				
uncollectibles):				
State sales tax	1,284,123	1,051,792	232,331	
Accounts	1,051,249	1,088,471	(37,222)	
Ad valorem taxes	632,931	635,250	(2,319)	
Inventories	368,865	293,984	74,881	
Prepaid items	211,842	45,480	166,362	
Total current assets	37,138,871	34,442,969	2,695,902	
Restricted cash and investments:				
Drug enforcement	342,713	305,803	36,910	
Public safety	45,797	39,774	6,023	
R.O.W. Escrow	349,646	319,732	29,914	
Parks Escrow {Table VI, pg. 83}	222,985	234,036	(11,051)	
Rob Roy MacGregor Trust - Library	16,125	17,596	(1,471)	
Total restricted cash and investments	977,266	916,941	60,325	
TOTAL ASSETS	\$ 38,116,137	\$ 35,359,910	\$ 2,756,227	

	2011		 2010		Increase Decrease)
LIABILITIES AND FUND EQUITY					
Liabilities:					
Vouchers payable	\$	4,270,005	\$ 2,938,334	\$	1,331,671
Retainage payable		8,858	202		8,656
Accrued payroll		1,805,018	1,672,521		132,497
Deposits		43,095	36,093		7,002
Deferred revenues:					
Ad valorem taxes		605,346	607,665		(2,319)
R.O.W. Escrow		349,646	319,732		29,914
Parks Escrow		222,985	234,036		(11,051)
Other		409,285	 415,122		(5,837)
Total liabilities		7,714,238	6,223,705		1,490,533
Fund Balance:					
Reserved for:					
Inventories and prepaid items		375,993	361,371		14,622
Drug enforcement		302,838	279,793		23,045
Public safety		43,584	31,311		12,273
Rob Roy MacGregor Trust - Library		15,514	19,088		(3,574)
Municipal court {technology & judicial efficiency}		166,615	78,637		87,978
Vital statistics preservation		49,051	52,671		(3,620)
Public education channel		191,642	155,067		36,575
Unreserved:					
Designated for technology replacement		154,169	164,042		(9,873)
Designated for capital projects {Table I, pg. 76}		3,040,897	3,146,396		(105,499)
Budgeted decrease in fund balance		4,229,051	3,895,436		333,615
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		6,782,407	5,904,358		878,049
TOTAL LIABILITIES AND FUND EQUITY	\$	38,116,137	\$ 35,359,910	\$	2,756,227
					-

**GENERAL FUND** 

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2011

		2011	2010	Analytical	
			Percent		\$ Increase (Decrease)
	Actual	Budget	of Budget	Actual	Prior yr.
Revenues:					
Taxes	\$ 18,523,161	\$ 25,815,304	71.75%	\$ 17,626,234	\$ 896,927
Franchise fees	4,779,055	6,000,485	79.64%	4,691,109	87,946
Licenses and permits	214,462	279,000	76.87%	143,811	70,651
Intergovernmental	133,499	257,751	51.79%	179,334	(45,835)
Charges for services	9,180,451	18,382,043	49.94%	8,783,576	396,875
Fines	1,055,756	1,725,449	61.19%	886,268	169,488
Interest and other	407,137	556,407	73.17%	495,343	(88,206)
Total revenues	34,293,521	53,016,439	64.68%	32,805,675	1,487,846
Expenditures:					
General government	5,547,473	11,679,137	47.50%	5,529,938	17,535
Public safety	11,381,966	23,521,095	48.39%	11,717,808	(335,842)
Highways and streets	1,515,713	3,179,741	47.67%	1,527,186	(11,473)
Sanitation	2,957,698	5,653,983	52.31%	2,656,301	301,397
Parks and leisure services	2,923,502	7,052,693	41.45%	3,013,154	(89,652)
Education	808,220	1,665,911	48.52%	763,956	44,264
Airport	1,385,452	2,623,674	52.81%	1,261,529	123,923
Debt Service:					
Principal	29,032	135,517	21.42%	71,864	(42,832)
Interest	2,610	22,054	11.83%	10,105	(7,495)
Total expenditures	26,551,666	55,533,805	47.81%	26,551,841	(175)
Excess (deficiency) of revenues					
over expenditures	7,741,855	(2,517,366)	-	6,253,834	1,488,021
Other financing sources (uses):					
Transfers out:					
Debt Service	(49,219)	(98,440)	50.00%	(53,729)	4,510
Capital Projects - Designated	(236, 357)	(685,224)	34.49%	(243,619)	7,262
Grant Fund	(40,594)	(130,098)	31.20%	(59,015)	18,421
Health Insurance Fund	(628,756)	(628,756)	100.00%	-	(628,756)
Bond Programs	(4,522)	(169,167)	2.67%	6,887	(11,409)
Total other financing sources (uses)	(959,448)	(1,711,685)	56.05%	(349,476)	(609,972)
Excess (deficiency) of revenues and other					
financing sources over expenditures					
and other financing uses	6,782,407	(4,229,051)	-	5,904,358	878,049
Fund balance, beginning of period	23,619,492	23,619,492		23,231,847	387,645
Fund balance, end of period	\$ 30,401,899	\$ 19,390,441	\$ -	\$ 29,136,205	\$ 1,265,694

For the six months ended March 31, 2011

		2011	2010	Analytical	
Toyon	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Taxes: Ad valorem:					
	¢ 10 227 142	£ 10.660.070	06 900/	£ 10.00E 10E	\$ 302,008
Property, current year	\$ 10,327,143 111,595	\$ 10,669,079 111,225	96.80% 100.33%	\$ 10,025,135 67,701	\$ 302,008 43,894
Property, prior year  Penalty and interest	51,852	87,000	59.60%		
•				45,189	6,663
Total ad valorem taxes	10,490,590	10,867,304	96.53%	10,138,025	352,565
Non-property taxes:					
City sales {Table V, pg. 82}	7,945,631	14,800,000	53.69%	7,408,917	536,714
Mixed beverage	57,878	95,000	60.92%	49,108	8,770
Occupation	13,893	28,000	49.62%	17,670	(3,777)
Bingo	15,169	25,000	60.68%	12,514	2,655
Total non-property taxes	8,032,571	14,948,000	53.74%	7,488,209	544,362
Total taxes	18,523,161	25,815,304	71.75%	17,626,234	896,927
Franchise Fees:					
Electric franchise	2,824,312	2,775,000	101.78%	2,754,052	70,260
Gas franchise	701,294	650,000	107.89%	633,537	67,757
Telephone franchise	249,116	512,000	48.66%	264,279	(15,163)
Cable franchise	299,733	671,541	44.63%	342,271	(42,538)
Water/Sewer franchise	659,722	1,319,444	50.00%	659,248	474
Other	44,878	72,500	61.90%	37,722	7,156
Total franchise fees	4,779,055	6,000,485	79.64%	4,691,109	87,946
Licenses and permits:					
Building permits	114,731	115,000	99.77%	52,168	62,563
Electrical permits and licenses	21,723	42,000	51.72%	23,997	(2,274)
Mechanical	19,708	28,000	70.39%	13,759	5,949
Plumbing permit fees	32,313	50,000	64.63%	28,193	4,120
Other	25,987	44,000	59.06%	25,694	293
Total licenses and permits	214,462	279,000	76.87%	143,811	70,651
Intergovernmental revenues:					
Federal grants	111 070	206,159	54.27%	157,713	(AE 92E)
State reimbursements	111,878	8,351	0.00%	137,713	(45,835)
Department of Civil	-	०,७७।	0.00%	-	-
-	21 621	12 241	E0 000/	21 621	
Preparedness  Total intergovernmental revenues	\$ 133,499	43,241 \$ 257,751	50.00% 51.79%	\$ 179,334	\$ (45,835)
rota intergoverninental revellues	ψ 133,499	Ψ 231,131	31.13/0	Ψ 173,334	(Continued)
					(==::::::::::::::::::::::::::::::::::::

_		2011	2010	Analytical	
					\$
					Increase
			Percent		(Decrease)
	Actual	Budget	of Budget	Actual	Prior yr.
Library fees	\$ 20,132	\$ 37,000	54.41%	\$ 18,608	\$ 1,524
Recreational entry fees	61,211	110,762	55.26%	69,302	(8,091)
Summit recreational fees	367,279	685,249	53.60%	288,061	79,218
Golf course revenues	187,471	550,000	34.09%	260,525	(73,054)
Swimming pool	1,945	35,170	5.53%	1,060	885
Lions Junction water park	12,931	282,420	4.58%	15,380	(2,449)
Sammons indoor pool	31,570	38,000	83.08%	27,591	3,979
Vital statistics	66,931	189,258	35.36%	93,023	(26,092)
Police revenue	121,481	173,525	70.01%	135,557	(14,076)
Contractual services					
-proprietary fund	1,480,955	2,960,815	50.02%	1,480,893	62
Curb and street cuts	10,377	30,000	34.59%	26,106	(15,729)
Other	93,619	171,500	54.59%	85,460	8,159
Solid waste collection - residential	1,817,124	3,565,000	50.97%	1,748,681	68,443
Solid waste collection - commercial	1,425,293	2,820,000	50.54%	1,413,803	11,490
Solid waste collection - roll-off	925,813	1,769,636	52.32%	890,560	35,253
Landfill contract	869,561	1,635,896	53.16%	851,092	18,469
Airport sales and rental	1,299,680	2,576,101	50.45%	1,082,069	217,611
Subdivision fees	5,694	15,000	37.96%	9,306	(3,612)
Recreational services	366,629	722,971	50.71%	277,724	88,905
Fire department	14,755	13,740	107.39%	8,775	5,980
Total charges for services	9,180,451	18,382,043	49.94%	8,783,576	396,875
Fines:					
Court	744,703	1,383,068	53.84%	647,525	97,178
Animal pound	31,053	55,000	56.46%	31,831	(778)
Overparking	6,716	8,000	83.95%	5,353	1,363
Administrative fees	273,284	279,381	97.82%	201,559	71,725
Total fines	1,055,756	1,725,449	61.19%	886,268	169,488
Interest and other:					
Interest	29,116	50,000	58.23%	30,106	(990)
Lease and rental	98,270	186,103	52.80%	179,704	(81,434)
Sale of fixed assets	23,206	32,350	71.73%	19,391	3,815
Insurance claims	53,816	54,859	98.10%	46,093	7,723
Payment in lieu of taxes	11,234	8,943	125.62%	8,943	2,291
Building rental -					
BOA bldg.	49,119	87,758	55.97%	51,986	(2,867)
Other	142,376	136,394	104.39%	159,120	(16,744)
Total interest and other	407,137	556,407	73.17%	495,343	(88,206)
Total revenues	-	\$ 53,016,439	64.68%	\$ 32,805,675	\$ 1,487,846
=					

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the six months ended March 31, 2011

	2011			2010	Analytical	
	Actual		Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
General government:						
City council	\$ 92,992	\$ 141,366	65.78%	\$ 85,177	\$ 7,815	
City manager	329,179	717,458	45.88%	330,603	(1,424)	
Finance	535,662	1,115,012	48.04%	523,306	12,356	
Purchasing	151,184	316,044	47.84%	151,896	(712)	
City secretary	150,056	330,278	45.43%	154,421	(4,365)	
Special services	402,371	977,854	41.15%	467,549	(65,178)	
Legal	294,523	623,894	47.21%	296,298	(1,775)	
City planning	210,697	575,106	36.64%	189,872	20,825	
Information technology services	1,013,675	1,782,013	56.88%	952,015	61,660	
Human resources	273,678	699,123	39.15%	288,432	(14,754)	
Economic development	991,878	2,010,972	49.32%	873,914	117,964	
Fleet services	426,266	892,993	47.73%	435,777	(9,511)	
Facility services	675,312	1,497,024	45.11%	780,678	(105,366)	
	5,547,473	11,679,137	47.50%	5,529,938	17,535	
Public safety:						
Municipal court	267,418	577,208	46.33%	275,631	(8,213)	
Police	6,050,156	12,404,408	48.77%	6,275,133	(224,977)	
Animal control	176,490	377,965	46.69%	170,260	6,230	
Fire	4,197,214	8,655,848	48.49%	4,315,227	(118,013)	
Communications	337,247	674,495	50.00%	299,235	38,012	
Construction safety	353,441	831,171	42.52%	382,322	(28,881)	
	11,381,966	23,521,095	48.39%	11,717,808	(335,842)	
Highways and streets:						
Street	1,139,922	2,386,555	47.76%	1,232,209	(92,287)	
Traffic signals	160,646	295,077	54.44%	109,549	51,097	
Engineering	215,145	498,109	43.19%	185,428	29,717	
	1,515,713	3,179,741	47.67%	1,527,186	(11,473)	
Sanitation:	\$ 2,957,698	\$ 5,653,983	52.31%	\$ 2,656,301	\$ 301,397 (Continued)	

		2011	2010	Analytical			
	Percent Actual Budget of Budget			Actual	\$ Increase (Decrease) Prior yr.		
Parks and leisure services:							
Administration	\$ 194,373	\$ 411,265	47.26%	\$ 189,401	\$ 4,972		
Parks	1,345,309	3,042,938	44.21%	1,494,226	(148,917)		
Leisure services	1,030,061	2,743,939	37.54%	948,312	81,749		
Golf course	353,759	854,551	41.40%	381,215	(27,456)		
	2,923,502	7,052,693	41.45%	3,013,154	(89,652)		
Library:	808,220	1,665,911	48.52%	763,956	44,264		
Airport:	1,385,452	2,623,674	52.81%	1,261,529	123,923		
Debt service:	31,642	157,571	20.08%	81,969	(50,327)		
Totals	\$ 26,551,666	\$ 55,533,805	47.81%	\$ 26,551,841	\$ (175)		

For the six months ended March 31, 2011

		2011	2010	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
General government:	Actual	Buaget	Or Budget	Actual	1 1101 yr.
City council:					
Personnel services	\$ 2,310	\$ 15,445	14.96%	\$ 2,428	\$ (118)
Operations	90,682	125,921	72.01%	82,749	7,933
	92,992	141,366	65.78%	85,177	7,815
City manager:					
Personnel services	301,767	637,013	47.37%	306,892	(5,125)
Operations	27,412	80,445	34.08%	23,711	3,701
	329,179	717,458	45.88%	330,603	(1,424)
Finance:					
Personnel services	353,014	720,482	49.00%	353,289	(275)
Operations	182,648	394,530	46.30%	170,017	12,631
	535,662	1,115,012	48.04%	523,306	12,356
Purchasing:					
Personnel services	146,396	296,851	49.32%	145,819	577
Operations	4,788	19,193	24.95%	6,077	(1,289)
	151,184	316,044	47.84%	151,896	(712)
City secretary:					
Personnel services	128,334	266,189	48.21%	128,054	280
Operations	21,722	64,089	33.89%	26,367	(4,645)
	150,056	330,278	45.43%	154,421	(4,365)
Special services:					()
Personnel services	198,398	325,000	61.05%	260,764	(62,366)
Operations	203,973	576,338	35.39%	206,785	(2,812)
Capital outlay (Contingency)	- 100.074	76,516	0.00%		(05.450)
	402,371	977,854	41.15%	467,549	(65,178)
Legal:	074.054	507 500	40, 400/	077.047	(0.000)
Personnel services	274,851	567,526	48.43%	277,247	(2,396)
Operations	19,672	56,368	34.90%	19,051	621
City planning:	294,523	623,894	47.21%	296,298	(1,775)
City planning: Personnel services	193,637	434,099	44.61%	166,963	26,674
Operations	17,060	141,007	12.10%	22,909	(5,849)
Operations	210,697	575,106	36.64%	189,872	20,825
Information technology services:	210,037	373,100	30.0470	103,072	20,023
Personnel services	481,318	1,021,496	47.12%	470,314	11,004
Operations	532,357	742,828	71.67%	454,017	78,340
Capital outlay	-	17,689	0.00%	27,684	(27,684)
Capital Callay	1,013,675	1,782,013	56.88%	952,015	61,660
	1,010,010	1,702,010			01,000
Human resources:					
Personnel services	238,784	520,173	45.90%	242,390	(3,606)
Operations	34,894	178,950	19.50%	46,042	(11,148)
- F	273,678	699,123	39.15%	288,432	(14,754)
Economic development:					( , , , , ,
Operations	991,878	2,010,972	49.32%	873,914	117,964
·	\$ 991,878	\$ 2,010,972	49.32%	\$ 873,914	\$ 117,964
	·	· · · · · · · · · · · · · · · · · · ·		<u> </u>	(Continued)

	2011			2010	Analytical
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior yr.
Fleet services:					
Personnel services	\$ 374,859	\$ 799,505	46.89%	\$ 389,802	\$ (14,943)
Operations	32,816	74,897	43.81%	30,693	2,123
Capital outlay	18,591	18,591	100.00%	15,282	3,309
	426,266	892,993	47.73%	435,777	(9,511)
Facility services:					
Personnel services	267,860	587,179	45.62%	270,777	(2,917)
Operations	279,314	629,095	44.40%	332,216	(52,902)
Capital outlay	128,138	280,750	45.64%	177,685	(49,547)
	675,312	1,497,024	45.11%	780,678	(105,366)
Total general government	5,547,473	11,679,137	47.50%	5,529,938	17,535
Public safety: Municipal court:					
Personnel services	239,306	491,583	48.68%	240,830	(1,524)
Operations	28,112	85,625	32.83%	34,801	(6,689)
Operations	267,418	577,208	46.33%	275,631	(8,213)
Police:	207,410	377,200	+0.5576	270,001	(0,213)
Personnel services	5,157,754	10,641,940	48.47%	5,271,495	(113,741)
Operations	598,317	1,398,568	42.78%	616,182	(17,865)
Capital outlay	294,085	363,900	80.81%	387,456	(93,371)
Capital Callay	6,050,156	12,404,408	48.77%	6,275,133	(224,977)
Animal control:	0,000,100	12, 10 1, 100	10.7770	0,270,100	(221,011)
Personnel services	136,174	274,201	49.66%	137,170	(996)
Operations	40,316	103,764	38.85%	33,090	7,226
oporations.	176,490	377,965	46.69%	170,260	6,230
Fire:	170,100		10.0070	,200	0,200
Personnel services	3,898,331	7,870,570	49.53%	3,930,951	(32,620)
Operations	278,741	756,078	36.87%	332,404	(53,663)
Capital outlay	20,142	29,200	68.98%	51,872	(31,730)
Tap non-tanay	4,197,214	8,655,848	48.49%	4,315,227	(118,013)
Communications:					
Operations	337,247	674,495	50.00%	299,235	38,012
•	337,247	674,495	50.00%	299,235	38,012
Construction safety:		· ·			· · · · · · · · · · · · · · · · · · ·
Personnel services	297,473	613,665	48.47%	315,754	(18,281)
Operations	55,968	217,506	25.73%	66,568	(10,600)
•	353,441	831,171	42.52%	382,322	(28,881)
Total public safety	11,381,966	23,521,095	48.39%	11,717,808	(335,842)
Highways and streets: Street :					
Personnel services	398,033	833,528	47.75%	338,930	59,103
Operations	547,033	1,346,811	40.62%	535,976	11,057
Capital outlay	194,856	206,216	94.49%	357,303	(162,447)
,	\$ 1,139,922	\$ 2,386,555	47.76%	\$ 1,232,209	\$ (92,287)
	<u> </u>				(Continued)
					. ,

	2011			2010	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
Traffic signals:						
Personnel services	\$ 80,335	\$ 163,101	49.25%	\$ 80,332	\$ 3	
Operations	16,955	52,862	32.07%	20,252	(3,297)	
Capital outlay	63,356	79,114	80.08%	8,965	54,391	
	160,646	295,077	54.44%	109,549	51,097	
Engineering:						
Personnel services	180,737	371,281	48.68%	162,838	17,899	
Operations	34,408	126,828	27.13%	22,590	11,818	
·	215,145	498,109	43.19%	185,428	29,717	
Total highways and streets	1,515,713	3,179,741	47.67%	1,527,186	(11,473)	
Sanitation:						
Personnel services	805,089	1,669,676	48.22%	815,348	(10,259)	
Operations	1,338,227	3,169,578	42.22%	1,327,904	10,323	
Capital outlay	814,382	814,729	99.96%	513,049	301,333	
Total sanitation	2,957,698	5,653,983	52.31%	2,656,301	301,397	
Parks and leisure services: Administration						
Personnel services	149,495	311,935	47.93%	159,381	(9,886)	
Operations	44,878	99,330	45.18%	30,020	14,858	
·	194,373	411,265	47.26%	189,401	4,972	
Parks						
Personnel services	590,489	1,292,510	45.69%	604,827	(14,338)	
Operations	552,953	1,370,339	40.35%	658,890	(105,937)	
Capital outlay	201,867	380,089	53.11%	230,509	(28,642)	
	1,345,309	3,042,938	44.21%	1,494,226	(148,917)	
Leisure services						
Personnel services	700,636	1,723,384	40.65%	689,146	11,490	
Operations	329,425	984,109	33.47%	259,166	70,259	
Capital outlay		36,446	0.00%	-		
0.16	1,030,061	2,743,939	37.54%	948,312	81,749	
Golf course	040 454	450.004	47.000/	004.054	(47,000)	
Personnel services	216,151	453,824	47.63%	234,051	(17,900)	
Operations	125,396	388,515	32.28% 100.00%	147,164	(21,768)	
Capital outlay	12,212 353,759	12,212	41.40%	381,215	12,212	
Total parks and leisure services	2,923,502	854,551 7,052,693	41.45%	3,013,154	(27,456) (89,652)	
Library:	400.005	4 6-5 455	4	400 400		
Personnel services	498,393	1,053,109	47.33%	493,432	4,961	
Operations	256,832	559,807	45.88%	270,524	(13,692)	
Capital outlay	52,995 • 909,330	52,995	100.00%	<u> </u>	52,995	
Total library	\$ 808,220	\$ 1,665,911	48.52%	\$ 763,956	\$ 44,264 (Continued)	

		2011					2010		nalytical	
		Actual	Percent Budget of Budget				Actual		\$ Increase (Decrease) Prior yr.	
Airport:										
Personnel services	\$	350,844	\$	723,790	48.4	7%	\$	324,001	\$	26,843
Operations		977,922		1,831,896	53.3	8%		804,798		173,124
Capital outlay		56,686		67,988	83.3	8%		132,730		(76,044)
Total airport		1,385,452		2,623,674	52.8	1%		1,261,529		123,923
Debt service:										
Principal		29,032		135,517	21.4	2%		71,864		(42,832)
Interest		2,610		22,054	11.8	3%		10,105		(7,495)
Total debt service		31,642		157,571	20.0	8%		81,969		(50,327)
Total	\$ 2	26,551,666	\$	55,533,805	47.8	1%	\$ 2	26,551,841	\$	(175)

## General Fund Financial Forecast

The *Projected* financial statements for the General Fund are presented for purposes of additional analysis, and in our opinion, these forecast are fairly stated in all material respects in relation to the financial forecast taken as a whole. However, there may be differences between the forecasted and actual results because events and circumstances do not occur as expected, and those differences could be material. The Finance staff will update future financial statements for events and circumstances occurring after the date of these statements.

**GENERAL FUND** 

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2011

(With forecasted amounts for the year ending September 30, 2011)

	Actual - 03/31/2011			Forecasted - 09/30/11				
			Percent	12 months	Compared to	Percent		
	Actual	Budget	of Budget	9/30/2011	Budget	of Budget		
Revenues:								
Taxes	\$ 18,523,161	\$ 25,815,304	71.75%	\$ 26,793,529	\$ 978,225	103.79%		
Franchise fees	4,779,055	6,000,485	79.64%	6,016,641	16,156	100.27%		
Licenses and permits	214,462	279,000	76.87%	348,950	69,950	125.07%		
Intergovernmental	133,499	257,751	51.79%	257,751	-	100.00%		
Charges for services	9,180,451	18,382,043	49.94%	18,902,344	520,301	102.83%		
Fines	1,055,756	1,725,449	61.19%	2,047,323	321,874	118.65%		
Interest and other	407,137	556,407	73.17%	593,222	36,815	106.62%		
Total revenues	34,293,521	53,016,439	64.68%	54,959,761	1,943,322	103.67%		
Expenditures:								
General government	5,547,473	11,679,137	47.50%	11,349,488	329,649	97.18%		
Public safety	11,381,966	23,521,095	48.39%	23,284,653	236,442	98.99%		
Highways and streets	1,515,713	3,179,741	47.67%	3,061,856	117,885	96.29%		
Sanitation	2,957,698	5,653,983	52.31%	5,278,313	375,670	93.36%		
Parks and leisure services	2,923,502	7,052,693	41.45%	6,898,655	154,038	97.82%		
Education	808,220	1,665,911	48.52%	1,591,040	74,871	95.51%		
Airport	1,385,452	2,623,674	52.81%	2,903,421	(279,747)	110.66%		
Debt Service:								
Principal	29,032	135,517	21.42%	34,389	101,128	25.38%		
Interest	2,610	22,054	11.83%	10,382	11,672	47.08%		
Total expenditures	26,551,666	55,533,805	47.81%	54,412,197	1,121,608	97.98%		
Excess (deficiency) of revenues	,	·						
over expenditures	7,741,855	(2,517,366)	-	547,563	3,064,929	-		
Other financing sources (uses):								
Debt Service - transfer out	(49,219)	(98,440)	50.00%	(98,440)	-	100.00%		
Capital Projects - Desg transfer out	(236,357)	(685,224)	34.49%	(685,224)	-	100.00%		
Grant Fund - transfer out	(40,594)	(130,098)	31.20%	(130,098)	-	100.00%		
Health Insurance Fund - transfer out	(628,756)	(628,756)	100.00%	(628,756)	-	100.00%		
Bond Programs - transfer out	(4,522)	(169,167)	2.67%	(169, 167)		100.00%		
Total other financing sources (uses)	(959,448)	(1,711,685)	56.05%	(1,711,685)	-	100.00%		
Excess (deficiency) of revenues and other								
financing sources over expenditures								
and other financing uses	6,782,407	(4,229,051)	-	(1,164,122)	3,064,929	-		
Fund balance, beginning of period	23,619,492	23,619,492		23,619,492				
Fund balance, end of period	\$ 30,401,899	\$ 19,390,441	\$ -	\$ 22,455,370	\$ 3,064,929			

Exhibit A-7

		Actual - 03/31/2011			Forecasted - 09/30/11				
			Percent	12 months	Compared to	Percent			
	Actual	Budget	of Budget	9/30/2011	Budget	of Budget			
Taxes:									
Ad valorem:									
Property, current year	\$ 10,327,143	\$ 10,669,079	96.80%	\$ 10,567,723	\$ (101,356)	99.05%			
Property, prior year	111,595	111,225	100.33%	130,133	18,908	117.00%			
Penalty and interest	51,852	87,000	59.60%	94,830	7,830	109.00%			
Total ad valorem taxes	10,490,590	10,867,304	96.53%	10,792,686	(74,618)	99.31%			
Non-property taxes:									
City sales {Table V, page 82}	7,945,631	14,800,000	53.69%	15,838,078	1,038,078	107.01%			
Mixed beverage	57,878	95,000	60.92%	109,725	14,725	115.50%			
Occupation	13,893	28,000	49.62%	26,040	(1,960)	93.00%			
Bingo	15,169	25,000	60.68%	27,000	2,000	108.00%			
Total non-property taxes	8,032,571	14,948,000	53.74%	16,000,843	1,052,843	107.04%			
Total taxes	18,523,161	25,815,304	71.75%	26,793,529	978,225	103.79%			
Franchise Fees:									
Electric franchise	2,824,312	2,775,000	101.78%	2,839,578	64,578	102.33%			
Gas franchise	701,294	650,000	107.89%	701,294	51,294	107.89%			
Telephone franchise	249,116	512,000	48.66%	490,000	(22,000)	95.70%			
Cable franchise	299,733	671,541	44.63%	572,800	(98,741)	85.30%			
Water/Sewer franchise	659,722	1,319,444	50.00%	1,319,444	-	100.00%			
Other	44,878	72,500	61.90%	93,525	21,025	129.00%			
Total franchise fees	4,779,055	6,000,485	79.64%	6,016,641	16,156	100.27%			
Licenses and permits:									
Building permits	114,731	115,000	99.77%	157,550	42,550	137.00%			
Electrical permits and licenses	21,723	42,000	51.72%	42,000	-	100.00%			
Mechanical	19,708	28,000	70.39%	37,940	9,940	135.50%			
Plumbing permit fees	32,313	50,000	64.63%	63,500	13,500	127.00%			
Other	25,987	44,000	59.06%	47,960	3,960	109.00%			
Total licenses and permits	214,462	279,000	76.87%	348,950	69,950	125.07%			
Intergovernmental revenues:									
Federal grants	111,878	206,159	54.27%	206,159	-	100.00%			
State reimbursements	-	8,351	0.00%	8,351	-	100.00%			
Department of Civil		•	-	•					
Preparedness	21,621	43,241	50.00%	43,241	-	100.00%			
Total intergovernmental revenues	\$ 133,499	\$ 257,751	51.79%	\$ 257,751	\$ -	100.00%			
•	<u> </u>	<u> </u>		<u> </u>		(Continued)			

#### SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the six months ended March 31, 2011

(With forecasted amounts for the year ending September 30, 2011)

	Actual - 03/31/2011			Forecasted - 09/30/11				
			Percent	12 months	Compared to	Percent		
	Actual	Budget	of Budget	9/30/2011	Budget	of Budget		
Charges for services:								
Library fees	\$ 20,132	\$ 37,000	54.41%	\$ 34,780	\$ (2,220)	94.00%		
Recreational entry fees	61,211	110,762	55.26%	137,345	26,583	124.00%		
Summit recreational fees	367,279	685,249	53.60%	786,323	101,074	114.75%		
Golf course revenues	187,471	550,000	34.09%	519,750	(30,250)	94.50%		
Swimming pool	1,945	35,170	5.53%	32,005	(3,165)	91.00%		
Lions Junction water park	12,931	282,420	4.58%	276,772	(5,648)	98.00%		
Sammons indoor pool	31,570	38,000	83.08%	68,400	30,400	180.00%		
Vital statistics	66,931	189,258	35.36%	129,642	(59,616)	68.50%		
Police revenue	121,481	173,525	70.01%	190,878	17,353	110.00%		
Contractual services								
-proprietary fund	1,480,955	2,960,815	50.02%	2,956,374	(4,441)	99.85%		
Curb and street cuts	10,377	30,000	34.59%	15,000	(15,000)	50.00%		
Other	93,619	171,500	54.59%	171,329	(172)	99.90%		
Solid waste collection - residential	1,817,124	3,565,000	50.97%	3,612,489	47,489	101.33%		
Solid waste collection - commercial	1,425,293	2,820,000	50.54%	2,833,889	13,889	100.49%		
Solid waste collection - roll-off /other	925,813	1,769,636	52.32%	1,868,821	99,185	105.60%		
Landfill contract	869,561	1,635,896	53.16%	1,648,165	12,269	100.75%		
Airport sales and rental	1,299,680	2,576,101	50.45%	2,747,412	171,311	106.65%		
Subdivision fees	5,694	15,000	37.96%	11,475	(3,525)	76.50%		
Recreational services	366,629	722,971	50.71%	842,261	119,290	116.50%		
Fire department	14,755	13,740	107.39%	19,236	5,496	140.00%		
Total charges for services	9,180,451	18,382,043	49.94%	18,902,344	520,301	102.83%		
Fines:								
Court	744,703	1,383,068	53.84%	1,481,266	98,198	107.10%		
Animal pound	31,053	55,000	56.46%	62,150	7,150	113.00%		
Overparking	6,716	8,000	83.95%	10,800	2,800	135.00%		
Administrative fees	273,284	279,381	97.82%	493,107	213,726	176.50%		
Total fines	1,055,756	1,725,449	61.19%	2,047,323	321,874	118.65%		
Interest and other:								
Interest	29,116	50,000	58.23%	45,000	(5,000)	90.00%		
Lease and rental	98,270	186,103	52.80%	182,381	(3,722)	98.00%		
Sale of fixed assets	23,206	32,350	71.73%	35,100	2,750	108.50%		
Insurance claims	53,816	54,859	98.10%	65,008	10,149	118.50%		
Payment in lieu of taxes	11,234	8,943	125.62%	11,234	2,291	125.62%		
Building rental -	11,204	0,343	120.02/0	11,204	۷,23۱	123.02/0		
BOA bldg.	49,119	87,758	55.97%	87,758	_	100.00%		
Other	142,376	136,394	104.39%	166,742	30,348	122.25%		
Total interest and other	407,137	556,407	73.17%	593,222	36,815	106.62%		
	\$ 34,293,521	\$ 53,016,439	64.68%	\$ 54,959,761	\$ 1,943,322	103.67%		
i otai revenues	ψ 34,293,321	φ 55,010,439	04.00%	φ 54,959,761	φ 1,543,322	103.07 70		

#### SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the six months ended March 31, 2011

(With forecasted amounts for the year ending September 30, 2011)

	Ad	ctual - 03/31/2011		Fo		
			Percent	12 months	Compared to	Percent
	Actual	Budget	of Budget	9/30/2011	Budget	of Budget
General government:						
City council	\$ 92,992	\$ 141,366	65.78%	\$ 133,436	\$ 7,930	94.39%
City manager	329,179	717,458	45.88%	699,110	18,348	97.44%
Finance	535,662	1,115,012	48.04%	1,099,894	15,118	98.64%
Purchasing	151,184	316,044	47.84%	313,631	2,413	99.24%
City secretary	150,056	330,278	45.43%	324,236	6,042	98.17%
Special services	402,371	977,854	41.15%	977,854	-	100.00%
Legal	294,523	623,894	47.21%	613,855	10,039	98.39%
City planning	210,697	575,106	36.64%	548,874	26,232	95.44%
Information Technology Services	1,013,675	1,782,013	56.88%	1,737,550	44,463	97.50%
Human Resources	273,678	699,123	39.15%	674,242	24,881	96.44%
Economic development	991,878	2,010,972	49.32%	1,930,956	80,016	96.02%
Garage	426,266	892,993	47.73%	866,602	26,391	97.04%
Facility services	675,312	1,497,024	45.11%	1,429,249	67,775	95.47%
	5,547,473	11,679,137	47.50%	11,349,488	329,649	97.18%
Public safety:						
Municipal court	267,418	577,208	46.33%	569,011	8,198	98.58%
Police	6,050,156	12,404,408	48.77%	12,248,793	155,615	98.75%
Animal control	176,490	377,965	46.69%	374,964	3,001	99.21%
Fire	4,197,214	8,655,848	48.49%	8,599,929	55,919	99.35%
Communications	337,247	674,495	50.00%	674,495	-	100.00%
Construction safety	353,441	831,171	42.52%	817,462	13,709	98.35%
	11,381,966	23,521,095	48.39%	23,284,653	236,442	98.99%
Highways and streets:	4 400 000		47 700/	0.070.470	407.000	05 500/
Street	1,139,922	2,386,555	47.76%	2,279,173	107,382	95.50%
Traffic signals	160,646	295,077	54.44%	292,014	3,063	98.96%
Engineering	215,145	498,109	43.19%	490,669	7,440	98.51%
	1,515,713	3,179,741	47.67%	3,061,856	117,885	96.29%
Sanitation:	2,957,698	5,653,983	52.31%	5,278,313	375,670	93.36%
Parks and leisure services:						
Administration	194,373	411,265	47.26%	402,806	8,459	97.94%
Parks	1,345,309	3,042,938	44.21%	2,989,741	53,197	98.25%
Leisure services	1,030,061	2,743,939	37.54%	2,670,087	73,852	97.31%
Golf course	353,759	854,551	41.40%	836,020	18,531	97.83%
Con codisc	2,923,502	7,052,693	41.45%	6,898,655	154,038	97.82%
		1,002,000	4114070		104,000	07.0270
Library:	808,220	1,665,911	48.52%	1,591,040	74,871	95.51%
Airport:	1,385,452	2,623,674	52.81%	2,903,421	(279,747)	110.66%
Debt Service:	31,642	157,571	20.08%	44,771	112,800	28.41%
Totals	\$ 26,551,666	\$ 55,533,805	47.81%	\$ 54,412,197	\$ 1,121,608	97.98%
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#### 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 March 31, 2011 and 2010

	2011	2010	Increase (Decrease)		
ASSETS					
Current assets:					
Cash	\$ 4,850	\$ 2,532	\$ 2,318		
Investments	16,868,412	17,581,020	(712,608)		
Customer receivables	790,706	1,009,250	(218,544)		
Inventories	180,466	220,835	(40,369)		
Total current assets	17,844,434	18,813,637	(969,203)		
Restricted cash and investments:					
Revenue bond reserve fund	3,367,611	3,367,644	(33)		
Revenue bond debt service	2,918,523	2,743,879	174,644		
Customer deposits	581,459	567,775	13,684		
Construction account	21,599,571	10,907,036	10,692,535		
	28,467,164	17,586,334	10,880,830		
Deferred cost-bond issue	1,924,727	917,076	1,007,651		
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	(76,466,832)	(71,875,405)	(4,591,427)		
Construction in progress	30,010,335	25,856,315	4,154,020		
Net property and equipment	117,746,881	108,051,166	9,695,715		
Total assets	\$ 165,983,206	\$ 145,368,213	\$ 20,614,993		

	2011	2010	Increase (Decrease)
LIABILITIES			
Current liabilities:			
Vouchers & contracts payable	\$ 2,688,070	\$ 1,918,202	\$ 769,868
Retainage payables	191,866	8,083	183,783
Accrued payroll	180,229	189,272	(9,043)
Deferred revenue	70,641	70,641	· · · · · ·
Total current liabilities	3,130,806	2,186,198	944,608
Liabilities payable from restricted assets:			· · · · · · · · · · · · · · · · · · ·
Customers deposits	581,459	567,775	13,684
Vouchers & contracts payable	5,428,912	3,765,974	1,662,938
Retainage payables	220,694	154,657	66,037
Accrued interest - revenue bonds	498,081	435,193	62,888
Current maturities of long-term liabilities	3,624,358	3,497,904	126,454
	10,353,504	8,421,503	1,932,001
Long-term liabilities, less current maturities:			
Revenue bonds payable	71,070,000	56,675,000	14,395,000
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	1,052,623	788,500	264,123
	73,236,843	58,415,665	14,821,178
Total liabilities	86,721,153	69,023,366	17,697,787
NET ASSETS			
Invested in capital assets, net of related debt	63,975,956	58,261,616	5,714,340
Restricted for debt service	6,286,134	6,111,523	174,611
Unrestricted	8,603,662	12,240,824	(3,637,162)
Total net assets	78,865,752	76,613,963	2,251,789
Net income {YTD}	396,301	(269,116)	665,417
Total liabilities and net assets	\$ 165,983,206	\$ 145,368,213	\$ 20,614,993

AND CHANGES IN FUND NET ASSETS

For the six months ended March 31, 2011

	2011	2010	Increase (Decrease)
Operating revenues:			
Water service	\$ 6,484,793	\$ 5,694,341	\$ 790,452
Sewer service	4,962,547	4,950,711	11,836
Other	528,035	554,191	(26,156)
Total operating revenues	11,975,375	11,199,243	776,132
Operating expenses:			
Personnel services	1,973,178	2,054,996	(81,818)
Supplies	661,666	614,938	46,728
Repairs and maintenance	439,939	349,445	90,494
Depreciation	2,420,213	2,277,749	142,464
Other services and charges	5,274,232	5,149,781	124,451
Total operating expenses	10,769,228	10,446,909	322,319
Operating income	1,206,147	752,334	453,813
Nonoperating revenues (expenses):			
Interest income	78,301	46,698	31,603
Interest expense	(787,782)	(1,068,148)	(280,366)
Total nonoperating revenues			
(expenses)	(709,481)	(1,021,450)	311,969
Income before transfers	496,666	(269,116)	765,782
Transfers out-Health Insurance fund	(100,365)		(100,365)
Change in net assets	396,301	(269,116)	665,417
Net assets, beginning of period	78,865,752	76,613,963	2,251,789
Net assets, end of period	\$ 79,262,053	\$ 76,344,847	\$ 2,917,206

#### COMPARATIVE SCHEDULE OF OPERATING REVENUES

For the six months ended March 31, 2011

		Increase			
	2011	2010	(Decrease)		
Current water service:					
Residential	\$ 3,222,823	\$ 2,736,095	\$ 486,728		
Commercial	2,982,176	2,685,679	296,497		
Wholesale	279,794	272,567	7,227		
Total water service	6,484,793	5,694,341	790,452		
Current sewer service:					
Residential	2,420,836	2,505,529	(84,693)		
Commercial	2,541,711	2,445,182	96,529		
Total sewer service	4,962,547	4,950,711	11,836		
Other:					
Transfers and rereads	52,835	54,555	(1,720)		
Penalties	195,317	183,708	11,609		
Reconnect fees	142,715	148,655	(5,940)		
Tap fees	67,867	65,253	2,614		
Other sales	69,301	102,020	(32,719)		
Total other	528,035	554,191	(26,156)		
Total operating revenues	\$ 11,975,375	\$ 11,199,243	\$ 776,132		

## WATER AND SEWER ENTERPRISE FUND COMPARATIVE SCHEDULE OF OPERATING

**EXPENSES BY DEPARTMENT** 

For the six months ended March 31, 2011

			Increase		
	2011	2010	(Decrease)		
Administrative:					
Personnel services	\$ 140,017	\$ 126,057	\$ 13,960		
Supplies	2,609	9,546	(6,937)		
Other services and charges	2,034,555	1,978,321	56,234		
	2,177,181	2,113,924	63,257		
Water treatment and production:					
Personnel services	426,403	457,388	(30,985)		
Supplies	399,956	343,963	55,993		
Repairs and maintenance	219,629	160,375	59,254		
Other services and charges	864,748	874,722	(9,974)		
	1,910,736	1,836,448	74,288		
Distribution system:					
Personnel services	336,723	350,366	(13,643)		
Supplies	80,540	85,672	(5,132)		
Repairs and maintenance	110,505	104,774	5,731		
Other services and charges	24,920	37,661	(12,741)		
	552,688	578,473	(25,785)		
Metering:					
Personnel services	270,383	273,656	(3,273)		
Supplies	85,455	85,265	190		
Repairs and maintenance	24,438	24,778	(340)		
Other services and charges	9,036	7,680	1,356		
	389,312	391,379	(2,067)		
Sanitary sewer collection system:					
Personnel services	579,880	624,068	(44,188)		
Supplies	88,781	81,105	7,676		
Repairs and maintenance	78,927	56,652	22,275		
Other services and charges	91,477	19,623	71,854		
	839,065	781,448	57,617		
Sewage treatment and disposal:					
Personnel services	-	6,160	(6,160)		
Other services and charges	1,910,410	1,878,975	31,435		
	\$ 1,910,410	\$ 1,885,135	\$ 25,275		
			(Continued)		

## COMPARATIVE SCHEDULE OF OPERATING EXPENSES BY DEPARTMENT

Exhibit B-4 (Continued)

For the six months ended March 31, 2011

			Increase
	2011	2010	(Decrease)
Water collection offices:			
Personnel services	\$ 189,797	\$ 189,397	\$ 400
Supplies	3,526	8,627	(5,101)
Repairs and maintenance	5,585	2,745	2,840
Other services and charges	333,854	343,560	(9,706)
	532,762	544,329	(11,567)
Water purchasing:	-		
Personnel services	29,975	27,904	2,071
Supplies	799	760	39
Repairs and maintenance	855	121	734
Other services and charges	5,232	9,239	(4,007)
	36,861	38,024	(1,163)
Depreciation	2,420,213	2,277,749	142,464
Totals	\$ 10,769,228	\$ 10,446,909	\$ 322,319

CITY OF TEMPLE, TEXAS
WATER AND SEWER ENTERPRISE FUND
COMPARATIVE STATEMENT OF REVENUES & EXPENSES
ACTUAL AND BUDGET

For the six months ended March 31, 2011

	FY 2011			FY 2010					11 vs. 10		
					% of				% of		ncrease
		Actual		Budget	Budget	 Actual		Budget	Budget	(D	ecrease)
Operating revenues:											
Water service	\$	6,484,793	\$	14,968,893	43.32%	\$ 5,694,341	\$	15,251,143	37.34%	\$	790,452
Sewer service		4,962,547		10,450,000	47.49%	4,950,711		10,340,396	47.88%		11,836
Other		528,035		939,600	56.20%	554,191		707,500	78.33%		(26,156)
Total operating revenues		11,975,375		26,358,493	45.43%	11,199,243		26,299,039	42.58%		776,132
Operating expenses:											_
Personnel services		1,973,178		4,042,965	48.81%	2,054,996		4,085,388	50.30%		(81,818)
Supplies		661,666		2,113,311	31.31%	614,938		2,381,843	25.82%		46,728
Repairs and maintenance		439,939		1,127,603	39.02%	349,445		1,164,862	30.00%		90,494
Depreciation		2,420,213		4,600,000	52.61%	2,277,749		4,600,000	49.52%		142,464
Other services and charges		5,274,232		10,337,232	51.02%	5,149,781		10,853,020	47.45%		124,451
Total operating expenses	_	10,769,228		22,221,111	48.46%	10,446,909		23,085,113	45.25%		322,319
Operating income		1,206,147		4,137,382	29.15%	 752,334		3,213,926	23.41%		453,813
Nonoperating revenues											
(expenses):											
Interest income		78,301		70,885	110.46%	46,698		70,885	65.88%		31,603
Interest expense		(787,782)		(3,278,809)	24.03%	(1,068,148)		(2,391,447)	44.67%		(280,366)
Total nonoperating revenues											
(expenses)		(709,481)		(3,207,924)		 (1,021,450)		(2,320,562)	-		(248,763)
Income before transfers		496,666		929,458	-	(269,116)		893,364	-		765,782
Transfers out-Health Insurance fund		(100,365)		(100,365)	100.00%	-		-	0.00%		100,365
Net income	\$	396,301	\$	829,093		\$ (269,116)	\$	893,364	-	\$	665,417



#### Special Revenue Fund

Special Revenue Fund is used to account for specific revenues that are legally restricted to expenditure for particular purposes.

Hotel-Motel Fund: 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.

	2011			2010	Increase (Decrease)		
ASSETS							
Cash	\$	2,250	\$	1,550	\$	700	
Investments		978,412		790,252		188,160	
Accounts receivable		192,851		167,655		25,196	
Inventories		2,653		2,786		(133)	
Prepaid items		2,000		2,000		_	
Total assets	\$	1,178,166	\$	964,243	\$	213,923	
LIABILITIES AND FUND BALANCES							
Liabilities:							
Vouchers payable	\$	122,279	\$	56,355	\$	65,924	
Accrued payroll		27,287		23,930		3,357	
Deposits		102,111		70,806		31,305	
Total liabilities		251,677		151,091		100,586	
Fund Balance:							
Reserved for inventories and prepaid items		4,581		5,098		(517)	
Unreserved:							
Budgeted decrease in fund balance		84,430		418,123		(333,693)	
Undesignated		828,863		609,221		219,642	
Total fund balance		917,874		1,032,442		(114,568)	
Excess revenues over expenditures YTD		8,615		(219,290)		227,905	
Total liabilities and fund balances	\$	1,178,166	\$	964,243	\$	213,923	

CITY OF TEMPLE, TEXAS
HOTEL-MOTEL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET
For the six months ended March 31, 2011

			2011		 2010	Ar	nalytical
	_	Actual	Budget	Percent of Budget	 Actual	(De	ecrease) ior year
Revenues:							
Taxes	\$	544,651	\$ 1,025,450	53.11%	\$ 503,078	\$	41,573
Charges for services							
Civic center and Visitor center		185,541	233,500	79.46%	143,909		41,632
Intergovenmental		-	-	0.00%	9,318		(9,318)
Interest and other		6,890	1,800	382.78%	8,431		(1,541)
Total revenues		737,082	1,260,750	58.46%	 664,736		72,346
Expenditures:							
Civic center		447,408	821,401	54.47%	640,314		(192,906)
Railroad museum		99,215	197,525	50.23%	96,329		2,886
Tourism marketing		160,691	294,915	54.49%	 137,198		23,493
Total expenditures		707,314	1,313,841	53.84%	873,841		(166,527)
Excess (deficiency) of revenues							
over expenditures		29,768	(53,091)	<u> </u>	 (209,105)		238,873
Other financing sources (uses):							
Transfers out - Debt Service Fund		(10,185)	(20,371)	50.00%	(10,185)		-
Transfers out - Health Insurance Fund		(10,968)	(10,968)	100.00%	 -		10,968
Total other financing uses		(21,153)	(31,339)	67.50%	 (10,185)		10,968
Excess (deficiency) of revenues and other financing sources over expenditures							
and other financing uses		8,615	(84,430)	-	(219,290)		227,905
Fund balance, beginning of period		917,874	917,874		 1,032,442		(114,568)
Fund balance, end of period	\$	926,489	\$ 833,444		\$ 813,152	\$	113,337

#### DETAILED SCHEDULE OF EXPENDITURES - BUDGET AND ACTUAL

For the six months ended March 31, 2011

		2011	_	 2010		nalytical
	Actual	Budget	Percent of Budget	 Actual	(D	ncrease Decrease) Prior yr.
Civic center:						
Personnel services	\$ 235,874	\$ 445,537	52.94%	\$ 207,092	\$	28,782
Operations	142,746	305,216	46.77%	169,118		(26,372)
Capital outlay	68,788	70,648	97.37%	264,104		(195,316)
	447,408	821,401	54.47%	640,314		(192,906)
Railroad museum:						
Operations	99,215	197,525	50.23%	96,329		2,886
	 99,215	197,525	50.23%	96,329		2,886
Tourism marketing:						
Personnel services	37,234	71,760	51.89%	33,116		4,118
Operations	123,457	213,155	57.92%	104,082		19,375
Capital outlay	-	10,000	0.00%	-		-
	160,691	294,915	54.49%	137,198		23,493
Totals	\$ 707,314	\$ 1,313,841	53.84%	\$ 873,841	\$	(166,527)

March 31, 2011 and 2010

ASSETS	2011	2010	Increase (Decrease)
Investments	\$ 1,240,284	\$ 1,140,104	\$ 100,180
Accounts receivable	30,979	39,428	(8,449)
Total assets	\$ 1,271,263	\$ 1,179,532	\$ 91,731
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 21,385	\$ 53,783	\$ (32,398)
Accrued payroll	27,078	19,965	7,113
Total liabilities	48,463	73,748	(25,285)
Fund balance:			
Unreserved:			
Designated for capital projects	253,881	383,681	(129,800)
Budgeted decrease in fund balance	330,691	57,608	273,083
Undesignated	681,150	557,964	123,186
Total fund balance	1,265,722	999,253	266,469
Excess revenues over expenditures YTD	(42,922)	106,531	(149,453)
Total liabilities and fund balances	\$ 1,271,263	\$ 1,179,532	\$ 91,731

#### DRAINAGE FUND

#### STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2011

		2011		2010	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Revenues:					
Drainage fee - commercial	\$ 234,611	\$ 470,000	49.92%	\$ 237,203	\$ (2,592)
Drainage fee - residential	258,781	495,300	52.25%	247,662	11,119
Interest and other	23,640	34,073	69.38%	33,129	(9,489)
Total revenues	517,032	999,373	51.74%	517,994	(962)
Expenditures: Drainage					
Personnel services	217,112	494,393	43.91%	230,447	(13,335)
Operations	104,575	510,758	20.47%	138,700	(34,125)
Capital outlay	228,356	315,002	72.49%	42,316	186,040
Total expenditures	550,043	1,320,153	41.67%	411,463	138,580
Excess (deficiency) of revenues					
over expenditures	(33,011)	(320,780)	-	106,531	(139,542)
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	(42,922)	(330,691)	-	106,531	(149,453)
Fund balance, beginning of period	1,265,722	1,265,722		999,253	266,469
Fund balance, end of period	\$ 1,222,800	\$ 935,031		\$ 1,105,784	\$ 117,016



#### 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.

	2011
ASSETS	
Cash	\$ 1,096,908
Total assets	1,096,908
LIABILITIES	
Vouchers payable	129,111
Total liabilities	129,111_
NET ASSETS	
Unrestricted	967,797
Total net assets	\$ 967,797

	2011
Operating revenues:	
Charges for services -	
Contributions:	
Employer - Active	\$ 696,221
Employer - Retirees	48,110
Employee	368,420
Retiree	128,619
COBRA	4,444
Total operating revenues	 1,245,814
Operating expenses: Purchased professional/ technical services - Claims:	
Employee	652,282
Retiree	101,901
COBRA	1,428
Stop Loss Insurance	150,061
Administrative Fee	123,305
Total operating expenses	1,028,977
Operating income (loss)	 216,837
Nonoperating revenues:	
Investment earnings	 960
Income (loss) before contributions and transfers	247 707
and transfers	217,797
Transfers in	 750,000
Change in net assets	967,797
Total net assets, beginning	 
Total net assets, ending	\$ 967,797

For the six months ended March 31, 2011

2011 % of **Actual Budget** Budget **Operating revenues:** Charges for services -Contributions: Employer - Active 696,221 \$ 1,545,592 45.05% Employer - Retirees 48,110 112,200 42.88% **Employee** 368,420 982,288 37.51% Retiree 275,002 128,619 46.77% **COBRA** 4,444 0.00% 2,915,082 Total operating revenues 1,245,814 42.74% Operating expenses: Purchased professional/ technical services Claims: **Employee** 2,785,998 23.41% 652,282 Retiree 31.58% 101,901 322,672 **COBRA** 1,428 0.00% Stop Loss Insurance 150,061 305,435 49.13% Administrative Fee 123,305 250,977 49.13% Total operating expenses 1,028,977 28.08% 3,665,082 Operating income (loss) 216,837 (750,000)-28.91% Nonoperating revenues: Investment earnings 960 0.00% Income (loss) before -29.04% contributions and transfers 217,797 (750,000)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% 9,911 9,911 100.00% Drainage Fund 750,000 750,000 100.00% Change in net assets 967,797 Total net assets, beginning 967,797 \$ Total net assets, ending

### Capital Projects

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 Froceeds		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	\$	3,718,810	\$	3,714,690	\$	4,120
F-3	2006 & 2008 Utility Revenue Bond Issue (Fund 561)	Various Utility Infrastructure Improvements		53,680,026		55,469,982		55,267,123		202,859
F-4	2006 & 2008 Combination Tax & Revenue CO Issue (Fund 361)	Various General Government Capital Improvements		24,046,141		25,190,443		24,749,408		441,035
F-5	2008 GO Bond Issue (Fund 362)	Parks & Recreation		9,975,372		10,376,588		10,376,280		308
F-6	2008 Reinvestment Zone CO Issue & TIRZ Taxable Revenue Issue (Fund 795)	Various Reinvestment Zone Infrastructure Improvements		26,375,000		27,495,807		27,495,062		745
F-7	2009 GO Bond Issue (Fund 363)	Public Safety		13,995,000		14,018,470		10,588,885		3,429,585
			\$ 1	31,621,539	\$	136,270,100	\$	132,191,448	\$	4,078,651

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.

Expenditures			Revenue & Bond F	Proceeds	
Construction in Progress					
Expenditures	\$	3,714,690	Original Issue {November 2005}	\$	3,550,000
Encumbrances as of 3/31/11	(1)	-	Interest Income		87,335
Estimated Costs to Complete Projects		-	Reimbursement from TxDot		81,475
	\$	3,714,690		\$	3,718,810

			**Detail of (	Construc	tion Costs	S**				
Project		li	otal Costs ncurred & ncumbered	Co	imated osts to nplete		Total	. <u> </u>	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		-		59,375		-	59,375
		\$	3,714,690	\$	-	\$	3,714,690	\$	3,550,000	\$ 164,690

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

<sup>\*</sup> Project Final

For the period beginning October 11, 2006 and ending March 31, 2011

Expenditures							
Construction in Progress							
Expenditures	¢	25 029 572					
'	Ф	35,938,572					
Encumbrances as of 3/31/11	(1)	4,240,389					
Estimated Costs to Complete Projects		15,088,162					
	\$	55,267,123					

Revenue & Bond Proceeds								
Original Issue {October 2006} CIP FY 2007	\$	20,510,000						
Additional Issue (July 2008) CIP FY 2008		15,030,000						
Additional Issue {August 2010} CIP FY 2010		17,210,000						
Issuance Premium		603,749						
Issuance Premium		313,954						
Issuance Premium		12,323						
Interest Income		1,668,046						
Reimbursement due from TxDOT		1,930,139						
Capitalized Interest Expense		(1,808,229)						
	\$	55,469,982						

#### **Detail of Construction Costs**

		BUDGET						ACTUAL					
	-			Adjustments				Т	otal Costs		Estimated		Total
			Original	to Original		Α	djusted	ı	ncurred &		Costs to	D	esignated
Project			Budget	Budget		В	udgeted	ı Er	ncumbered	_	Complete	Pr	oject Cost
Bond Issue Costs	*	\$	323,249	\$ -		\$	323,249	\$	323,249	\$	_	\$	323,249
Bond Issue Costs	*	Ψ	353,455	-		*	353,455	*	353,455	Ψ	_	•	353,455
Bond Issue Costs	*		119,500	_			119,500		119,500		_		119,500
CIP Management Personnel Costs			-	352,89			352,891		352,154		737		352,891
Loop 363/31st Street Utility Relocation	*		3.200.000	1,205,746			4,405,746		4,405,746		-		4,405,746
FM 2305 Water Line Relocation	*		2,700,000	(189,019			2,510,981		2,510,981		-		2,510,981
US 190 Water Line Relocation	*		435,000	(189,274	, 1)		245,726		245,726		-		245,726
Westfield Wastewater Line Extension	#		300,000	(300,000	))		-		-		-		-
West Temple Utility Extension North of FM2305			6,450,000	(644,863	3)		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	6)		2,145,674		2,145,890		-		2,145,890
FM 2305 Wastewater Line Extension	*		2,100,000	88,888	3		2,188,888		2,121,731		-		2,121,731
Doshier Farm Screen Drum & Drive Improvements	*		350,000	(9,109	9)		340,891		340,891		-		340,891
WTP Membrane Permanent Sludge Disposal System			3,665,000	227,203	3		3,892,203		3,891,849		354		3,892,203
WTP Membrane Facility Replacement Parts	*		345,000	(80,789	9)		264,211		264,211		-		264,211
Nugent Elevated Tank Refurbishment	#		420,000	(420,000	))		-		-		-		-
Doshier Farm Aerator Drive Bearing Replacements	*		110,000	129,040	)		239,040		239,039		-		239,039
WTP Membrane Facility Emergency Generators	*		1,000,000	515,600	)		1,515,600		1,486,419		-		1,486,419
18" Waterline Replacement from WTP to Ave H (Ph1)	#		1,500,000	(1,500,000	))		-		-		-		-
876' Pressure Plane Expansion			200,000	-			200,000		139,280		60,720		200,000
Williamson Creek Lift Station Improvements	*		260,000	(49,986	6)		210,014		210,014		-		210,014
													(Continued)

UTILITY SYSTEM REVENUE BONDS 2006, 2008, 2010 - WATER/SEWER CAPITAL PROJECTS FUND - 561

For the period beginning October 11, 2006 and ending March 31, 2011

#### **Detail of Construction Costs**

		BUDGET			ACTUAL	
		Adjustments		Total Costs	Estimated	Total
	Original	to Original	Adjusted	Incurred &	Costs to	Designated
Project	Budget	Budget	Budgeted	Encumbered	Complete	Project Cost
				l		
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	4,224,311	275,689	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	652,056	1,947,944	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	569,748	30,252	600,000
Pepper Creek Tank Rehabilitation	600,000	-	600,000	291,592	308,408	600,000
Pea Ridge Lift Station Rehabilitation	1,000,000	-	1,000,000	143,200	856,800	1,000,000
WTP- Generator Project (Phase 2)	3,500,000	-	3,500,000	179,980	3,320,020	3,500,000
Temple Belton Regional Sewerage System	2,250,000	-	2,250,000	63,313	2,186,687	2,250,000
Waterwater Line Replacement-French Ave	1,200,000	-	1,200,000	892,113	307,887	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		\$ 55,438,708	\$ 40,178,961	\$ 15,088,162	\$ 55,267,123

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

Remaining (Needed) Funds

202,859

<sup>\*</sup> Project Final

<sup>#</sup> Funding for project reallocated - project was either deleted from the FY 2008 CIP list or proposed to be funded in a future year.

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 March 31, 2011

# Expenditures Construction in Progress \$ 19,804,546 Expenditures \$ 19,804,546 Encumbrances as of 3/31/11 (1) 4,603,389 Estimated Costs to Complete Projects 341,472 \$ 24,749,408

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	 794,760
	\$ 25,190,443

Revenue & Bond Proceeds

#### **Detail of Construction Costs**

		BUDGET						ACTUAL					
	ı		Adjustn	nents			To	tal Costs	Esti	mated		Total	
		Original	to Orig	inal	Α	djusted	In	curred &	Co	sts to	De	signated	
Project		Budget	Budget		Budgeted		Encumbered		Complete		Project Cost		
Bond Issue Costs	*	\$ 220,000	\$ (1	4,457)	\$	205,543	\$	205,543	\$	_	\$	205,543	
Bond Issue Costs	*	291,141	•	9,500		300,641		301,698		-		301,698	
CIP Management Personnel Cost	*	-	8	1,158		81,158		80,891		-		80,891	
Airport Wash Rack	*	100,000	(4	1,871)		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	(23	4,459)		565,541		565,540		-		565,540	
Pepper Creek Drainage Improvements-Crescent/Sundan	*	600,000	(5	8,542)		541,458		541,458		-		541,458	
Hog Pen Creek Drainage Improvements	#	100,000	(10	0,000)		-		-		-		-	
Lake Thornton Dam Improvements	*	380,000	7	8,066		458,066		458,066		-		458,066	
Facility Rehabilitations (Note 2)		1,300,000	3)	8,852)		1,211,148		1,095,697		115,451		1,211,148	
Fire Department Digital Radios	*	105,000	8	4,908		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	(17	7,009)		422,991		407,006		-		407,006	
Emergency Operations Infrastructure	*	450,000	(6	5,854)		384,146		384,146		-		384,146	
Fleet Washing Facility	*	250,000	(23	2,639)		17,361		17,361		-		17,361	
Wireless Municipal Broadband Network - Phase 1	*	150,000	(1	6,773)		133,227		133,227		-		133,227	
SCADA Network	*	95,000	4	7,390		142,390		142,390		-		142,390	
Library Building Improvements	**	995,000	59	2,153		1,587,153		1,576,022		11,131		1,587,153	
Wilson Park Sewer Improvements	*	190,000	(1	1,905)		178,095		178,094		-		178,094	
Lions Park Restroom Improvements	*	190,000	(2	5,370)		164,630		164,630		-		164,630	
Baker Field Facility Improvements	*	250,000	2	4,713		274,713		274,715		-		274,715	
												(Continued)	

COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION 2006 & 2008 - CAPITAL PROJECTS BOND FUND - 361

For the period beginning October 11, 2006 and ending March 31, 2011

#### **Detail of Construction Costs**

			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	(10,700)	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
ŭ		,	558,944	ŕ	,	100 404	•
Traffic Signals (based on warrant studies)  Stonegate III Drainage Improvements - oversizing		215,000	86,950	773,944 86,950	591,513 86,950	182,431	773,944 86,950
0 0 1	*	-	,	,	•	-	,
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
West Temple Parkland		721,423	-	721,423	721,423	-	721,423
NW Loop 363 Expansion	*	1,890,000	-	1,890,000	1,887,605	-	1,887,605
Intersection Enhancements	*	135,000	(2,454)	132,546	132,546	-	132,546
1st Street Gateway		470,000	-	470,000	273,041	32,459	305,500
Tarver Road Extension	٨	1,360,000	(1,204,220)	155,780	155,780	-	155,780
Highway 93/Hartrick Bluff Connectors	٨	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	-	1,906,612
Friars Creek Trail	*	-	42,079	42,079	31,515	-	31,515
Reconstruction of 5th Street from Barton to Calhoun	*	-	302,499	302,499	304,499	-	304,499
Northwest Loop 363 Improvements			4,648,589	4,648,589	4,648,589	-	4,648,589
		\$ 23,772,564	\$ 1,167,498	- \$ 24,940,062	\$ 24,407,936	\$ 341,472	\$ 24,749,408
					Remaining (Needs	ed) Funds	\$ 441,035

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.

<sup>\*</sup> Project Final
\*\* Substantially Complete

<sup>#</sup> Funding for project reallocated-project was either deleted from the FY 2006 CIP list or poposed to be funded in a future year.

<sup>~</sup>Funding for project reallocated for Northwest Loop 363 Improvements

Expenditures			Revenue & Bond Prod	eeds
Construction in Progress				
Expenditures	\$	10,285,160	Original Issue (July 2008)	\$ 9,660,000
Encumbrances as of 3/31/11	(1)	91,120	Net Offering Premium	315,372
Estimated Costs to Complete Projects			Interest Income	92,349
	\$	10,376,280	Reimbursement from Lions Club	200,000
			Transfer in-General Fund (Golf Course)	108,867
				\$ 10,376,588

Project		I	Total Costs ncurred &	Co	imated osts to nplete	 Total	 Original Estimate	er/(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			570,622		-	570,622	350,000	220,622
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

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

<sup>\*</sup> Project Final

<sup>\*\*</sup>Substantially Complete

TIRZ TAXABLE REVENUE BONDS 2008 - REINVESTMENT ZONE NO. 1 FUND - 795 For the period beginning July 8, 2008 and ending March 31, 2011

Expenditures	3		Revenue & Bond Proceeds			
Construction in Progress						
Expenditures	\$	26,554,332	Original Issue-Certificate of Obligation Bonds, Series 2008	\$	16,010,000	
Encumbrances as of 3/31/11	(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		283,104	
		·		\$	27,495,807	

			**Detail o	of Const	ruction Costs	**			
Project		lı	otal Costs ncurred & ncumbered	c	timated costs to emplete		Total	Original Estimate	er/(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).

<sup>\*</sup> Project Final

<sup>\*\*</sup> Substantially Complete

Expenditures				Revenue & Bond F	Proceeds	
Construction in Progress						
Expenditures		\$	8,923,331	Original Issue {November 2009}	\$	13,995,000
Encumbrances as of 3/31/11	(1)		934,397	Interest Income		23,470
Estimated Costs to Complete Projects			731,158		\$	14,018,470
	_	\$	10,588,885			

		**Deta	I of Construction	Costs**			
Project		Total Costs Incurred & Encumbered	Estimate Costs to	•	Total	Original Estimate	Over/(Under) Budget
Bond Issue Costs	*	\$ 69,36	67 \$	- \$	69,367	\$ 83,100	\$ (13,733)
Fire Station #1	(2)	4,663,66	62 9,	226	4,672,888	7,361,311	(2,688,423)
Fire Station #8		3,303,9	32 721,	932	4,025,864	4,905,589	(879,725)
Fire Engine #8 with air packs	*	548,09	91	-	548,091	565,000	(16,909)
Fire Engine #1	*	536,7	70	-	536,770	540,000	(3,230)
Fire Engine #4	*	537,69	95	-	537,695	540,000	(2,305)
SCBA Upgrade	*	21,8	10	-	21,810	-	21,810
Designated Grant Match		176,4	00		176,400		
	<u>.</u>	\$ 9,857,72	27 \$ 731,	158 \$	10,588,885	\$ 13,995,000	\$ (3,582,515)

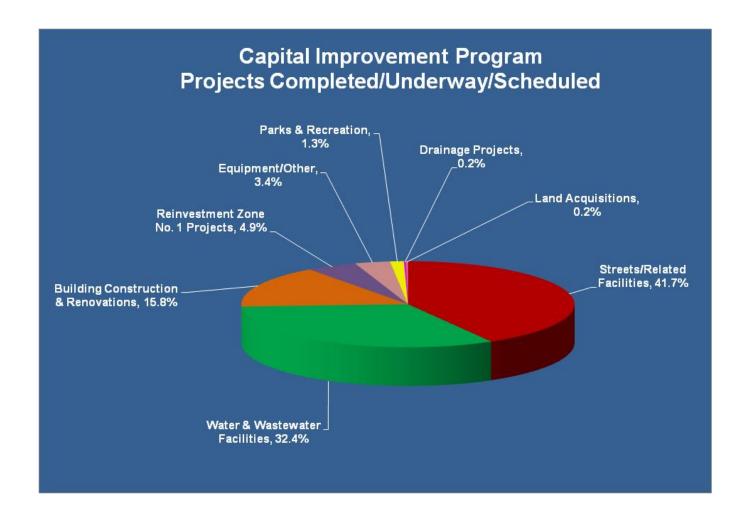
Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

Note (2): Savings of \$2.5M on Fire Station #1 will not be needed to complete construction.

<sup>\*</sup> Project Final

<sup>\*\*</sup>Substantially Complete

Streets/Related Facilities	\$ 45,549,659
Water & Wastewater Facilities	35,410,782
Building Construction & Renovations	17,274,389
Reinvestment Zone No. 1 Projects	5,373,662
Equipment/Other	3,746,930
Parks & Recreation	1,450,870
Drainage Projects	243,069
Land Acquisitions	 189,180
Total of Capital Improvement Projects Underway/Scheduled	\$ 109,238,541



Project	Funding	Acct#	Pro	oject 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	\$	422,991	\$	407,006	Complete	Dec-10
New Fire Station No. 1 / Admin Building-Phase II- Final Design & Construction	GO-09	363-2200-522-6850	\$	4,672,888	\$	4,663,662	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	\$	3,303,932	Construction	Jun-11
HOP Bus Shelters	CDBG	260-6100-571-6310	\$	45,000	\$	32,711	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	\$	11,452	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	\$	15,970	Planning	Apr-11
Repair Damaged Soffit and prevent water penetration at PALS Office	BUDG-11	110-5924-519-6310	\$	35,000	\$	7,079	Planning	Apr-11
Police Headquarters Renovations	Limited Tax Notes	364-2000-521-6855 364-2000-521-2623	\$	7,600,000	\$	3,166,919	Construction	Nov-11
Hawn Hotel {Asbestos Abatement}	Grant	260-3300-519-6310	\$	158,351	\$	158,547	Complete	Jan-11
Replace HVAC Cooling Towers-Library	BUDG-11	110-5940-555-6310	\$	52,995	\$	52,995	Construction	May-11
Total Building Construction & Renovations			\$	17,274,389	\$	11,918,589		
FY 2010 Drainage Improvements-Las Moras/Midway/Montana Storm Drain	Drainage	292-2900-534-6312	\$	141,119	\$	127,840	Complete	Nov-10
Vehicle Washbay Cover	Drainage	292-2900-534-6310	\$	15,000	\$	14,929	Complete	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			\$	243,069	\$	229,719		
IT-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	Complete	Mar-11
Aerial Photography	DESCAP	351-1900-519-6241	\$	71,131	\$	71,131	Construction	Sep-11
			\$	66,505	\$	65,182	Complete	Feb-11
Telephone System Upgrades	DESCAP	351-1900-519-6224	*					
Replace 1996 Ford Taurus with a Crew Cab Pickup-Asset	DESCAP BUDG-11	351-1900-519-6224 110-5900-522-6213	\$	29,200	\$	20,142	Ordered	Apr-11
Replace 1996 Ford Taurus with a Crew Cab Pickup-Asset # 10120				29,200		20,142		Apr-11 May-11
Replace 1996 Ford Taurus with a Crew Cab Pickup-Asset # 10120 Replace 1995 1/2 Ton Truck-asset #9991	BUDG-11	110-5900-522-6213	\$	,	\$		Ordered	
Telephone System Upgrades  Replace 1996 Ford Taurus with a Crew Cab Pickup-Asset # 10120  Replace 1995 1/2 Ton Truck-asset #9991  Replace 1997 1/2 Ton Truck-Asset #10208  Replace 1999 1-ton Truck w/Stake Bed- Asset #10450	BUDG-11 BUDG-11	110-5900-522-6213 110-5935-519-6213	\$	18,591	\$	18,591	Ordered Ordered	May-11

## CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL March 31, 2011

Project	Funding	Acct#	Pro	ject Budget	Actual Commit / Spent	Status	Scheduled Completion
Replace 2000 For Taurus- Asset #10649	BUDG-11	110-5935-552-6213	\$	15,205	\$ 15,204	Complete	Feb-11
Marked Unit Replacement (10)	BUDG-11	110-2000-521-6213	\$	350,000	\$ 280,185	Ordered	Apr-11
Replace 2001 1/2 ton Truck-Asset #10636	BUDG-11	110-5900-540-6213	\$	18,591	\$ 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	\$	550,209	\$ 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	\$	52,109	\$ 52,109	Ordered	Apr-11
Replace two 1995 Backhoes- Asset # 9947 and 10259 with one backhoe	BUDG-11	110-5900-531-6220	\$	86,607	\$ 81,875	Complete	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	\$	63,356	\$ 63,356	Ordered	Jul-11
Repair Rotted Trusses at Visitor Center	Hotel/Motel	240-4600-551-6310	\$	10,000	\$ -	Planning	Jun-11
Purchase Used Vactor Truck from Sewer Collection	Drainage	292-2900-534-6220	\$	40,500	\$ -	Planning	Jun-11
Replace 1995 Excavator- Asset #10025	Drainage	292-2900-534-6220	\$	130,000	\$ 122,409	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	Jun-11
Interactive Voice Response (IVR) System	BUDG-U	520-5800-535-6221	\$	96,990	\$ 96,990	Complete	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
Server for phone system	DESCAP	351-1900-519-6224	\$	22,000	\$ -	Planning	Jun-11
Traffic Signal-Canyon Creek & Lowes	CO-06	361-2800-532-6810	\$	71,097	\$ 62,611	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	\$	70,648	\$ 70,648	Complete	Mar-11
SCBA Upgrades-Fire	GO-09	363-2200-522-6856	\$	21,900	\$ 21,810	Complete	Mar-11
ArcGIS Upgrades	DESCAP	351-1900-519-6221	\$	23,500	\$ 23,403	Complete	Mar-11
Replace 1/2 ton Truck	BUDG-11	110-5900-540-6213	\$	22,500	\$ 22,153	Ordered	Jun-11
SolarWinds Mgmt Software	DESCAP	351-1900-519-6221	\$	6,000	\$ 5,933	Complete	Mar-11
Total Equipment/Other			\$	3,746,930	\$ 3,452,310	·	1
Kegley Road ROW Acquisition. (No \$'s for construction)	DESCAP	351-3400-531-6110	\$	189,180	\$ 9,340	Planning	TBD
Total Land Acquisitions			\$	189,180	\$ 9,340		
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	\$ 8,518	Construction	Jun-11

## CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL March 31, 2011

Project	Funding	Acct#	Project Budget	Ad	ctual Commit /	Status	Scheduled Completion
Golf Course Improvements	BUDG11	110-3120-551-6310	\$ 12,212	\$	12,212	Construction	Jun-11
Hamilton Park Bridge	CDBG	260-6100-571-6516	\$ 75,000	\$	66,819	Planning	TBD
Phase III of the Canyon Creek, Blackland, South 5th Street Boulevard Island Beautification Project	BUDG10	110-5935-552-6318	\$ 73,604	\$	73,575	Substantially Complete	Mar-11
Friar's Creek Trail (DOE Grant)- 5th Street to Scott & White Blvd	CO-08	361-3400-531-6834	\$ 47,100	\$	33,708	Engineering	Nov-11
Friar's Creek Trail {DOE Grant}-5th Street to Scott & White Blvd	GRANT	260-1100-522-6316	\$ 413,000	\$	35,400	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	\$	300	Planning	May-11
Parks Deferred Maintenance	DESCAP	351-3500-552-2311 351-3500-552-2324	\$ 219,163		80,911	Planning	TBD
Demolition of Lions Pool	2008 GO	362-3200-551-2631	\$ 14,440	\$	14,440	Complete	Dec-10
Total Parks & Recreation			\$ 1,450,870	\$	896,505		
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	\$ 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	\$	97,200	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	\$ 50,000	\$	-	Planning	TBD
Ave U-Scott & White to 1st/13th- 17th	RZ	795-9500-531-6555	\$ 350,000	\$	-	Planning	TBD
Rail Safety Study	RZ	795-9500-531-2539	\$ 25,000	\$	25,000	In Progress	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	\$	25,000	In Progress	Jun-11
TMED- 1st Street @ Looop 363	RZ	795-9500-531-6551	\$ 300,000	\$	185,000	Engineering	TBD
Demolition of Nadine Apartments and Old Perry's Building	RZ	795-9500-531-2631	\$ 90,000	\$	42,795	Complete	Jan-11
Master Plan Integration	RZ	795-9500-531-2616	\$ 50,000	\$	50,000	In Progress	Jun-11
Monumentation Identification Conceptual Design	RZ	795-9500-531-2616	\$ 30,000	\$	30,000	In Progress	Jun-11
Total Reinvestment Zone No. 1 Projects			\$ 5,373,662	\$	1,088,145		
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

## CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL March 31, 2011

Project	Funding	Acct #	Project Budget	А	ctual Commit / Spent	Status	Scheduled Completion
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	\$ 172,534	\$	58,309	Planning	TBD
Transitional Housing Facility	CDBG	260-6100-571-6110	\$ 150,000	\$		Planning	Oct-11
FM 2305 Hike & Bike Trail	BUDG-11	110-5935-552-6316	\$ 23,500	\$	23,395	Complete	Mar-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	\$	304,499	Substantially Complete	Dec-10
Northwest Loop 363 Improvements {PTF}	CO-08	361-3400-531-2588	\$ 4,648,589	\$	4,648,589	Engineering	Jan-15
Safe Routes to School-Lakewood	GRANT	260-3400-531-6315	\$ 602,070	\$	90,162	Engineering	Feb-12
Safe Routes to School-Bonham	GRANT	260-3400-531-6315	\$ 604,779	\$	87,462	Engineering	Feb-12
Runway Reconstruction 02/20	Grant	260-3600-560-6524	\$ 645,000	\$	_	Engineering	TBD
Northwest Loop 363 Improvements {PTF} -(\$20,000,000 Category 12)	TxDOT/PTF Bonds		\$ 35,275,288	\$		Engineering	Jan-15
Total Streets/Related Facilities			\$ 45,549,659	\$	7,979,250		
876' Pressure Plan Expansion	UR-06	561-5200-535-6923	\$ 200,000	\$	139,280	Complete	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	\$	4,224,311	Construction	May-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	\$	3,891,849	Construction	May-11
South Temple Water System Improvements: Pipeline, Storage Tank, and Pump Station	UR-08	561-5200-535-6909	\$ 2,600,000	\$	652,056	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	BUDG-U	520-5200-535-6357	\$ 210,000	\$	209,000	Substantially Complete	Dec-10
Bellaire Waterline Relocation	Util RE	520-5900-535-6357	\$ 456,762	\$	448,891	Substantially Complete	Dec-10
Sewer Line Replacement- S Main St to S 1st	BUDG-U	520-5400-535-6359	\$ 28,198	\$	28,198	Complete	Nov-10
Vent Hood Replacement in Conventional Lab @ WTP	BUDG-U	520-5100-535-6310	\$ 30,000	\$	11,020	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	\$	63,313	Planning	TBD
Steeplechase Lift Station-Convert existing station to submersible pumps	Util RE	520-5900-535-6611	\$ 465,210	\$	465,210	Construction	Aug-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	\$	892,113	Construction	Jun-11

(Continued)

## CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL March 31, 2011

Project	Funding	Acct#	Project Budget	Ľ	Actual Commit / Spent	Status	Scheduled Completion
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	\$ 247,261	\$	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	\$	55,970	Construction	Jun-11
Wastewater Line Replacement- West Killen, West Welton between N main & 3rd Street	Util RE	520-5900-535-6361	\$ 268,109	\$	230,005	Construction	Jun-11
Centex Sportsman Road Waterline	Util RE	520-5900-535-6357	\$ 495,839	\$	494,839	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	Complete	Feb-11
Sewer Line Replacement between S 17th & S 19th Street	BUDG-U	520-5400-535-6359	\$ 4,337	\$	4,336	Complete	Feb-11
Pepper Creek Tank Rehabilitation	UR- 10	561-5100-535-6904	\$ 600,000	\$	291,592	Construction	May-11
Taylor Tank Rehabilitation	UR- 10	561-5100-535-6904	\$ 600,000	\$	569,747	Construction	May-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
Sewer Line Replacement-Zenith Avenue	BUDG-U	520-5400-535-6359	\$ 99,352	\$	-	Planning	Oct-11
Sewer Line Replacement-Ave H and Open Field	BUDG-U	520-5400-535-6359	\$ 27,017	\$	16,885	Complete	Dec-10
Sewer Line Replacement-Barton Ave	BUDG-U	520-5400-535-6359	\$ 88,180	\$	16,917	Construction	Jun-11
Sewer Line Replacement-Dunbar Road and Ave M & N	BUDG-U	520-5400-535-6359	\$ 126,577	\$	24,182	Substantially Complete	Dec-10
Repair and Replacement of Pumps, Drives, and Valves	BUDG-U	520-5100-535-6310	\$ 118,225	\$	42,702	Complete	Feb-11
Replace Mixed Media Filters 7 & 8	BUDG-U	520-5100-535-6310	\$ 120,000	\$	110,247	Construction	Apr-11
Rehabilitate Clarifier #4	BUDG-U	520-5100-535-6310	\$ 130,000	\$	89,797	Construction	Apr-11
Replace flocculation mixers	BUDG-U	520-5100-535-6310	\$ 71,775	\$	71,775	Complete	Mar-11
Replace lagoon actuators	BUDG-U	520-5100-535-6310	\$ 80,000	\$	44,336	Complete	Mar-11
Rehabilitation of Pea Ridge LS (Larger Pumps, Upsize of FM)	UR- 10	561-5400-535-6905	\$ 1,000,000	\$	143,200	Engineering	Jul-11
Water Line Replacement-Calhoun Ave	BUDG-U	520-5200-535-6357	\$ 25,097	\$	25,096	Complete	Oct-10
WTP-Generator Project (Phase 2)	UR- 10	561-5100-535-6906	\$ 168,500	\$	168,500	Engineering	Sep-11
Utilities Relocation-Northwest Loop 363 Improvements {PTF}	UR-08	561-5200-535-6940	\$ 4,244,000	\$	473,990	Engineering	Jan-15
I-35 Utility Relocation Project {North Loop 363 to northern Temple city limits}	TxDOT	520-5900-535-6618	\$ 193,240	\$	193,240	Engineering	TBD
F35 Utility Relocation Project (South Loop 363 to Nugent)	TxDOT	520-5900-535-6618	\$ 126,690	\$	126,690	Engineering	TBD
I-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
Water Line Replacement- RR near Ave D & 14th Street	BUDG-11	520-5200-535-6357	\$ 47,186	\$	46,686	Complete	Mar-11
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
Waterline Replacement along Poison Oak from Pea Ridge to Ridgeway (720 Pressure Plane Expansion)	Util RE		\$ 525,000	\$	-	Planning	TBD

\$ 109,238,541 \$ 44,901,993

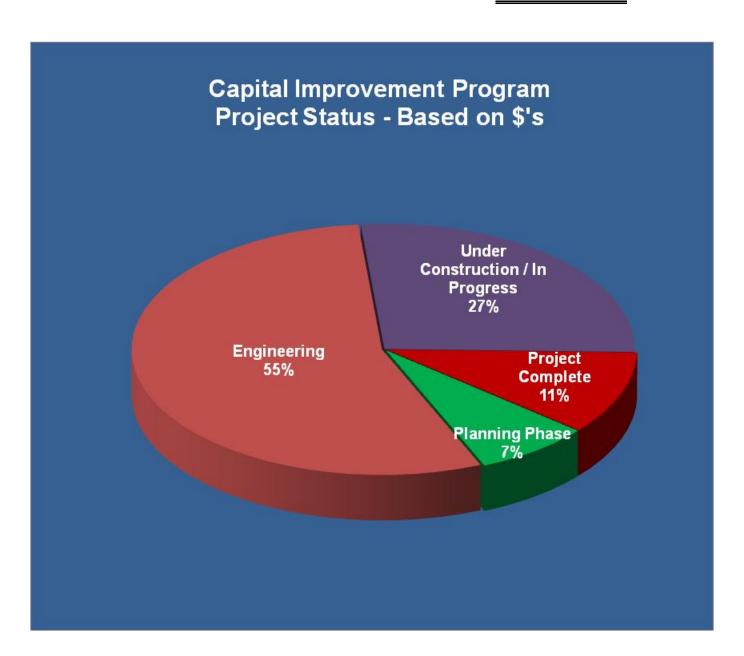
\$ 35,410,782 \$ 19,328,135

Total Water & Wastewater Facilities

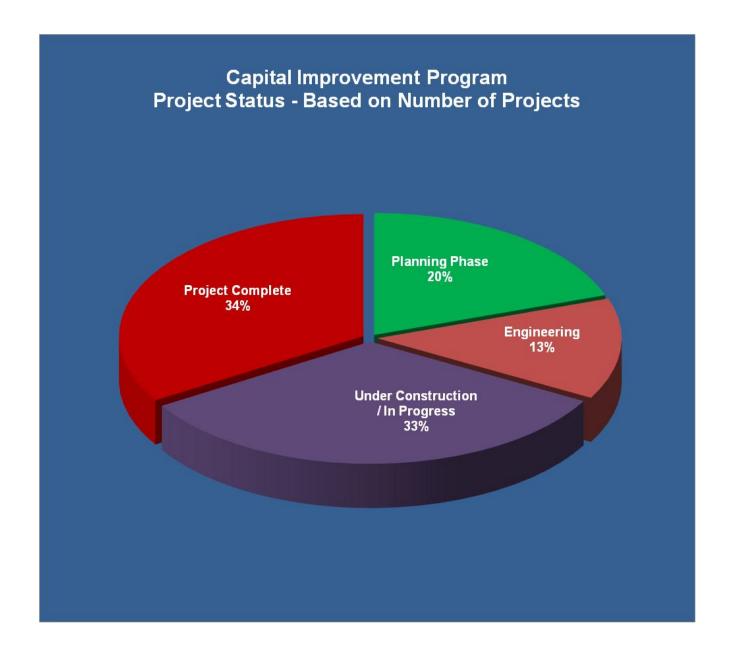
Total Capital Projects

Planning Phase	\$ 8,148,129
Engineering	60,035,193
Under Construction / In Progress	29,331,890
Project Complete	11,723,329

Total Estimated Costs of City Funded Projects \$ 109,238,541

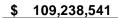


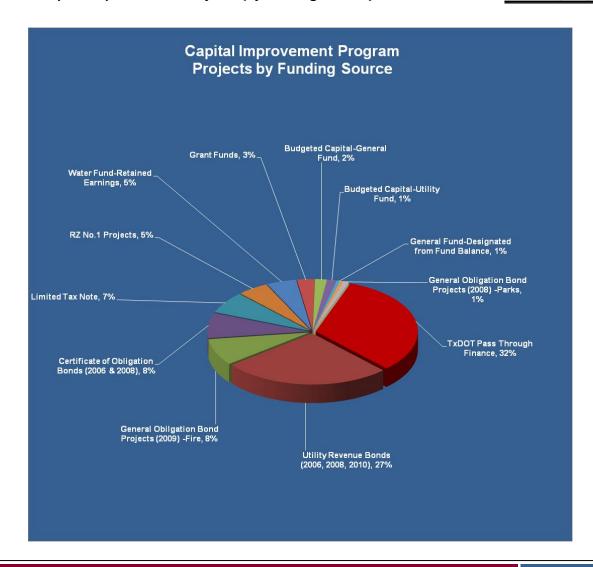
Planning Phase	28
Engineering	21
Under Construction / In Progress	45
Project Complete	48
Total Number of Capital Improvement Projects	142

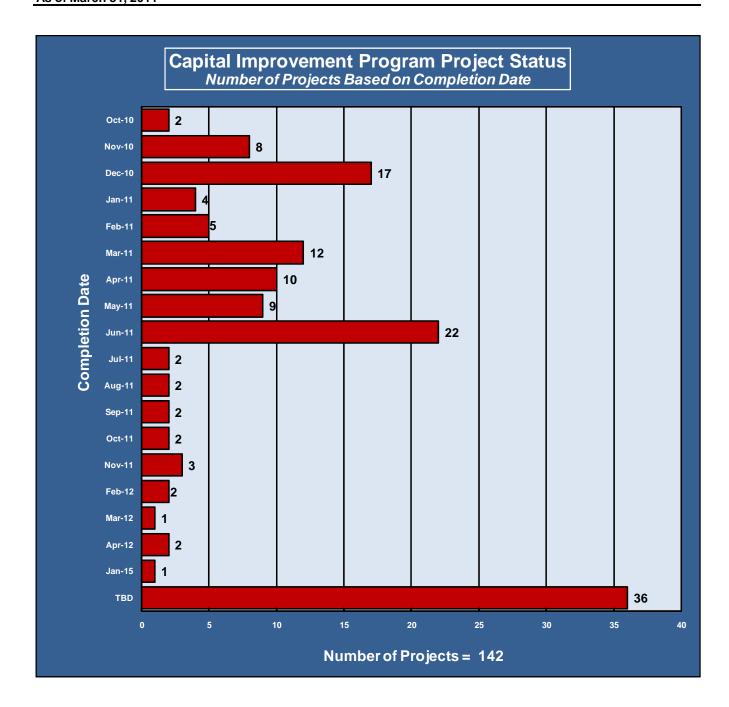


TxDOT Pass Through Finance Utility Revenue Bonds (2006, 2008, 2010) General Obilgation Bond Projects (2009) -Fire Certificate of Obligation Bonds (2006 & 2008) Limited Tax Note Reinvestment Zone No. 1 Projects Water Fund-Retained Earnings Grant Funds Budgeted Capital-General Fund Budgeted Capital-Utility Fund	\$ 35,275,288 29,012,952 9,269,286 8,794,641 7,600,000 5,373,662 5,185,766 3,028,946 2,039,498 1,607,248
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General Fund-Designated from Fund Balance	622,794
General Obligation Bond Projects (2008) -Parks	585,073
TxDOT Agreements	406,120
Drainage Fund-Designated from Fund Balance	356,619
Hotel-Motel Fund-Designated from Fund Balance	 80,648



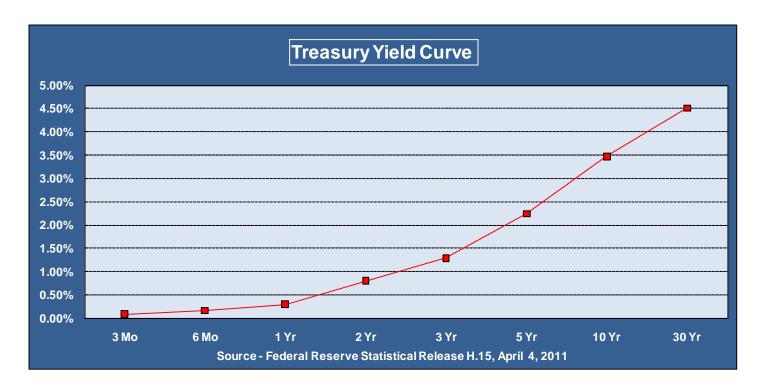


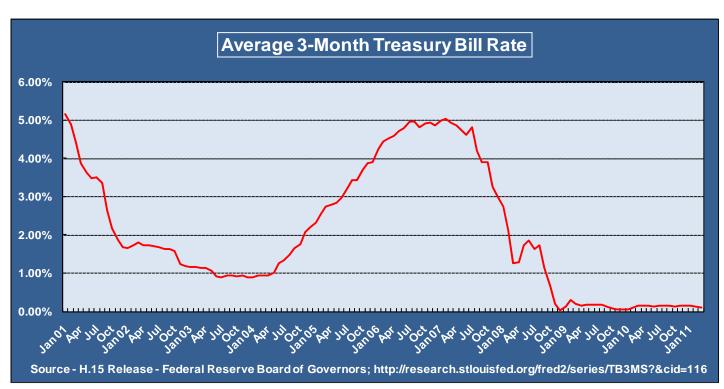




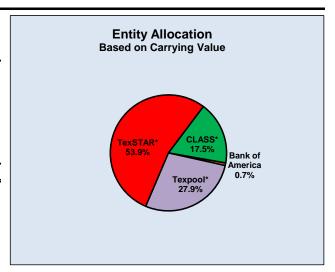


The Public Funds Investment Act, Chapter 2256 of the Texas Government Code, requires the investment officer to prepare and submit a written report of investments to the governing body of the entity not less than quarterly.





	Carrying <u>Value</u>	Bank Balance/ Fair Value
<b>Entity Allocation</b>		
Bank of America	\$ 799,794	\$ 877,374
Texpool*	30,748,353	30,748,353
TexSTAR*	59,373,389	59,373,389
CLASS*	19,298,046	19,298,046
Gov't Securities		
	\$ 110,219,582	\$ 110,297,162

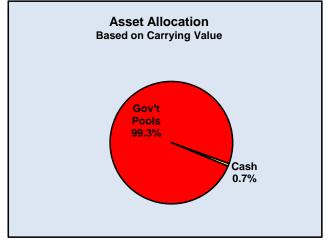


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Value	Fair Value
	· ·
\$ 799,794	\$ 877,374
109,419,788	109,419,788
-	-
\$ 110,219,582	\$ 110,297,162
	\$ 799,794 109,419,788 - -

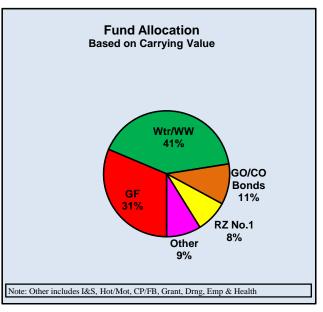
Carrying

Bank Balance/

% of



	Carrying	Carrying
	Value	Value
Fund Allocation		
General Fund (GF)	\$ 34,562,282	31.36%
Water & Wastewater (Wtr/WW)	45,335,576	41.13%
GO Interest & Sinking (I&S)	6,433,418	5.84%
Hotel / Motel (Hot/Mot)	978,412	0.89%
Capital Projects - GO/CO Bond		
Program (GO/CO Bonds)	11,492,350	10.43%
Capital Projects - Designated		
Fund Balance (CP/FB)	79,476	0.07%
Federal / State Grant Fund (Grant)	(121,733)	-0.11%
Drainage (Drng)	1,240,284	1.13%
Employee Benefits Trust (Emp)	39,913	0.04%
Health Insurance Fund (Health)	1,096,908	1.00%
Reinvestment Zone No.1 (RZ No.1)	9,082,696	8.24%
	\$ 110,219,582	100.00%



<sup>\*</sup> The City's investments in local government investment pools are stated at carrying value, which also represents the value of the investments upon withdrawal.

Accordingly, carrying and fair value are reported as the same amount.

March 31, 2011

Туре	Par Value	Term* (Days)	Yield %	Maturity Date	Carrying Value	Fair Value	Fair vs Carrying
Texpool	\$ 30,748,353	64	0.1500	_	\$ 30,748,353	\$ 30,748,353	\$ -
TexSTAR	59,373,389	67	0.1408	_	59,373,389	59,373,389	-
CLASS	19,298,046	41	0.1700	-	19,298,046	19,298,046	-
Bank of America	799,794	1	0.3000	-	799,794	877,374	N/A
	\$ 110,219,582			_	\$ 110,219,582	\$ 110,297,162	\$ -

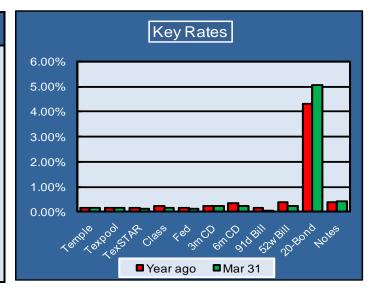
Fair Value as a % of Carrying Value

100.00%

#### Weighted Average

0.15% Yield Maturity 61.13 Days

Key Rates: Cash Markets *		
Rate	Year ago	Mar 31
City of Temple	0.17	0.15
Texpool	0.16	0.15
TexSTAR	0.16	0.14
Class	0.23	0.17
Fed funds	0.18	0.14
CDs: Three months	0.25	0.23
CDs: Six months	0.35	0.25
T- bill 91-day yield	0.17	0.05
T- bill 52-week yield	0.40	0.24
Bond Buyer 20- bond		
municipal index	4.32	5.06
Tax-exempt notes	0.40	0.44
*Source - GFOA Treasury Managemen	nt - April 2011	Issue



Traci L. Barnard **Director of Finance**  Stacey Reisner **Treasury Manager** 

<sup>\*</sup> The term reported for the City's investments in local government investment pools is stated as the pools weighted average maturity in days.

# Supplemental Information

### Supplemental Information includes ....

Fund Balance Reserves/Designations – General Fund	76
Expenditures of Federal and State Awards	78
Awards of Federal & State Grants by Project Type	80
Hotel/Motel Tax Receipts by Reporting Entity	81
Historical Sales Tax Revenue by Month	82
Parks Escrow Deposits by Addition Name	83
Redevelopment Grants and Incentive Programs within	
Strategic Investment Zones (SIZ)	85

				Council	uncil Approved			
					Ар	propriation		
	Balance 10/01/10					Increase		Balance
			Rea	llocation	(	Decrease)	03/31/11	
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		(64,500)		290,400
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)		(169,115)		327,608
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		<u>-</u>		(75,000)		
TOTAL - PROJECT SPECIFIC		2,688,147		(112,600)		(2,247,939)		327,608
DESIGNATED FOR CAPITAL PROJECTS -								
***UNALLOCATED***		2,941,905		112,600		(341,216)		2,713,289
TOTAL DESIGNATED FOR CAP PROJECTS	\$	5,630,052	\$		\$	(2,589,155)	\$	3,040,897
							(	Continued)

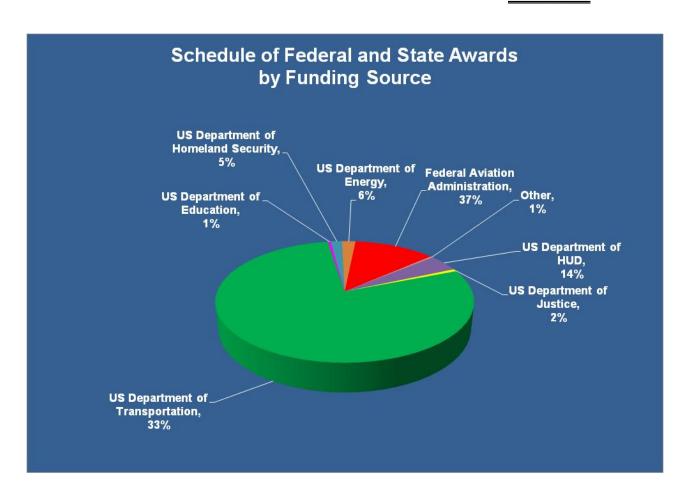
				Council	Appro	oved	
					Ар	propriation	
	I	Balance				Increase	Balance
	10/01/10		Reallo	cation	(	Decrease)	03/31/11
Other Fund Balance Reserves/Designations:							
Encumbrances	\$	1,532,988	\$	-	\$	(1,532,988)	\$ -
Inventory & Prepaid Items		375,993		-		-	375,993
Rob Roy MacGregor Trust - Library		17,614		-		(2,100)	15,514
Drug enforcement {Seized Funds}		329,408		-		(26,570)	302,838
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		_		(77,038)	154,169
Budgeted decrease in Fund Balance		-	\$		\$	(4,229,051)	4,229,051
Unreserved - Undesignated { 4 months operations }		15,050,138					15,050,138
Total Fund Balance	\$	23,619,492					\$ 23,619,492

Federal/State Grantor Agency or Pass-Through	Federal CFDA	Grant	Program or Award	Program	
Program Title	Number	Number	Amount	Expenditures	
Federal Assistance:					
U.S. Department of H.U.D.					
CDBG 2010	14.218	B-10-MC-48-0021	\$ 559,603	\$ -	
CDBG 2009	14.218	B-09-MC-48-0021	515,508	221,186	
CDBG - R (American Recovery and Reinvestment Act)	14.253	B-09-MY-48-0021	136,673	-	
EDI - Special Purpose Grant - Hawn Hotel	14.251	B-08-SP-TX-0566	137,200	137,011 358,197	
U.S.Department of Education					
Temple Independent School District:					
Safe Schools Healthy Students Initiative	84.184L	Q184L080238-09	77,207	37,438	
After School Centers for Education (ACE)	84.287		48,175	11,023	
				48,461	
U.S. Department of Energy  Energy Efficiency and Conservation Block Grant	81.128	DE-SC0002958	593,200	57,877	
(American Recovery and Reinvestment Act)	01.120	DL-3C0002938	393,200	57,877	
(American Necovery and Neinvestment Act)				37,077	
U.S. Department of Health and Human Services					
Texas A&M Health Science Center:	00.405	41140550040004	40.000	0.050	
CTxCARES Mini-Grant	93.135	1U48FP0010924	10,000	6,953	
				6,953	
U.S. Department of Homeland Security Safe Adequate Fire and Emergency Response (SAFER)	97.083	EMW-2008-FF-00936	433,520	69,350	
				69,350	
Texas Department of Public Safety:					
Civil Defense	97.042	10TX-EMPG-1142	43,241	21,621	
				21,621	
Governor's Division of Emergency Management:					
2009 State Homeland Security Program	97.073	2009-SS-T9-0064	20,000		
				90,971	
U.S. Department of Justice					
2008 Bullet Proof Vests Grant	16.607	2009-DU-BX-08042182	20,635	-	
2010 Bullet Proof Vests Grant	16.607	2010-DU-BX-08042182	22,365	22,365	
Killoon Police Department:				22,365	
Killeen Police Department: 2009 Edward Byrne Memorial Justice Assistance Grant	16.738	2009-DJ-BX-1408	23,562	5,090	
2009 American Recovery and Reinvestment Act Edward	10.700	2003 D0 DX 1400	20,002	0,000	
Byrne Justice Assistance Grant	16.804	2009-SB-B-93128	92,568	_	
2010 Edward Byrne Memorial Justice Assistance Grant	16.738	2010-DJ-BX-0490	26,147	_	
, , , , , , , , , , , , , , , , , , , ,			-,	5,090	
				27,455	
U.S. Department of Transportation				<del></del>	
Texas Department of Transportation:					
Safe Routes to School - Lakewood	20.205	0909-36-131	602,070	14,712	
Safe Routes to School - Bonham	20.205	0909-36-130	604,779	14,322	
Surface Transportation Enhancement Program (STEP)	20.205	0909-36-133	2,155,000	-	
Category 12 Pass-Through Financing	20.205	0320-06-001	20,000,000		
				29,034	

Federal/State Grantor Agency or Pass-Through Program Title	Federal CFDA Number	Grant Number	Program or Award Amount			Program Expenditures	
State Assistance:							
Texas Department of State Health Services  Mayor's Council on Physical Fitness	-	-	\$	79,914	\$	5,682 5,682	
Texas State Library & Archives Commission  Loan Star Libraries Grant	_	442-06477		19,859		10,927	
Esan star Estantes Stark		112 00 17 1		10,000		10,927	
Total Federal and State Financial Assistance			\$	26,221,226	\$	635,557	
Grants Received Administered by State							
<u>Federal Aviation Administration</u> Airport Project Participation Grant - Runway 2-20	-	-		3,549,000			

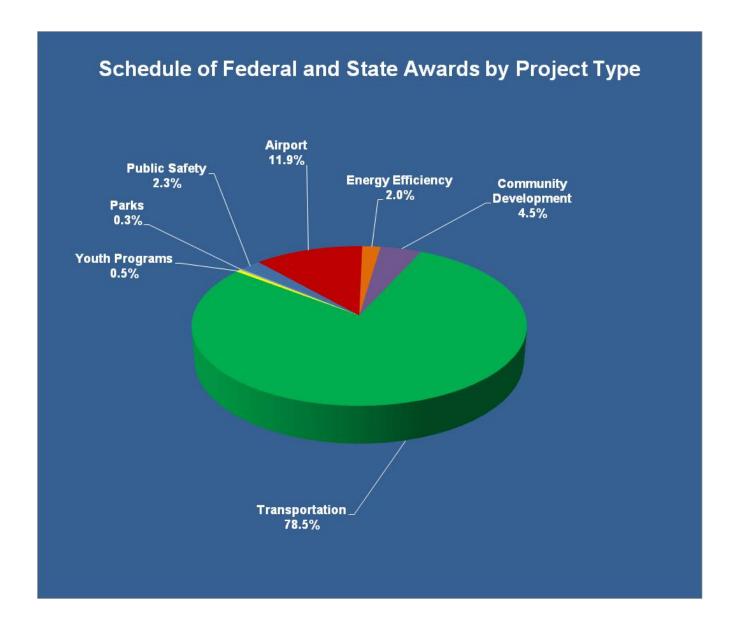
Total Federal and State Financial Assistance

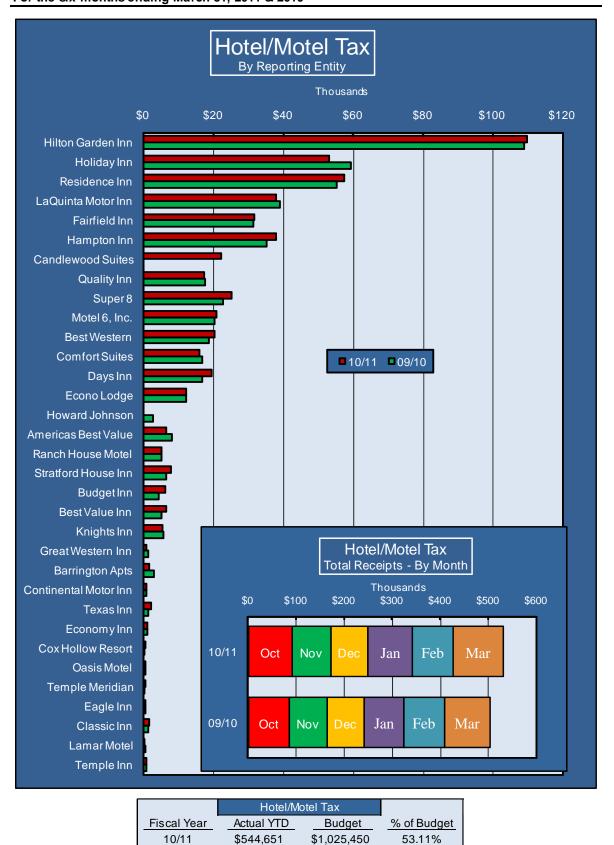
\$ 29,770,226



For	the	six	months	ended	March	31,	201
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Public Safety	\$	682,038
Airport		3,549,000
Energy Efficiency		593,200
Community Development		1,348,984
Transportation		23,361,849
Youth Programs		145,241
Parks		89,914
	_\$	29,770,226





09/10

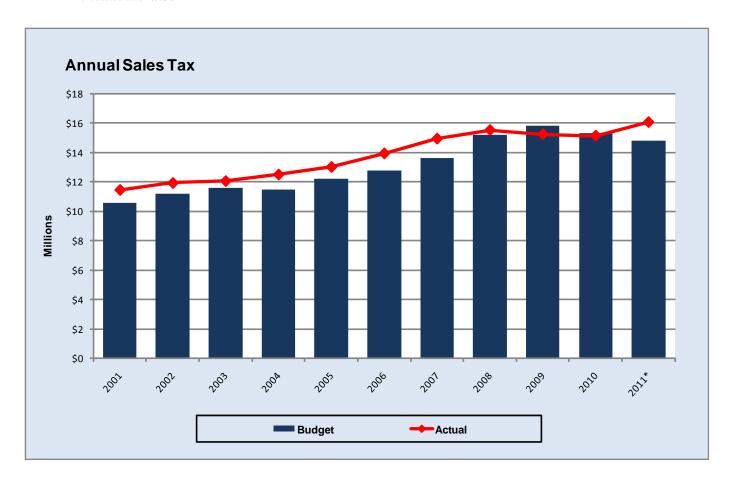
\$503,482

\$990,500

50.83%

									% 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	1,059,335	-2.38%
Mar	870,746	1,029,374	962,661	1,051,732		1,054,277	1,051,792	1,284,123	22.09%
Apr	1,372,438	1,426,578	1,494,007	1,460,754		1,509,532	1,593,190	1,599,804	0.42%
May	940,709	1,021,650	1,075,166	1,129,422		1,212,407	1,153,658	1,223,339	6.04%
Jun	920,525	1,086,355	1,173,450	1,206,717		1,099,533	1,138,979	1,207,773	6.04%
Jul	1,397,700	1,242,117	1,426,977	1,614,365		1,550,197	1,546,654	1,640,072	6.04%
Aug	962,688	1,095,407	1,235,561	1,221,187		1,158,194	1,125,091	1,193,047	6.04%
Sept	982,943	1,148,136	1,161,746	1,163,717		1,103,971	1,167,649	1,238,175	6.04%
	\$ 13,022,243	\$ 13,934,218	\$ 14,933,627	\$ 15,510,913	\$	15,238,812	\$ 15,134,138	\$ 16,047,841	6.04%
Annual:									
\$ Increase	\$ 513,453	\$ 911,975	\$ 999,409	\$ 577,286	\$	(272,101)	\$ (104,674)	\$ 913,703	<u> </u>
% Increase	4.10%	7.00%	7.17%	3.87%	)	-1.75%	-0.69%	6.04%	1

<sup>\*</sup> forecasted as of 09/30/11



	Total											
Addition	Date of Amount of		Exp	enditures/		Balance						
Name	Deposit	[	Deposit	F	Refunds	3/31/2011						
Bell Addition	08/13/97	\$	450.00	\$		\$	450.00 <sup>2</sup>					
Stewart Acres		Φ		Φ	-	φ	900.00					
Colwell	03/31/99		900.00		-							
	03/31/99		2,250.00		-		2,250.00					
Morgan - Morris	10/19/01 10/16/03		225.00 225.00		-		225.00 225.00					
Shafer-Tietje Alford	11/06/03				-		450.00					
			450.00		-							
Chesser-Pitrucha	02/05/04 03/05/04		450.00		-		450.00 225.00					
Simpson			225.00		-							
Ditzler	07/09/04		225.00		-		225.00 675.00 <sup>2</sup>					
Lantana I	11/12/04		675.00		-		070.00					
Avanti	11/22/04		450.00		-		430.00					
Okun	05/17/05		675.00		-		675.00					
Jupiter	05/26/05		675.00		225.00		450.00					
Meadow Bend I & II	07/08/05		26,662.50		-		26,662.50 2 391 80 <sup>2</sup>					
Lantana II	10/03/05		2,391.80		-		2,001.00					
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 2					
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 <sup>2</sup>					
Lantana II	10/10/06		1,575.00		-		1,575.00 <sup>2</sup>					
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 <sup>2</sup>					
Saulsbury I	09/20/07		675.00		-		675.00 <sup>2</sup>					
Lantana II	10/03/07		1,350.00		-		1,350.00 <sup>2</sup>					
Chappell Hill II	10/03/07		5,400.00		-		5,400.00 <sup>2</sup>					
Meadow Oaks	11/05/07		225.00		-		225.00 <sup>2</sup>					
Saulsbury II	11/05/07		1,350.00		-		1,350.00 <sup>2</sup>					
Eagle Oaks at the Lake III	02/14/08		4,725.00		-		4,725.00					
Clark	02/14/08		225.00		-		225.00					

(Continued)

			Total	
Addition	Date of	Amount of	Expenditures/	Balance
Name	Deposit	Deposit	Refunds	3/31/2011
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 <sup>2</sup>
Saulsbury IV	09/25/08	1,800.00	-	1,800.00 2
Residences at D'Anotini's #2	03/10/09	11,475.00	-	11,475.00
Addison	04/07/09	450.00	-	450.00 <sup>2</sup>
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 <sup>2</sup>
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
Villa Andrea	02/07/11	450.00	-	450.00
Accumulated Interest <sup>1</sup>		91,521.38	64,090.70	27,430.68
	Total	\$ 287,300.68	\$ 64,315.70	\$ 222,984.98

#### 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. Funds are appropriated for various park improvements.

Park escrow funds may be used only for land acquisition or development of a neighborhood park located within the same area as the development or in close proximity to the development. Land acquisition or development costs include but are not limited to land purchases; design and construction of landscaping, utilities, structures, sidewalks and trails; and purchase and installation of new equipment such as playscapes, outdoor furniture and lighting fixtures. Park escrow funds may not be used for costs of operation, maintenance, repair or replacement. Funds designated for development of an existing neighborhood park must be spent within two years from receipt. Funds designated for land acquisition and development of a new neighborhood park must be spent within five years from receipt.

Contract/ Council Award Date	Grantee	Original Match Amount	Actual City Match	Expiration Date	Payment Date	Improvement Status	Improvement Description
3/17/2011	Victor D. Turley, P.E., R.P.L.S.	\$ 9,985.00	\$ 9,985.00	7/31/2011		In Progress	Upgrade fencing
11/4/2010	James & Jana Warren (JS Auto Sales)- 1217 W Ave H	29,500.00	29,500.00	10/30/2011		In Progress	Facade, Landscaping, Sign, Irrigation & Demolition
11/4/2010	James & Jana Warren (JS Auto Sales)-807 S 25th Street	5,000.00	5,000.00	10/30/2011	1/28/2011	Complete	Residential Improvements for 807 S. 25th Street
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
4/7/2011	Strasburger Enterprises	22,500.00	22,500.00	10/1/2011		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	Complete	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
4/7/2011	Rudy & Karen Gonzales (In The Mood Ballroom)	15,000.00	15,000.00	12/31/2011		In Progress	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

\$ 348,151.31

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	(	(348,151.31)
Remaining Funds	\$	2,562.69



RESOLUTION NO
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE SECOND QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2011; AND PROVIDING AN OPEN MEETINGS CLAUSE.
<b>Whereas</b> , the second quarter 2011 fiscal year financial results need to be approved by the City Council;
<b>Whereas</b> , included in the second quarter results are various schedules detailing 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 second quarter 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 19th day of May, 2011.
THE CITY OF TEMPLE, TEXAS
WILLIAM A. JONES, III, Mayor  APPROVED AS TO FORM:

Jonathan Graham City Attorney

Clydette Entzminger City Secretary



#### **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #6(Q) 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.

<u>ITEM SUMMARY:</u> 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 \$13,611,107.

#### **ATTACHMENTS:**

Budget amendments Resolution

## CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2011 BUDGET May 19, 2011

				APPROPR		
	PROJECT #	DESCRIPTION		Debit	(	Credit
110-1800-525-2221		Computer Equipment (Municipal Court)	\$	650	Φ.	<b>CE</b> 0
110-0000-317-0000		Fund Balance Reserved/Municipal Court Restricted Fees - Technology Funds			\$	650
		To appropriate \$650 from Municipal Court's Restricted Technology Funds to pay for a receipt printer for a Court Clerk. These restricted fees can only be used by the Court for technology purposes.				
110-2020-521-2533 110-0000-442-0723		DARE CJD Expenditures (Police Dept School Resource) DARE Donations	\$	1,300	\$	1,300
110-2041-521-2538 110-0000-442-0720		Crime Victim's Expenditures (Police Dept General Investigations Unit) Police Revenue	\$	174	\$	174
		This budget adjustment recognizes proceeds from 2011 posters from Booster Calend Co. for \$1,300 and revenue from Shelter Alliance Cell Phone Fundraiser from GRC Wireless, Inc. for crime victim's services.	ar			
110-2042-521-6213 110-0000-442-0725	100732	Automotive (Police Dept.) OCU State Seized Funds	\$	3,300	\$	3,300
		To appropriate the value of a seized vehicle (2004 Hyundai Accent) that will be placed in service and used by the Police Department.				
110-2210-522-2516 110-1500-515-6531		Judgments & Damages (Fire Dept.)  Contingency - Judgments & Damages	\$	1,548	\$	1,548
		Deductible reimbursements to the Texas Municipal League for settlement of claims filed against the City of Temple: (1) \$962.62 damage to a parked vehicle on Febru 25, 2011, after it was struck by a Fire Department vehicle in the 1300 Block of South 10th Street; and (2) \$584.93 damage to a vehicle on January 18, 2011, after it was struck by a Fire Department vehicle in the 100 Block of North 31st Street.	-			
110-3250-551-2513		Special Services (Recreation - Summit Fitness Center)	\$	1,008		
110-3224-551-2513		Special Services (Recreation - Aquatics/Indoor Pool)	Ф	4.000	\$	473
110-3270-551-2513 110-3270-551-2331		Special Services (Recreation - Sammons Community Center) Instruments/Special Equipment (Recreation - Sammons Community Center)	\$ \$	4,000 550		
110-3270-551-2220		Machinery & Equipment (Recreation - Sammons Community Center)	φ	330	\$	550
110-0000-445-1590		Special Events/Classes Revenue			\$	4,535
		Funds are being re-allocated into the appropriate expense accounts. Additional fund are needed in special services for programs at the Sammons Community Center due to an increase in programming. Special Events/Classes is being increased due to an increase in special events/classes revenue and to cover the cost of instructors and transportation for programs at the Sammons Community Center.	s			
110-3500-552-2623 110-0000-445-1587		Other Contracted Services (Parks Dept.) Parks Donations	\$	1,667	\$	1,667
			¢.	1 7 6	Ψ	1,007
110-3500-552-2311 110-0000-445-1587		Buildings & Grounds (Parks Dept.) Parks Donations	\$	1,767	\$	1,767
		This budget adjustment recognizes revenues and appropriates the expenditures for the following donations/reimbursements: 1) Keep Temple Beautiful's contribution for our community cleanup program [\$1,667]; and 2) Rotary Club of Temple South for a shade structure at the Rotary Playground in Lions Park [\$1,767].				

#### CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2011 BUDGET May 19, 2011

	DD 0			APPROPRIATIONS		
	PROJECT #	DESCRIPTION		Debit		Credit
361-2800-532-6810	100504	Traffic Signal	\$	175,000		
361-3400-531-6847	100392	Tarver Rd Ext to Old Waco			\$	168,039
361-1800-525-6849	100407	Project Savings			\$	4,486
361-1900-519-6802	100407	Project Savings			\$	36
361-2400-519-6807	100407	Project Savings			\$	1,260
361-3400-531-6833	100407	Project Savings			\$	1,179
361-3400-531-6834	100629	STEP Grant Match	\$	49,611		
361-1800-525-6849	100407	Project Savings	Ψ	42,011	\$	14,560
361-3400-531-6834	100407	1st Street Gateway			\$ \$	19,067
361-2200-522-6805	100332	Project Savings			\$	15,984
301-2200-322-0003	100120	rioject Savings			Ф	13,964
		This budget adjustment reallocates funds as a result of reprioritization of CIP project and appropriates project savings to partially fund the Texas Department of Transportation Enhancement Program (STEP) grant match.		on,		
430-5700-580-7550		Payment to Refunding Escrow Agent	\$	9,903,444		
430-5700-580-7312		Bond Issuance Cost	\$	52,562		
430-5700-580-7314		Original Issue Discount	э \$	68,241		
430-5700-580-7314		Bond Issuance Cost	¢.	3,868		
430-5700-580-7312		Bond Interest	\$	8,716		
430-0000-461-0112		Accrued Interest	Ф	8,710	Ф	14,784
					\$	
430-0000-490-1575		Refunding Bond Proceeds			\$	9,820,000
430-0000-490-1518 430-0000-315-1500		Bid Premium  Reserved for Debt Service	\$	2,201	\$	204,248
		To appropriate the 2011 General Obligation Refunding Bonds - Debt Service Portional proceeds sold on February 28, 2011. Proceeds were received on March 17, 20. This budget adjustment accounts for the revenue received from the bond issue and amount paid to the refunding escrow agent.	11.			
561-5200-535-6940	100681	Utility Relocation - NW Loop 363	\$	3,331,500		
561-5100-535-6906	100679	WTP - Generator Phase II	Ψ	3,331,300	\$	3,331,500
		Allocate funds designated for Utility Relocation cost related to the NW Loop 363 Pass Through Financing Improvements to the appropriate account and project.				
		TOTAL AMENDMENTS	\$	13,611,107	\$	13,611,107
		GENERAL FUND				

#### CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2011 BUDGET May 19, 2011

			APPROPRIATIO		TIONS
ACCOUNT #	PROJECT #	DESCRIPTION	Debit		Credit
		Beginning Fuel Contingency		\$	55,841
		Added to Fuel Contingency		\$	-
		Taken From Fuel Contingency		\$	-
		Net Balance of Fuel Contingency Account		\$	55,841
		Beginning Self Insurance Start Up Cost Contingency		\$	628,756
		Added to Self Insurance Start Up Cost Contingency		\$	-
		Taken From Self Insurance Start Up Cost Contingency		\$	(628,756)
		Net Balance of Self Insurance Start Up Cost Contingency Account		\$	-
		Not Bolomos Conneil Continuous		ø	74 972
		Net Balance Council Contingency		\$	74,873
		Beginning Balance Budget Sweep Contingency		\$	-
		Added to Budget Sweep Contingency		\$	-
		Taken From Budget Sweep		\$	_
		Net Balance of Budget Sweep Contingency Account		\$	-
		WATER & SEWER FUND			
		Beginning Contingency Balance		\$	50,000
		Added to Contingency Sweep Account		\$	30,000
		Taken From Contingency		\$	(23,790)
		Net Balance of Contingency Account		\$	26,210
		The Bulance of Contingency Account		Ψ	20,210
		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		\$	(100,365)
		Net Balance of Self Insurance Start Up Cost Contingency Account		\$	-
		Net Balance Water & Sewer Fund Contingency		\$	26,210
		HOTEL/MOTEL TAX FUND			
		Beginning Self Insurance Start Up Cost Contingency		\$	10,968
		Added to Self Insurance Start Up Cost Contingency		\$	,
		Taken From Self Insurance Start Up Cost Contingency		\$	(10,968)
		Net Balance of Self Insurance Start Up Cost Contingency Account		\$	-
		DB 4 D4 CF WAY			
		DRAINAGE FUND  Paginning Salf Incurance Start Un Cost Contingency		¢.	0.011
		Beginning Self Insurance Start Up Cost Contingency		\$	9,911
		Added to Self Insurance Start Up Cost Contingency		\$	(0.011)
		Taken From Self Insurance Start Up Cost Contingency Net Balance of Self Insurance Start Up Cost Contingency Account		\$	(9,911)
		Net Balance of Sen insurance Start Op Cost Contingency Account		φ	
		FED/STATE GRANT FUND			
		Beginning Contingency Balance		\$	2,284
		Carry forward from Prior Year		\$	25,229
		Added to Contingency Sweep Account		\$	-
		Taken From Contingency		\$	(27,513)
		Net Balance of Contingency Account		\$	-

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 2<sup>nd</sup> 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 19<sup>th</sup> day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
ATTEST:	WILLIAM A. JONES, III, Mayor APPROVED AS TO FORM:
Clydette Entzminger City Secretary	Jonathan Graham City Attorney



#### **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #7 Regular Agenda Page 1 of 2

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION</u>: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance designating a tract located at 3601 Eberhardt Road as City of Temple Tax Abatement Reinvestment Zone Number Twenty-One for commercial/industrial tax abatement.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for June 2, 2011.

<u>ITEM SUMMARY:</u> The proposed ordinance designates the area described as Lot 1, Block 1, Temple Industrial Park, located at 3601 Eberhardt Road, as a commercial/industrial tax abatement reinvestment zone. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect.

Chapter 312 of the Texas Tax Code requires that property be within a tax abatement reinvestment zone (or an enterprise zone) to be eligible for tax abatement. The designation of a tax abatement reinvestment zone requires an ordinance, two readings and a public hearing. We are also required to give seven days prior notice to the other taxing entities before final approval of the ordinance, which will be done.

The proposed tax abatement reinvestment zone as described above, is proposed for commercial or industrial tax abatement (the property is currently zoned Commercial). Chapter 312 requires that the City make the following findings when it adopts an ordinance creating a tax abatement reinvestment zone: (1) that the creation of the tax abatement reinvestment zone will result in benefits to the City and to the land included in the zone after the term of any agreement, and that the improvements being sought are feasible; and (2) that the tax abatement reinvestment zone meets the criteria for creation of a zone under State law and the City's own criteria and guidelines for tax abatement. I have reviewed both the State law and our criteria and guidelines, and believe that the creation of the proposed reinvestment zone and subsequent approval of a tax abatement agreement with the property owner will lead to the retention of primary employment in the area, and the creation of new

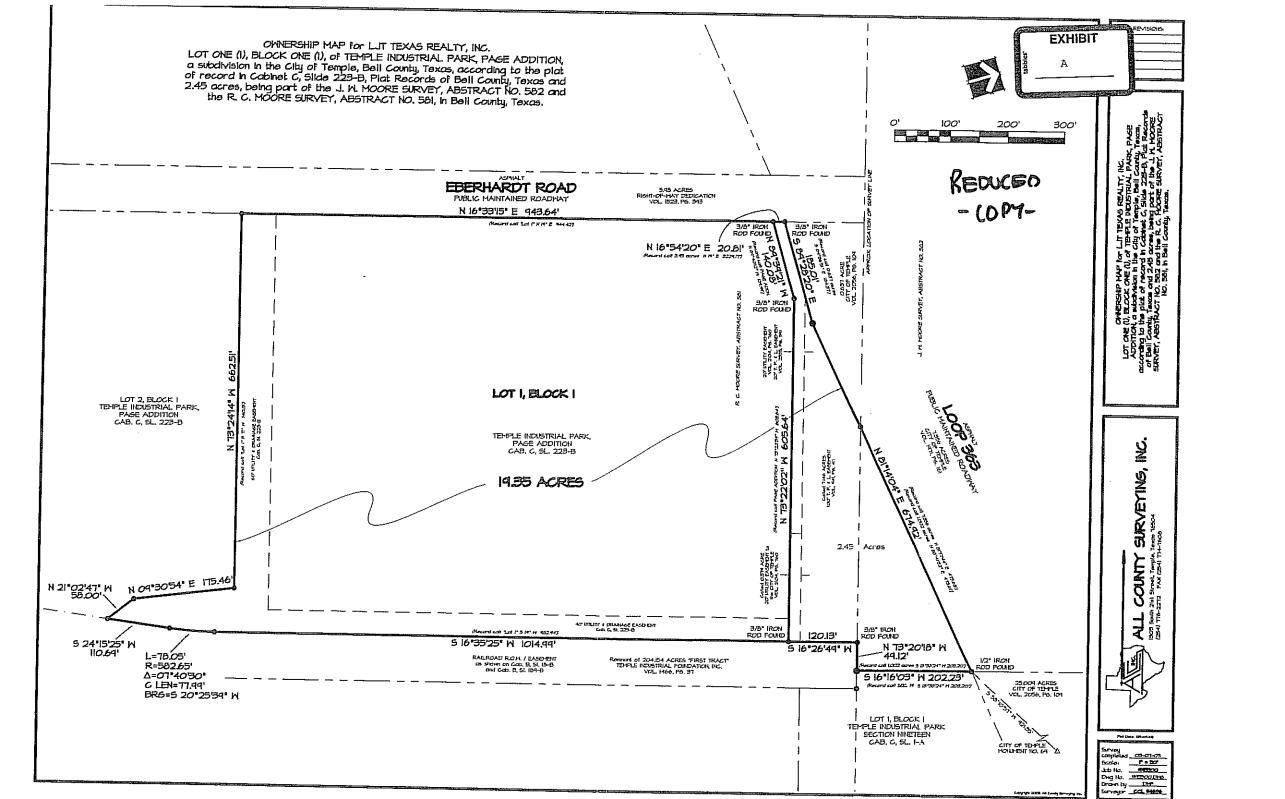
05/19/11 Item #7 Regular Agenda Page 2 of 2

real and personal property improvements in the area—as contemplated by our State and local criteria. The Staff recommends approval of the ordinance for the above reasons.

**FISCAL IMPACT**: None at this time.

#### **ATTACHMENTS**:

Map Ordinance



ORDINANCE NO.	

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A CERTAIN AREA LOCATED AT 3601 EBERHARDT ROAD AS TAX ABATEMENT REINVESTMENT ZONE NUMBER TWENTY-ONE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council of the City of Temple, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code (hereinafter the "Code");

WHEREAS, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

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

<u>Part 1:</u> The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

<u>Part 2:</u> The City, after conducting such hearings and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

- B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER TWENTY-ONE") should be the area described as Lot 1, Block 1, Temple Industrial Park, located at 3601 Eberhardt Road in the City of Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."
- C. That creation of REINVESTMENT ZONE NUMBER TWENTY-ONE will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;
- D. That REINVESTMENT ZONE NUMBER TWENTY-ONE meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and
- E. That REINVESTMENT ZONE NUMBER TWENTY-ONE meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.
- <u>Part 3:</u> Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing Lot 1, Block 1, Temple Industrial Park, located at 3601 Eberhardt Road in the City of Temple, Bell County, Texas, described by the drawing in Exhibit "A," attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Twenty-One, City of Temple, Texas.
- <u>Part 4:</u> The REINVESTMENT ZONE shall take effect on June 3, 2011, or at an earlier time designated by subsequent ordinance.
- <u>Part 5:</u> To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:
  - A. Be located wholly within the Zone as established herein;
- B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;
- C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and
- D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.
- <u>Part 6:</u> Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

- <u>Part 7:</u> Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:
  - A. Listing the kind, number and location of all proposed improvements of the property;
- B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;
- C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and
- D. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.
- **Part 8:** 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 9:</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 10:</u> Sunset provision. The designation of Tax Abatement Reinvestment Zone Number Twenty-One shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.
- <u>Part 11:</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 Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **19**<sup>th</sup> day of **May**, 2011.

PASSED AND APPROVED on Second Reading on the 3<sup>rd</sup> day of June, 2011.

	21100001118 011 0110 0 0 0 0 0 0 0 0 0 0
	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 MEMORANDUM**

05/19/11 Item #8 Regular Agenda Page 1 of 2

# **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION</u>: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance designating a tract located at 3000 Pegasus Drive as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Two for commercial/industrial tax abatement.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for June 2, 2011.

<u>ITEM SUMMARY:</u> The proposed ordinance designates the area located at 3000 Pegasus Drive as a commercial/industrial tax abatement reinvestment zone. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect.

Chapter 312 of the Texas Tax Code requires that property be within a tax abatement reinvestment zone (or an enterprise zone) to be eligible for tax abatement. The designation of a tax abatement reinvestment zone requires an ordinance, two readings and a public hearing. We are also required to give seven days prior notice to the other taxing entities before final approval of the ordinance, which will be done.

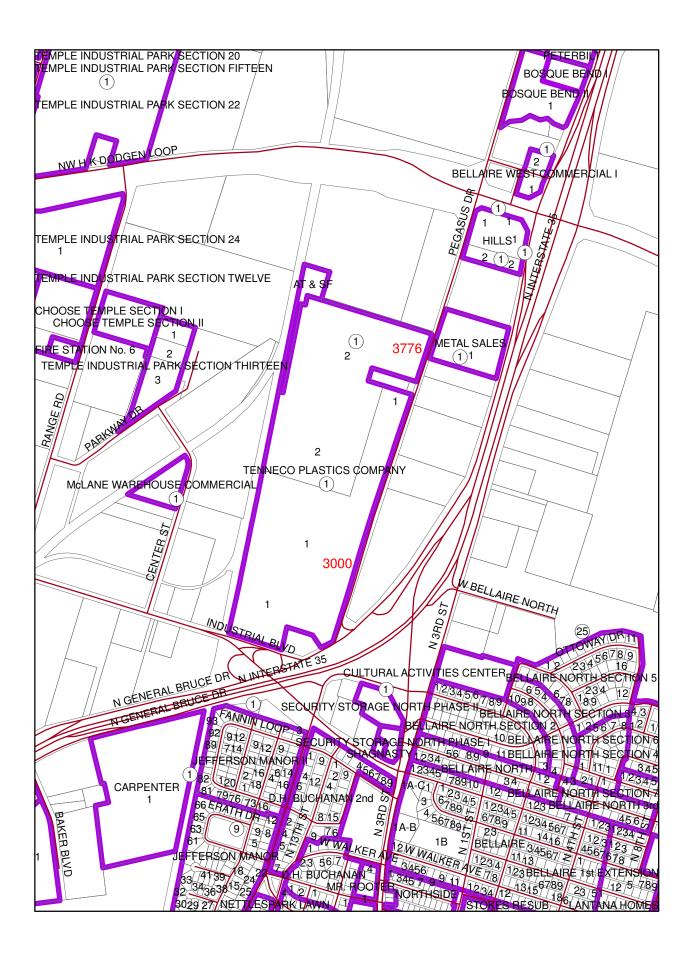
The proposed tax abatement reinvestment zone as described above, is proposed for commercial or industrial tax abatement (the property is currently zoned Commercial). Chapter 312 requires that the City make the following findings when it adopts an ordinance creating a tax abatement reinvestment zone: (1) that the creation of the tax abatement reinvestment zone will result in benefits to the City and to the land included in the zone after the term of any agreement, and that the improvements being sought are feasible; and (2) that the tax abatement reinvestment zone meets the criteria for creation of a zone under State law and the City's own criteria and guidelines for tax abatement. I have reviewed both the State law and our criteria and guidelines, and believe that the creation of the proposed reinvestment zone and subsequent approval of a tax abatement agreement with the property owner will lead to the retention of primary employment in the area, and the creation of new real and personal property improvements in the area—as contemplated by our State and local criteria. The Staff recommends approval of the ordinance for the above reasons.

05/19/11 Item #8 Regular Agenda Page 1 of 2

**FISCAL IMPACT**: None at this time.

# ATTACHMENTS: Map

Ordinance



ORDINANCE NO.
---------------

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A CERTAIN AREA LOCATED AT 3000 PEGASUS DRIVE AS TAX ABATEMENT REINVESTMENT ZONE NUMBER TWENTY-TWO FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council of the City of Temple, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code (hereinafter the "Code");

WHEREAS, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

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

- <u>Part 1:</u> The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.
- <u>Part 2:</u> The City, after conducting such hearings and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:
- A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;
- B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER TWENTY-TWO") should be the area located at 3000 Pegasus Drive in the City of Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

- C. That creation of REINVESTMENT ZONE NUMBER TWENTY-TWO will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;
- D. That REINVESTMENT ZONE NUMBER TWENTY-TWO meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and
- E. That REINVESTMENT ZONE NUMBER TWENTY-TWO meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.
- <u>Part 3:</u> Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing 3000 Pegasus Drive in the City of Temple, Bell County, Texas, described by the drawing in Exhibit "A," attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Twenty-Two, City of Temple, Texas.
- <u>Part 4:</u> The REINVESTMENT ZONE shall take effect on June 3, 2011, or at an earlier time designated by subsequent ordinance.
- <u>Part 5:</u> To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:
  - A. Be located wholly within the Zone as established herein;
- B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;
- C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and
- D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.
- <u>Part 6:</u> Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.
- <u>Part 7:</u> Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:
  - A. Listing the kind, number and location of all proposed improvements of the property;
- B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

- C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and
- D. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.
- **Part 8:** 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 9:</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 10:</u> Sunset provision. The designation of Tax Abatement Reinvestment Zone Number Twenty-Two shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.
- <u>Part 11:</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 Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 19<sup>th</sup> day of May, 2011.

PASSED AND APPROVED on Second Reading on the 3<sup>rd</sup> day of **June**, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney

05/19/11 Item #9 Regular Agenda Page 1 of 2

# **DEPT./DIVISION SUBMISSION & REVIEW:**

Kim Foutz, Assistant City Manager

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a Chapter 380 grant agreement with Robert Flores representing Brother Empire LLC for redevelopment improvements at 201 South Main Street in the South First Street Strategic Investment Zone corridor in an amount not to exceed \$30,000.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> This agreement outlines the obligations and representations of Robert Flores, representing Brother Empire LLC and also defines the City's incentive package. 201 South Main Street is situated within the South 1<sup>st</sup> Street Strategic Investment Zone. The site is currently known as and used as the Kool Spot building.

The agreement and resolution will allow Brother Empire to receive a Chapter 380 grant of up to \$15,000 for façade improvements; up to \$10,000 for sidewalk improvements; up to \$2,500 for sign improvements, and up to \$2,500 for demolition costs. Brother Empire's total estimated project investment is \$87,000 in building, site, and infrastructure improvements with the City's total cash match being up to \$30,000. Improvements must be completed by December 31, 2011. In return Brother Empire has agreed to: add architectural details, moldings, and new finish to the existing building, install signs, repair/replace sidewalks, and remodel the interior of the building.

**FISCAL IMPACT:** The total maximum grant by the City is \$30,000. After considering the grant agreement with Temple Pro Ventures Commercial proposed on this agenda, all grants funds have been committed. A budget adjustment is presented for Council's approval appropriating \$30,000 of General Fund Balance-Designated for Capital Projects-Unallocated to fund this grant.

Payment of the grant funds will not be made until work and inspections are completed, and receipts are received by the City.

# **ATTACHMENTS:**

Grant Agreement Location map and picture Budget Adjustment Resolution

# South 1st Street Strategic Investment Zone Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter "the City") and Brother Empire LLC, a Limited Liability Corporation (hereinafter "Owner").

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the South 1st Street Strategic Investment Zone under City Ordinance Number 2009-4285, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 201 South Main Street (hereinafter the "Property"), City and Owner agree to assume the responsibilities set forth below.

**Section 2. Obligations of Owner.** Owner proposes to make certain improvements to the Property, which are described generally below, and to use the Property as a restaurant, bar and grill, or retail store after the Improvements are completed. Owner is seeking matching grants for and agrees to complete all of the improvements described herein and in Section 3. The estimated total capital investment is \$87,000. Owner understands that all matching grant and grant funds are made on a reimbursement basis only.

Owner will make existing building renovations to include renovation of the facades of the building, install sign(s), repair/replace sidewalks, and remodel the interior of the building, hereinafter collectively referred to as "the Improvements."

Owner agrees to complete said Improvements on or before December 31, 2011. As a condition to receiving the grant matching funds from the City described in Section 3, Owner further agrees to complete the improvements described in Section 2 and each subpart of Section 3.

**Section 3. Matching Grants by the City.** The City agrees to provide grants and matching grants to the Owner as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below and herein:

- (a) Façade Improvement Grant. The City will make a matching grant, on a 1:1 matching basis, of up to \$15,000 for upgrade of the façades of the existing building with natural stone, soapstone, stucco, effis, faux stone or stucco, or architectural moldings, all of earthtone color. Replacement or new installation of canopies, windows, and doors are also eligible. Other façade improvement costs eligible for reimbursement with a façade improvement grant include construction (including labor) costs.
- (b) <u>Sidewalk Improvement Grant.</u> The City will make a matching grant, on a 1:1 matching basis, of up to \$10,000 for repair/replacement of sidewalks along South Main Street and Avenue B. Sidewalk improvement costs eligible for reimbursement include sidewalks, curb and gutter, ADA ramp, demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically exclude design costs.
- (c) <u>Sign Grant</u>: The City will make a matching grant, on a 1:1 matching basis, of up to \$2,500 for a wall sign or projecting sign.
- (c) <u>Demolition:</u> The City will make a matching grant, on a 1:1 matching basis, up to \$2,500 toward demolition of the interior or exterior of the building.

# Section 4. Acceptance of Improvements and Payment of Matching Grants.

The City's obligation to provide the matching grants described in Sections 2 and 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in Section 3. After the Improvements described in Section 2 and 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

**Section 5. Maintenance of Improvements.** Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than ten (10) years from the date matching grants are received from the City.

**Section 6. Assignment.** Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

**Section 7. Availability of Records.** Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this t	the day of _	, 2011.
City of Temple, T	exas	Owner
David A. Blackbu City Manager	ırn	Robert Flores for Brother Empire LLC
Attest:		Approved as to form:
Clydette Entzming City Secretary	ger	Jonathan Graham City Attorney
State of Texas	§	
County of Bell	<b>§</b>	
	_	d before me on the day of, Manager, for the City of Temple, a Texas home
Notary Public		
State of Texas	<b>§</b>	
County of Bell	§	
	•	d before me on the day of,
Notary Public		

# Project Site and Location Map 201 Main Street







FY	2011
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# **BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

				+				
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	IN	CREASE		DE	CREASE	
110-1500-515-26-95		Neighborhood Rehabilitation	\$	27,437				
110-0000-352-13-45		Designated Cap Proj-Unallocated					27,437	
		Do Not Post						
TOTAL			\$	27,437		\$	27,437	
account are available.		REQUEST- Include justification for increa						
	ther Empire l	ral Fund Balance-Designated for Capital Pro LLC for redevelopment improvements at 201						
DOES THIS REQUEST REQUEST REQUEST REQUEST REQUEST REQUESTING THE PROPERTY OF COUNCIL MEETING T			<b>x</b> Yes		No	ı		
WITH AGENDA ITEM?			<b>x</b> Yes		No			
Department Head/Division Director		Date	e			prove sappro		
Finance		Date	e			prove sappro		
City Manager		Date	e		-	prove sappro		

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 "MATCHING GRANT" AGREEMENT BETWEEN THE CITY OF TEMPLE AND ROBERT FLORES REPRESENTING BROTHER EMPIRE, LLC, FOR REDEVELOPMENT IMPROVEMENTS AT 201 SOUTH MAIN STREET IN THE SOUTH 1<sup>ST</sup> STREET STRATEGIC INVESTMENT ZONE CORRIDOR, FOR A COST NOT TO EXCEED \$30,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, property owned by Brother Empire, LLC, located at 201 South Main Street is situated within the South 1<sup>st</sup> Street Strategic Investment Zone which makes it eligible to receive a matching grant incentive from the City which is authorized by Ordinance No. 2008-4218 passed by the Temple City Council on June 5, 2008, and amending Ordinance No. 2009-4285 passed on March 5, 2009;

Whereas, the Staff recommends entering into a Chapter 380 "matching grant" agreement which will outline the obligations and representations of Robert Flores representing Brother Empire, LLC, and define the City's incentive package;

**Whereas**, the total project investment by Brother Empire, LLC, is \$87,000, and the City's total match may not exceed \$30,000;

**Whereas**, funds are available for this matching grant incentive in Account No. 110-1500-515-2695 and an amendment to the FY2010-2011 budget needs to be approved to transfer the funds to the appropriate expenditure account; 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, or his designee, to execute a Chapter 380 "matching grant" agreement, between the City of Temple and Robert Flores representing Brother Empire, LLC, after approval as to form by the City Attorney, for redevelopment improvements in the South 1<sup>st</sup> Street Strategic Investment Zone corridor, for a cost not to exceed \$30,000.

<u>Part 2:</u> The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this project.

<u>Part 3:</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 19th day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #10 Regular Agenda Page 1 of 1

# **DEPT./DIVISION SUBMISSION & REVIEW:**

Kim Foutz, Assistant City Manager

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a Chapter 380 grant agreement with Temple Pro Ventures Commercial, LP for redevelopment improvements at 1401 S. 1<sup>st</sup> Street in the South First Street Strategic Investment Zone corridor in an amount not to exceed \$30,000.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** This agreement outlines the obligations and representations of Derek Martin representing Temple Pro Ventures Commercial, LP and also defines the City's incentive package. 1401 S. 1<sup>st</sup> Street is situated within the South 1<sup>st</sup> Street Strategic Investment Zone. The site is currently known as and used as the Surplus Warehouse building. Although this agreement does not fall under the requirements of the South 1<sup>st</sup> Street SIZ policy, because of the project's location within the South 1<sup>st</sup> Street SIZ corridor, we are recommending authorizing this agreement under the general authority to approve Chapter 380 agreements in the City's Comprehensive Economic Development Policy ordinance.

The agreement and resolution will allow Temple Pro Ventures Commercial, LP to receive a Chapter 380 grant of up to \$30,000 for utility relocation and installation improvements. Temple Pro Ventures Commercial, LP's total estimated project investment is \$1,135,634 in building, site, and infrastructure improvements with the City's total cash match being up to \$30,000. Improvements must be completed by December 31, 2012. In return Temple Pro Ventures Commercial, LP has agreed to: demolish all existing metal buildings; construct a new 24,000 square foot building that meets TMED standards; and install landscaping, streetscape, and sidewalks to TMED standards.

**FISCAL IMPACT:** The total maximum grant by the City is \$30,000. After considering the grant agreement with Brother Empire LLC proposed on this agenda, all grants funds have been committed. A budget adjustment is presented for Council's approval appropriating \$30,000 of General Fund Balance-Designated for Capital Projects-Unallocated to fund this grant.

Payment of the grant funds will not be made until work and inspections are completed, and receipts are received by the City.

# **ATTACHMENTS:**

Grant Agreement Location map and picture Budget Adjustment Resolution



# Chapter 380 Development Agreement

This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter "the City") and Temple Pro Ventures Commercial LP, a Limited Partnership (hereinafter "Owner").

City and Owner agree as follows:

**Section 1. Purpose.** Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 1401 South First Street (hereinafter the "Property"), City and Owner agree to assume the responsibilities set forth below.

**Section 2. Obligations of Owner.** Owner proposes to make certain improvements to the Property, which are described generally below, and to use the Property as a retail store or other allowed uses in the Temple Medical Education District after the Improvements are completed. Owner is seeking grants for and agrees to complete all of the improvements described herein and in Section 3. The estimated total capital investment is \$1,135,634. Owner understands that all grant funds are made on a reimbursement basis only and only after the entire project has received a Certificate of Occupancy.

Owner will make the following improvements, hereinafter collectively referred to as "the Improvements":

- Demolition of all existing metal buildings;
- Construction of a new24,000 square foot building in accordance with all Temple Medical Education District standards. Façade materials will be 1) 90% brick and stone on front; and 100% brick on sides.
- Install landscaping, streetscape, and sidewalks in accordance with all Temple Medical Education District standards.

Owner agrees to complete said Improvements on or before December 31, 2012. As a condition to receiving the grant matching funds from the City described in Section 3, Owner further agrees to complete the improvements described in Section 2 and each subpart of Section 3.

**Section 3. Grants by the City.** The City agrees to provide a grant to the Owner as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below <u>and</u> herein:

(a) <u>Utility Improvement and Location Grant.</u> The City will make a grant, of up to \$30,000 for actual expenses related to relocation and installation of utilities. Improvement costs eligible for reimbursement include landfill costs, material and construction (including labor) costs, and equipment rental, but specifically exclude design costs. All City codes and inspections must be met.

# Section 4. Acceptance of Improvements and Payment of Matching Grants.

The City's obligation to provide the grant funds described in Sections 2 and 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in Section 3. After the Improvements described in Section 2 and 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

**Section 5. Maintenance of Improvements.** Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than ten (10) years from the date grants are received from the City.

**Section 6. Assignment.** Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

**Section 7. Availability of Records.** Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours. Owner agrees to provide evidence of payment of expenditures related to Section 3A of this agreement.

Executed on this the day of	, 2011.	
City of Temple, Texas	Owner	
		_

David A. Blackburn City Manager

# Derek Martin for Temple Pro Ventures Commercial LP

Attest:		Approved as to form:
Clydette Entzmin City Secretary	ger	Jonathan Graham City Attorney
State of Texas	<b>§</b>	
County of Bell	§	
		dged before me on the day of, City Manager, for the City of Temple, a Texas home
Notary Public		
State of Texas	§	
County of Bell	§	
		lged before me on the day of,
Notary Public		

# Project Site and Location Map 1401 S. 1st Street







FY	2011
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# **BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

				+			-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	IN	CREASE		DE	CREASE	
110-1500-515-26-95		Neighborhood Rehabilitation	\$	30,000				
110-0000-352-13-45		Designated Cap Proj-Unallocated					30,000	
		Do Not Post						
								Ш
								Ш
TOTAL			\$	30,000		\$	30,000	
account are available. The budget adjustment appro	priates Gene Pro Ventures	ral Fund Balance-Designated for Capital Project Commercial, LP for redevelopment improvementidor.	ts-Un	allocated to	o fu	nd the	e Chapter	
DOES THIS REQUEST REQUEST.		May 19, 2011	Yes		No No			
Department Head/Division	n Director	 Date			Dis	prove appr	oved	
Finance		Date	Approved Disapprove			oved		
City Manager		Date		. —		prove appr		

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 "MATCHING GRANT" AGREEMENT BETWEEN THE CITY OF TEMPLE AND TEMPLE PRO VENTURES COMMERCIAL, LP, FOR REDEVELOPMENT IMPROVEMENTS AT 1401 SOUTH 1<sup>ST</sup> STREET IN THE SOUTH 1<sup>ST</sup> STREET STRATEGIC INVESTMENT ZONE CORRIDOR, FOR A COST NOT TO EXCEED \$30,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, property owned by Temple Pro Ventures Commercial, LP, located at 1401 South 1<sup>st</sup> Street is situated within the South 1<sup>st</sup> Street Strategic Investment Zone which makes it eligible to receive a matching grant incentive from the City which is authorized by Ordinance No. 2008-4218 passed by the Temple City Council on June 5, 2008, and amending Ordinance No. 2009-4285 passed on March 5, 2009;

Whereas, the Staff recommends entering into a Chapter 380 "matching grant" agreement which will outline the obligations and representations of Temple Pro Ventures Commercial, LP, and defines the City's incentive package;

**Whereas**, the total project investment by Temple Pro Ventures Commercial, LP, is \$1,135,634, and the City's total match may not exceed \$30,000;

**Whereas**, funds are available for this matching grant incentive in Account No. 110-1500-515-2695 and an amendment to the FY2010-2011 budget needs to be approved to transfer the funds to the appropriate expenditure account; 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, or his designee, to execute a Chapter 380 "matching grant" agreement, between the City of Temple and Temple Pro Ventures Commercial, LP, after approval as to form by the City Attorney, for redevelopment improvements in the South 1<sup>st</sup> Street Strategic Investment Zone corridor, for a cost not to exceed \$30,000.

<u>Part 2:</u> The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this project.

<u>Part 3:</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 19th day of May, 2011.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #11 Regular Agenda Page 1 of 1

# **DEPT./DIVISION SUBMISSION & REVIEW:**

Clydette Entzminger, City Secretary

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Animal Services Advisory Board one member to fill an unexpired term through September 1, 2012:
- (B) Transit Advisory Committee one member to fill an unexpired term through September 1, 2011; and
- (C) Temple Public Safety Advisory Board one member to fill an unexpired term through September 1, 2012.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

- <u>ITEM SUMMARY:</u> (A) Animal Services Advisory Board Gene Moeller resigned from the Animal Services Advisory Board effective April 15, 2011. Staff requests appointment of one Temple resident to fill the unexpired term through September 1, 2012.
- (B) Transit Advisory Committee Sylvia Chesser resigned from the Transit Advisory Committee effective May 9, 2011. Staff requests appointment of one Temple resident, representing the elderly and not disabled population, to fill the unexpired term through September 1, 2011.
- (C) Temple Public Safety Advisory Board John Mayo resigned from the Temple Public Safety Advisory Board effective May 11, 2011. Staff requests appointment of one Temple resident to fill the unexpired term through September 1, 2012.

Please see the attached board summary forms and applications for those interested in serving on one of these City boards.

FISCAL IMPACT: N/A

# **ATTACHMENTS:**

Board Summary Form Board Applications



# **APPLICATION SUMMARY**

# MAY 19, 2011

# **BOARD APPOINTMENTS**

# ANIMAL SERVICES ADVISORY BOARD - 3 YEAR TERMS: Meets on called basis

<u>1 Unexpired Term through September 1, 2012:</u> Gene Moeller – resigned effective 04-15-11; must be Temple resident.

# **Board Forms on File:**

Donald Gold Patrick Marcon Jennifer Rojas Margarita Stefano-Rios (currently on Library Board)

TEMPLE PUBLIC SAFETY ADVISORY BOARD – 3 YEAR TERMS: Meets 2<sup>nd</sup> Tuesday of each month, 6:00 p.m.

<u>I Unexpired Term through September 1, 2012:</u> - John Mayo – resigned effective 05-11-11; must be Temple resident.

# **Board Forms** on File:

TRANSIT ADVISORY COMMITTEE – 2 YEAR TERMS: Meets second Thursday of every other month, 2:00 p.m.

<u>I Unexpired Term through September 1, 2011:</u> Sylvia Chesser – resigned 05-09-11; must be Temple resident and represent the elderly and not disabled population.

# Board Forms on File:

Richard Morgan (currently on Public Safety Advisory Board)
Sammy Ragsdale (currently on Library Board)
Mary Ann Rojas (currently on Building & Standards – alt. member)

# Temple

# CITY OF TEMPLE

# CITY BOARD APPLICATION FORM



The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their lime and services to the City of Temple by serving on one or more of the following boards and/or committees.

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office. City of Temple. P.O. Box 207. Temple. TX: 78503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@critemple.tx.us Residence Address 1214 North 4th Street Name Donald Gold Mailing Address Temple, TX 76501 Phone Number (Home) 254-773-8346 Cell Phone Number 760-2798 [-Mail Address golddon joe@yahoo.com Temple Resident: X Yes No Currrent Employer Nature of Business. retired-age 62-excellent health What City Boards have you served on Defore & When? Little Rock, AR City Beautiful Commission 1980s Name, in priority order, the Board or Boards on which you would prefer to serve. Parks & Leisure Services-Animal Services-Library What expenence amiliar educational packground do you have that could be applied to community service? Bachelor of Arts, Marketing/Advertising 1968- Master Social Worker 1991 Retail Apparel Chain Owner/Operator 1968-1988 Social Work Counselor (Addictions) 1993-2005 Commonts (Attach additional page if desired): Published Author-Experienced Amateur Photographer-good computer skills

Dato 6 Feb 2009

Amateur Graphic Artist (copywriting & layout)

Signed



# CITY OF TEMPLE

# CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
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CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

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- \* If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

  Name PATRICK L PHAKCON Residence Address/305 for 43 st. Temple, TX. 76 sc 4

  Mailing Address SAME Phone Number Business (Home) 771-2214

  Fax Number Cell Phone Number E-Mail Address & & ASSEN YARO, Comments (Altach additional page if desired):

  \*\*Residence Address SAME Phone Number Besidence Address/305 for 43 st. Temple, TX. 76 sc 4

  \*\*Comments (Attach additional page if desired):

  \*\*Residence Address Same Commitments, please contact the City St. Texas Parks W. India Comments (Attach additional page if desired):

  \*\*Residence Address Same Commitments, please contact the City St. Texas Parks W. India Comments (Attach additional page if desired):

  \*\*Residence Address Same Contact Comments (Attach additional page if desired):

  \*\*Residence Address Same Contact Conta

PLEASE NOTE: All information supplied on this form is public information.



# CITY OF TEMPLE

# CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

  Name Richard E. Morgan Residence Address 2/4 Worst Houston Aug.

  Mailing Address 2/4 Worst Aug. Phone Number(Business)

  Temple 1776501

  Temple 254.39.7809 Cell Phone Number 254.7600331

  E-Mail Address Cichard morgan Photographs (11.com)

  Temple Resident: Yes No

  Currrent Employer/Nature of Business: Self Employed Sole Propretor (Inical Social Worster)

  What City Boards have you served on before & When?

  Name, in priority order, the Board or Boards on which you would prefer to serve (I) Planning of Janing Commaning

  Commaning Services Advisory board (3) Tomple Public Social Horizory Board

  What experience and/or educational background do you have that could be applied to configurate service?

  Served on Numerous Committees including be County Resource Group,

  Parents Whould far theirs Board & Windows Bell County Resource Group,

  Parents Whole far theirs Board & Windows Bell County Mental Heaft!

  Comments (Attach additional page if desired): Induce a Marker of Science Desired

  In Secient Work from University of the Ass

PLEASE NOTE: All information supplied on this form is public information.

Date:

Appro PSAB 3/03/11



# CITY BOARD APPLICATION FORM

CITY OF TEMPLE



The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD **BUILDING & STANDARDS COMMISSION** CIVIL SERVICE COMMISSION CONVENTION CENTER & TOURISM BOARD ZONING BOARD OF ADJUSTMENT LIBRARY BOARD PLANNING & ZONING COMMISSION REINVESTMENT ZONE NUMBER ONE

ANIMAL SERVICES ADVISORY BOARD BUILDING BOARD OF APPEALS COMMUNITY SERVICES ADVISORY BOARD ELECTRICAL BOARD DEVELOPMENT STANDARDS ADVISORY BOARD **PARKS & RECREATION BOARD** TRANSIT ADVISORY COMMITTEE **TEMPLE HOUSING AUTHORITY** TEMPLE ECONOMIC DEVELOPMENT CORP. TEMPLE PUBLIC SAFETY ADVISORY BOARD

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us. RAGSDAKE Residence Address 582! Phone Number(Business) 743-4601 (Home) 771-Cell Phone Number 228 - 3 73 4 E-Mail Address Sammy reason Fax Number Curn ent Employer/Nature of Business: 1/5 DA - SENTOR What City Boards have you served on before & When? ALRPORT ADVISORY SEP 2005 to Suly 2006 (RESIGNED DOLE CIVIL SERVICE COMMISSION, TRANSIT ADVISORY BUARD What experience and/or educational background do you have that could be applied to community service?, BUSINESS MGT. & PUBLIC ADMINISTRATION in GRADUATE SCHOOL Comments (Attach additional page if desired): PLEASE NOTE: All information supplied on this form is public information.

\* Appointed to Library Board 8/20/09

# Sammy J. Ragsdale

5821 Fair Hill Dr

Temple, TX 76502 (H) 254-771-3643 (C) 254-228-3734 (W) 254-743-6601

# sammyragsdale@att.net

# Objective

Audit Supervisor

### **Professional Profile**

# **Audit Manager**

- COTR for annual FISMA Audit
- Created and issued Management Challenges for FTC Management
- COTR for the annual Financial Statement Audit
- Performed an External Peer Review on the Office of Inspector General, Library of Congress
- Produced an Audit Manual for the Federal Trade Commission
- Responsible for formulating annual budget
- Produced and approved the annual Audit Plan
- Created and approved the annual Training plan
- Approved payroll
- Approved travel voucher reimbursements
- Updated the FTC Audit Manual to reflect new changes in GAGAS (Yellow Book)
- Updated Audit section in the FTC Administrative Manual
- Drafted a Memorandum of Understanding with the Federal Maritime Commission for independent quality assurance reviews of audits completed by the respective commission
- Member of the FASB Social Insurance Working Group

### Senior Auditor

- Examined and analyzed accounting records to determine financial status of establishment
- Delivered oral and written presentations for audit results to senior government officials
- Reviewed data regarding material assets, net worth, liabilities, capital stock, surplus, income
  and expenditures
- Identified problems, diagnosed causes, and determined corrective actions
- Inspected items in books of original entry to determine if accepted accounting procedure was followed in recording transactions
- Was instrumental in audit that resulted in closing a bank
- Prepared reports for management concerning scope of audit, financial conditions found, source, and application of funds
- Facilitated the improvement of IT security by conducting audits of LANS, WANS, and MANS
- Consistently met or exceeded time goals in completing audits and issuing their final report
- Supervised and coordinated activities of auditors specializing in specific operations of establishments undergoing audit
- Excellent track record of training new auditors, developing audit findings that improve overall efficiency and internal controls

# Command Master Chief (U. S. Navy)

- Presented Testimony before a Congressional Sub-Committee
- Responsible for formulating personnel policy affecting approximately 1,200 people
- Held a Top Secret clearance for 21 years
- Taught numerous classes on Equal Opportunity, Sexual Harassment, Ethics and Leadership, and Total Quality Management
- Participated in the Navy's first involvement of the Total Quality Management concept

P.03/03

- Advised commander on such matters as troop welfare, health, and morale
- Assisted commander on official visits and at military ceremonies
- Identified problems, diagnosed causes, and determined corrective actions
- Expedited communication between upper level management and general personnel

# **Work History**

September 2007 - Present Senior Auditor (GS-0511-13), Office of Inspector General/U S. Department of Agriculture, Temple, TX

September 2006 - September 2007, Audit Manager (GS-0511-14, promotion potential to GS-15), Office of Inspector General/Federal Trade Commission, Washington, DC

September 1996 - September 2006, Senior Auditor (GS-0511-13), Office of Inspector General/U. S. Department of Agriculture, Temple, TX

June 1972 - July 1993, Master Chief Petry Officer, U. S. Navy, New Orleans, LA

# **Education**

Troy University, Troy, AL Bachelor's Degree - December 1982 Major: Resources Management

# Texas A&M-Kingsville, Kingsville, TX

August 1995 to August 1996 - BBA in Accounting After completing 24 sem/hrs in accounting, I was hired before graduating

University of Central Texas, Killeen, TX 1997 - 1998 - MBA

### **Awards**

Certificate of Merit for Sustained Superior Performance 09/2007 Certificate of Merit for Sustained Superior Performance 08/2006 Certificate of Merit for Sustained Superior Performance 08/2004 Certificate of Merit for Sustained Superior Performance 09/2003

Spot Award - Cash 09/2007 Spot Award - Cash 07/2001 Time-off Award 09/1997

# References

References are available on request.



# CITY OF TEMPLE

# CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

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BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM
TREE BOARD

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@cutemple or us. Name Janothic Kins Residence Address 13/3 N 8th Jemple, TX 11/50 Mailing Address Styrie Phone Number(Business) 218 8 785 (Home) 25 1-774-7661 Fax Number 35 1-713 35 19 Cell Phone Number 361-658-9632 E-Mail Address Jerge my 1815 XUCE 199 Temple Resident: \_\_\_\_ Yes Current Employer/Nature of Business: Joh Source / Employment Services What City Boards have you served on before & When? N/A Name, in priority order, the Board or Boards on which you would prefer to serve: Americal Services, Caramagita Sorvice, Central Texas Housing Consortium What experience and/or educational background do you have that could be applied to community service? I have 10 yis wink expanence in workface development and employment services. My expresence has strength-med my knowledge in formulatly reduces including state Comments (Attach additional page if desired): and ferient resources and for programs. Also, I am a college academite and would have to learn

experience may serve as a spring board into a political carrier.

Signed: 8-12-2010

PLEASE NOTE: All information supplied on this form is public information.

# Temple

Signed:

# CITY OF TEMPLE

# CITY BOARD APPLICATION FORM

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CENTRAL TEXAS HOUSING CONSORTIUM
TREE BOARD

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- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci temple tx us. Residence Address Phone Number(Business) Mailing Address E-Mail Address\_\_\_\_\_ 816.4157 Cell Phone Number Temple Resident: Current Employer/Nature of Business: CWNTR: Job Source What City Boards have you served on before & When? I have served On numerous Doards and Served as Executive Directory Westerne Bards in Co. pys China and Lubbick. I have broad experience in community service, economicate delopment Name, in priority order, the Board or Boards on which you would prefer to serve: 1) Temple Conomic Development (orp. 3) commint service TRANSUT ITAN SOM CC What experience and/or educational background do you have that could be applied to community service? Denvi Exteritive Experience Small business owner on Deiruminity, education, Level opment, and world torse sugrams Local Heatend State Comments (Attach additional page if desired): new interested in becoming involve Knowledge, experience and edu

PLEASE NOTE: All information supplied on this form is public information. Appt & Blog & Standards (A)

Date:

Resumé - 70520045 Page 1 of 3

MARY A ROJAS

1313 N 8TH ST TEMPLE, TX 76501-2036 (254) 774-7061

**Career Objectives** 

Senior Level Executive/Entrepreneur seeking similar position in Central Texas area

### **Summary of Qualifications**

Senior Executive with 10 plus years in the Chief Executive role in the public sector and 5 years as small business owner. Recognized for collaborative work style and leadership with proven success in developing and implementing successful projects.

### **Work History**

Oct 01, 2009 - Dec 31, 2009

# Southwest Key Programs - Austin, Texas

Chief Program Officer

Responsible for start up phase of newly acquired project. Direct and guide the implementation of business plan, work with senior management on transition of workforce services contract personnel, develop service plans, operational plans, monitoring plans and general oversight of program implementation and performance. Recruit senior level talent to meet the needs of system. Develop and implement program goals. Achieved performance standards in first quarter of contract. Develop and motivate staff. Complete monthly management reports, approve leave, evaluate performance of staff. Provide guidance and direction to senior level and front line staff. Work with staff and board to ensure expenditure performance. Review budgets and make recommendations as appropriate to meet financial and programmatic goals.

Mar 12, 2005 - Sep 30, 2009

# Workforce Solutions of the Coastal Bend - Corpus Christi, Texas Executive Director

Responsible for implementing regional strategic plan. Work in support of 34 member volunteer board and 13 member chief elected officials to guide, develop and sustain the regional workforce plan. Provide leadership and support to 28 administrative staff and 100 direct service staff throughout 12 county area offices. Led organization through 18 month financial recovery plan consisting of system re-design and re-organization. Implemented 5 year plan and achieved all objectives and exceeded expectations. Provided leadership and guidance to senior level staff responsible for marketing, IT, procurement, fiscal and general operations area. Represent board at committees, local and state boards. Work in concert with local stakeholders, industry partners, economic development organizations, counties, cities, school districts, colleges and universities and other community partners to develop programs, address needs and work collaboratively to create beneficial and sustainable solutions. Exercised professionalism at all times. Present information at conferences, panels, workshops etc. Approve and execute contracts, documents, agreements on behalf of Board. Work with board members and executive committee to ensure regional strategic plan is implemented to benefit intended recipients. Monitor expenditures and ensure program objectives are met in agreement to terms of state contract. Act a lead spokesperson for organization, participate in on-screen, radio and print interviews. Prepare presentations, speeches, executive summaries, board reports, agendas, articles and papers as required. Review, approve and edit local policies and procedures. Review management reports and monitor contractor performance. Collaborate with industry executives to develop award winning service delivery model.

Jan 02, 2001 - Feb 15, 2001

# Workforce Solutions South Plains - Lubbock, Texas

**Executive Director** 

Responsible for implementing regional strategic plan for 15 county region. Provided direction and leadership to 28 member board and 16 member chief elected officials. Create and develop award winning programs in collaboration with cross section of community partners. Worked with industry leaders and local universities to form the South Plains Nursing community education coalition to address the nursing workforce shortages in the region. As a result a collaborative of nursing schools, industry partners, chambers of commerce and economic development partners raised over 5 million dollars through fund raising and matching grants which garnered national attention. Implemented a performance improvement plan resulting in state financial awards. Provided leadership and guidance to 15 member board staff and 100 direct service staff. Review contracts, documents, monitoring reports, write articles, review and approve policy. Assist in grant writing, review and approval. Act as spokesperson for organization. Represent organization at conferences, events,

Resumé - 70520045 Page 2 of 3

meetings, local and state boards. Work collaboratively with industry partners to address workforce issues and implement solution based strategies. Approve budgets, make recommendations to board, prepare agendas, executive summaries, and participate in conference and event planning. Provide monetary funding to local youth projects. Developed rural outreach initiative to enhance services to rural areas. Founding member of West Texas Allied Communities, an entrepreneurial program which resulted in jobs created in rural Texas. Oversee IT, procurement, monitoring, planning and fiscal departments. Executed contracts, agreements, financial awards on behalf of board.

Sep 10, 1995 - Feb 01, 2001

Job Source - Wichita Falls, Texas

Owner/President

Responsible for the overall business operation and day to day activities. Hire, train and motivate staff. Complete case reviews, open files and develop service plans for individual clients. Accepted referrals from Texas and Oklahoma state rehabilitation agencies. Attend trainings, meetings and conferences. Provide job development, job coaching and placement services. Prepare and submit monthly reports and invoices for payment. Keep financial records, complete state and federal quarterly reports. Secure leases, execute contracts, research opportunities and work with employers on daily basis to meet their individual staffing needs. Work with accountants, attorneys, insurance agents and other professionals on business related matters. Set goals, implement revenue generation strategies, consistently monitor and evaluate business plan. Acquired knowledge of state tax credits, state workforce agencies and state workforce boards. Represented company on local workforce board and acted as Chairwoman of the board in 1999-2000.

### Education

Jun 1989 - Aug 1994

Midwestern State University - Wichita Falls, Texas

Education Level: Bachelors Degree

Major: management

GPA: 2.9 Graduated: Yes

# **Occupational Experience**

Chief Executives (10 yrs 0 mos)

General and Operations Managers (15 yrs 0 mos)
Administrative Services Managers (10 yrs 0 mos)

Product Safety Engineers ( 0 yrs 0 mos )

# Computer Skills

Typing Speed: 50 Words Per Minute

- EMail Software (Outlook, Thunderbird, etc)
- Internet Browser (Internet Explorer, Firefox, etc)
- Personal Computers
- Presentation Software (PowerPoint, Flash, etc)
- Spreadsheet Software (Calc, Excel, etc)
- Word Processing Software (Word, WordPerfect, etc)

# Language Skills

English - Excellent ( Read Write Speak)
Spanish - Good ( Read Write Speak)

### Additional Skills

Government Executive with over 10 years experience. Working knowledge of public boards, developing regional strategic plans, working with elected officials and industry leaders on local and regional issues. Skilled and experienced in developing plans to meet strategic objectives. Worked with Chambers of Commerce, Economic Development Agencies, Associations and community stakeholders, act as chief spokesperson for the organization. Experienced in directing, managing and planning in a complex environment. Experienced managing multi-million dollar budget, and directing planned expenditures and forecasting activities. Led team of senior managers and directors. Prepare board agendas. Knowledgeable of Open meetings act and compliance requirements. Knowledgeable of process for administering federal programs.

Resumé - 70520045 Page 3 of 3

# **Driver's License**

Class C - Standard Driver's License

### References

Arnold Saenz County Judge Jim Wells County (361) 668-5706

Rosie Collin
Director
Ingleside Local Redevelopment Authority
(361) 510-4448
vrcollin@gtek.biz

# Mona Statser

Executive Director/Colleague North Texas Workforce Development Board (940) 767-1432 mona.statser@twc.state.tx.us



#### CITY OF TEMPLE



#### CITY BOARD APPLICATION FORM

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TEMPLE PUBLIC SAFETY ADVISORY BOARD
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CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us. Residence Address 24/9 FRC1 Add Phone Number(Business)\_\_\_\_ (Home) スケゲー / チャーファルコ Mailing Address Cell Phone Number 254 (493-9085 E-Mail Address R Jase 2513 (2001) Com Fax Number Yes Temple Resident: Currrent Employer/Nature of Business: What City Boards have you served on before & When? Keep Temple Beau htul 4415 Name, in priority order, the Board or Boards on which you would prefer to serve:  $C_{ij}$   $C_$ Animal Succes Ady Bid. What experience and/or educational background do you have that could be applied to community service? Red CASS PRASTER TEUM TEMPERATHA Case actional Comments (Attach additional page if desired): terns as a

\* Appointed to Library Board 8/20/09

PLEASE NOTE: All information supplied on this form is public information.

 $\checkmark$ 

#### ANIMAL SERVICES ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Dr. Lance Crews, Veterinarian	01/03	standing	Animal Medical Care 1604 W. Avenue H Temple, TX 76502 amc@vvm.com	778-5246 W 913-8450 M 778-6327 F
Carole Owen	09/10	2013	1203 North 9 <sup>th</sup> Temple, TX 76501 ritescot@aol.com	791-1365 H 760-1437 C
Barbara Brown, Chair	10/07	2011	4402 Lonestar Trail Temple, TX 76502 hbbrown76502@sbcglobal.net	771-2832 H
Patsy Luna, Mayor Pro Tem/Councilmember District 2	01/03	standing	216 South 26 <sup>th</sup> Street Temple, TX 76501 pluna@ci.temple.tx.us	773-5870 H
Amy Strunk, Animal Shelter Operator	09/09	2012	Animal Shelter 620 Mama Dog Circle Temple, TX 76504 astrunk@ci.temple.tx.us	298-5732 W
Gene Moeller OMA Resigned 4-15-11	09/08	2012	8715 Trailridge Temple, TX 76502 Bodiddle36@aol.com	780-2948 H 541-1733 M
Krissy Whittington, APAC	03/08	2012	P O Box 2351 Temple, TX 76503 krissyw@fcttx.com	773-7750 W 931-0840 M
Walter Hetzel, Animal Services Director	Ex-Officio		Animal Shelter 620 Mama Dog Circle Temple, TX 76504 whetzel@ci.temple.tx.us	298-5742

Created July 3, 1975 by Ordinance #830; reorganized in 1988 under Ordinance #1892; board repealed and re-established as Animal Services Advisory Board under Resolution No. 2003-3589-R, January 16, 2003.

**Purpose:** To advise the City Council and City staff on matters relating to the City's Animal Services Division and its operations. The Board is specifically charged with ensuring that the City complies with State law requirements relating to the operation of animal shelters (currently found in Chapter 823 of the Texas Health and Safety Code. The Board shall submit each March a report to the City Council describing the Board's activities during the preceding year.

**Membership:**7 members - to include 1 licensed veterinarian, 1 representative from an animal welfare organization, 1 municipal official, 1 person who duties include the daily operation of an animal shelter and 3 additional members that are residents of the City of Temple. Chair to be appointed by Council annually.

**Terms:** 3 years **Meeting Time/Place:** 2<sup>nd</sup> Monday of every other month; 11:00 am; Board must meet at least 3 times per year.

Revised: 08/19/10

City Staff: Walter Hetzel, Animal Services Director; Clydette Entzminger, City Secretary

#### TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS APPOINTED BY: MAYOR/COUNCIL

TERM EXPIRATION. SEP	I		NS APPOINTED BY. MAYC	1,000,1012
MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore	06/05	2012	2005 East Avenue K, 76501	773-3589 H
John Mayo Resigned 5-11-11	04/10	2012	6918 Valley Mist, 76502 <u>John.Mayo@hotmail.com</u>	773-9966 W 541-6816 C
Twila Coley	09/10	2013	714 South 13 <sup>th</sup> Street, 76504 Tcoley3@att.net	931-7669 W/C
John Bush	09/09	2013	1302 North 13 <sup>th</sup> , 76501 <u>Jbush83498@sbcglobal.net</u>	774-8899 W 773-1416 H 760-9313 C
Donald W. Nelson	09/09	2012	3105 Hemlock Blvd., 76502 <u>Dnelson8@hot.rr.com</u>	778-1803 H/F
Sylvia Chesser	09/10	2013	802 Westpoint Dr., 76504 Kd5usi@aol.com	771-1171 H
Dee Blackwell	09/10	2013	8520 Oak Crossing, 76502 dahblackwell@hotmail.com	228-5609 H 541-8873 C
Richard Morgan	03/11	2013	214 West Houston, 76501 richardmorgan@hot.rr.com	634-4244 W 760-0331 C
Temikia Brown	09/09	2012	P O Box 1702, 76503 temikiabrown@aol.com	780-2822 H 778-8036 W 217-5476 C
Margaret Goodwin	06/10	2013	3206 Keller Road, 76504 mag47goo@msn.com	541-0894 C
Jeff Blackwell	11/10	2011	8520 Oak Crossing, 76502 jblackwell@swmail.sw.org	228-5609 H 541-8874 C
Gerald Richmond	09/05	2011	3210 Glenwood Drive 76502 n5zxj@n5zxj.us	773-6868 W 771-3006 H 913-7041 C
Bennie Trevino	11/10	2011	1003 South 13 <sup>th</sup> Street, 76504  Bnn_trevino@yahoo.com	771-3859 H
Arben "Benny" Ismaili	09/07	2011	2787 S. MLK Dr. #2203 arben1976@hotmail.com	771-0169 W 231-7824 C
John Barina	09/08	2011	2109 Stagecoach Trl 76502 johnbarina@hot.rr.com	760-6525 W/C 773-9580 H

Created by Resolution 94-641-R February 3, 1994; previously under authority of resolution adopted September 1, 1983 as Temple Law Enforcement Advisory Board.

**Purpose:** Advise the Council on matters of law enforcement, fire, emergency medical service, communications and emergency management.

Membership: 15 members - all residents of the City;

Ex-Officio members - Chief of Police, Fire Chief

Term: 3 years

City Staff: Police Chief Gary Smith/Fire Chief Lonzo Wallace

Meeting Time/Place: 2nd Tuesday of each month at 6:00 p.m., Temple Police Department. Revised 03/03/11

#### TRANSIT ADVISORY COMMITTEE

TERM EXPIRATION: SEPTEMBER - 2 YEAR TERMS APPOINTED BY:MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Sylvia Chesser  KD5usi@aol.com  Resigned 5-09-11	09/09	2011	802 Westpoint Drive Temple, TX 76504	771-1171 H
Todd Adams Todd-adams@live.com	09/05	2011	505 North 2nd , Apt. 303 Temple, TX 76501	778-4630 H
Esther Roque,Vice Chair esther.roque@co.bell.tx.us	09/06	2011	5007 Williams Drive, 76504 11 North 2 <sup>nd</sup> (mail) Temple, TX 76501	228-5060 H 770-6838 W 770-6837 F
Vickie Gideon, Chair vickieg@workforcelink.com	09/07	2012	2706 Pin Oak Temple, TX 76502	742-4413 W 778-3445 H 760-1226 C
Deanna DeGraaff vipdegraaff@att.net	09/10	2012	815 West French Avenue Temple, TX 76501	778-5073 H 718-8998 C
Nancie Etzel NEtzel27@aol.com	09/10	2012	329 Big Timber Drive Temple, TX 76502	780-9898 H
Justice Bigbie jbnavyman@hot.rr.com	09/10	2012	108 Sundance Drive Temple, TX 76502	742-2171 H 421-0849 C

Created by Resolution No. 2000-2812-R, December 7, 2000; replaces previous Transit Advisory Board.

**Purpose:** Review operations of Temple Transit System and make suggestions for service enhancements; make advisory policy recommendations to the City Council; attend public hearing regarding system changes conducted by the contractor and report finding to the City Council and to the Hill Country Transit District Board of Directors.

**Membership:** 7 members, all residents of City; one member shall be elderly and not disabled, one member shall be disabled, and three members shall be citizens who are not program participants. Committee has recommended two remaining positions be filled with representation from the health, education or business community.

Term: 2 years

**Meeting Time/Place:** Second Thursday of every other month, 2:00 p.m., as needed, Temple Public Library, 3<sup>rd</sup> Floor Board Room

City Staff: Kim Foutz, Asst. City Manager Revised 08/19/10



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #12 Regular Agenda Page 1 of 1

# **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to execute a letter of intent to acquire the Bend O' River property located at 7915 South General Bruce Drive.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> This item will be discussed in Executive Session during the Council workshop. Additional information will be presented during the regular meeting prior to Council's consideration of this item.

FISCAL IMPACT: None at this time.

**ATTACHMENTS:** None



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/11 Item #13 Regular Agenda Page 1 of 2

#### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing an assignment of the nonemergency ambulance transfer service franchise from Central Texas EMS, L.L.C., to Acadian Ambulance Service, Inc.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

<u>ITEM SUMMARY</u>: In 2008, the City Council approved a five year non-emergency ambulance transfer service franchise for Central Texas EMS. Central Texas EMS's franchise will expire on November 7, 2013.

Central Texas EMS is in discussions with Acadian Ambulance Service, Inc. to acquire the assets of Central Texas EMS, including their franchise agreement with the City. Their acquisition of the assets of Central Texas EMS is conditioned upon the City approving a transfer of the franchise from Central Texas EMS to Acadian Ambulance Service. Central Texas EMS is requesting that the City Council consent to the assignment of their franchise agreement to Acadian Ambulance Service.

Acadian Ambulance service provides both non-emergency and/or emergency ambulance service in a number of cities and counties in Texas, Louisiana and Mississippi. In Texas, they provide emergency and non-emergency transfer service in Port Arthur and Nederland in the Houston area and non-emergency service for Beaumont. They are active in Bexar County for a number cities, and in Austin they have provided non-emergency ambulance transfer service since 2007. We have been provided with letters of good standing from the City of Austin and the Commission on Accreditation of Ambulance Services. Here is a link to Acadian's website: <a href="http://www.acadian.com/site.php">http://www.acadian.com/site.php</a>. Here's an excerpt from their website about the company's history:

We began our operation in 1971—a time of crisis in Lafayette, Louisiana—as the departure of funeral homes from the ambulance transportation field brought on a nationwide emergency due to new federal regulations. In the midst of that crisis, Acadian Ambulance was established and trained the first Emergency Medical Technicians (EMTs) in the state of Louisiana. Our two ambulances and eight employees served the 279 square miles of Lafayette Parish. Our first membership drive enrolled 8,400 members. Returning Vietnam veterans with medic experience provided our initial source of manpower.

Four decades and six subsidiaries later, Acadian has grown to nearly 3,000 employees—ranging from Nationally Registered Emergency Medical Technicians (NREMTs) and pilots to health and safety professional and support staff—over 250 ground ambulances, helicopters, fixed-wing airplanes, van/bus transports, and stations in parishes/counties spanning Louisiana, Texas, and Mississippi. Our monitoring services have even expanded into the Midwest where a newly established center now functions in Chicago, Illinois.

Since its inception, Acadian has been recognized as one of the nation's best emergency medical services in the industry. Our incorporation of the latest and greatest technology, superior service, and innovation in the medical field has earned us honors and led to our tremendous growth.

Under Section 5-43 of the City Code and pursuant to Section 10.4 of the City Charter a City franchise agreement may not be transferred or assigned without the consent or approval of the City Council. Section 10.4 also requires a four fifth (4/5) affirmative vote to approve a transfer.

If the City Council approves an assignment of the franchise agreement to Acadian Ambulance Service, Acadian will be bound by all of the terms and conditions of Central Texas EMS franchise agreement, including the remaining term, compensation to the City, and liability insurance requirements.

FISCAL IMPACT: N/A

## **ATTACHMENTS:**

Letter requesting an assignment Copy of franchise agreement Two letters of good standing for Acadian Ambulance Service

Resolution - to be provided



May 12, 2011

Jonathan Graham City Attorney City of Temple 2 North Main Street Temple, Texas 76501

Subject: Consent to Assignment of Franchise

Dear Mr. Graham:

This letter is delivered with respect to that certain Ordinance No. 2008-4262 granting to Central Texas EMS, LLC ("CTEMS") a franchise for a non-exclusive, non-emergency transfer service in the City of Temple (the "Franchise"). Article III, Chapter 5, Section 5-43 of the City Code of the City of Temple requires that no assignment, sale or subletting of any part of the Franchise shall ever be made without first receiving written approval of the City Council of the City of Temple. CTEMS is considering a proposed transaction with Acadian Ambulance Service, Inc. ("Acadian"), for the acquisition of substantially all of the assets of CTEMS by Acadian, including, without limitation, the Franchise (the "Proposed Acquisition").

In order to comply with the Franchise, CTEMS is hereby seeking your consent to the assignment of the Franchise to Acadian in connection with the Proposed Acquisition conditioned upon and subject to the closing of the Proposed Acquisition. Please note that Aaron Reese (our Vice President, COO and CFO) and myself will be working with Acadian as consultants to ensure that the operations continue smoothly and to assist with relationships, such as that with the City of Temple. Please let me know what additional information and/or documentation you need in relation to this request. If the foregoing is acceptable to the City Council, please execute the enclosed copy of this letter and return an executed copy to my attention at your earliest convenience.

Best regards,

David Phillips
President and CEO

Email: david@centraltexasems.com

Cell: 512-966-2096

Letter to City of Temple
Re: Consent to Assignment of Franchise
ACKNOWLEDGED AND ACCEPTED:
On behalf of the City Council of the City of Temple

By:\_\_\_\_\_
Print Name:\_\_\_\_\_

Title:

From Central Texas EMS

May 12, 2011

## ORDINANCE NO. 2008-4262

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO CENTRAL TEXAS REGIONAL EMS, A NON-EXCLUSIVE FRANCHISE FOR FIVE YEARS TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF TEMPLE, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set out therein;

WHEREAS, Central Texas Regional EMS has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple; and

WHEREAS, Central Texas EMS has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

<u>PART 1</u>: A non-exclusive franchise is granted to Central Texas Regional EMS, pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

#### PART 2: Definitions.

As used in this ordinance, the following words and phrases shall have the meaning ascribed in this section:

- (a) City shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words in the City or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.
- (b) Company, Transfer Service Franchise Holder, as used herein, unless the context clearly indicates otherwise, shall mean Central Texas Regional EMS, or its legally approved successors and assigns.

- (c) Ambulance or Transfer Service shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.
- (d) Transfer Service or Non-Emergency Ambulance Transfer Service means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.
- (e) *Emergency* is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.
- (f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

## PART 3: Notice and Extent of Grant.

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 7, 2013**, to Company in consideration of the payment of a franchise fee as provided in Part 4 of this ordinance.

# PART 4: Standards and Requirements for Personnel, Vehicles and Equipment.

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

#### PART 5: Payment to the City Required; Franchise Fee.

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States, three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding

calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the grantee to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The grantee herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

### PART 6: Rates.

- (a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the constitution, the laws of the State, and the Charter confer upon the City.
- (b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

## PART 7: Liability Insurance Required.

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

- (a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;
- (b) name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;
- (c) not contain a passenger liability exclusion; and

(d) provide for at least thirty (30) days prior written notice of cancellation to the City.

## PART 8: Conditions of Franchise Granted.

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

## PART 9: Manner of Giving Notice.

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

### PART 10: Public Convenience and Necessity.

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

# PART 11: Performance Bond and Revocation Clause.

- (a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.
- (b) If the transfer service franchise holder violates any provision or standard of this ordinance the franchise will be subject to revocation by the City Council of the City of Temple.
- <u>PART 12</u>: This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.
- <u>PART 13</u>: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.
- <u>PART 14</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 15</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 on the 2<sup>nd</sup> day of October, 2008.

PASSED AND APPROVED on Second Reading on the 16th day of October, 2008.

PASSED AND APPROVED on Third and Final Reading and Public Hearing on the 6<sup>th</sup> day of November, 2008.

ATTEST:

City Secretary

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Jonathan Graham City Attorney

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# **Agreement of Franchisee**

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

The franchisee, Central Texas Regional EMS, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. 2008-4262 granting a non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this 30 day of December, 2008.

CENTRAL TEXAS REGIONAL EMS

By:



November 13, 2008

Mr. Christopher Cirillo Vice President - Operations Acadian Ambulance Service 4100 Ed Bluestein Blvd. Austin, Texas 78721

Re: Verification of City of Austin Franchise Status

Dear Mr. Cirillo:

As you requested, I am writing to verify that Acadian Ambulance Service holds a franchise with the City of Austin for non-emergency medical transfer services. Acadian was awarded this franchise on August 30, 2007 and has remained in good standing with the City of Austin since that date.

Sincerely,

James Shamard, Assistant Director - Operations
Austin – Travis County Emergency Medical Services



Commission on Accreditation of Ambulance Services 1926 Waukegan Rd., Suite 1 Glenview, IL 60025 -1770 ph 847-657-6828 fax 847-657-6825 Website: www.caas.org

July 8, 2010

Bill Vidacovich **CAAS** Coordinator Acadian Ambulance Service 300 Hopkins Street Lafayette, LA 70501

Dear Bill:

The Commission on Accreditation of Ambulance Services is pleased to recognize your accreditation with the enclosed bronze plaque.

We salute your dedication to excellence in the delivery of emergency medical services and hope that you will let us know how we can continue to support your quality efforts in the field.

Sincerely,

Sarah L. McEntee **Executive Director** 

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Representatives:

Board of Directors 

American Ambulance **Association** 

> International Association of Fire Chiefs

■ National Association of **Emergency Medical Technicians**  ■ National Association of **EMS Physicians** 

■ National Association of State EMS Directors

Board Liaison: M National Highway Transportation Safety Administration

## **RESOLUTION NO. 2011-6307-R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ASSIGNMENT OF THE NON-EMERGENCY AMBULANCE TRANSFER SERVICE FRANCHISE FROM CENTRAL TEXAS EMS, LLC, TO ACADIAN AMBULANCE SERVICE, INC.; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** in 2008, the City Council approved a 5-year non-emergency ambulance transfer service for Central Texas EMS, LLC, which will expire on November 7, 2013;

Whereas, Central Texas EMS has requested a transfer of their franchise agreement to Acadian Ambulance Service who will acquire their assets, including the franchise agreement with the City of Temple, if the transfer is approved by the City Council:

Whereas, the City of Temple has received 2 letters of good standing for Acadian Ambulance Service from the City of Austin and the Commission on Accreditation of Ambulance Services;

Whereas, under Section 5-43 of the City Code and pursuant to Section 10.4 of the City Charter a City franchise agreement may not be transferred or assigned without the consent or approval of the City Council – Section 10.4 also requires a 4/5<sup>th</sup> affirmative vote to approve a transfer; 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, or his designee, to execute a *Consent of Assignment of Franchise* authorizing the transfer of the 5-year non-emergency franchise agreement from Central Texas EMS, LLC, to Acadian Ambulance Service, Inc.

<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 19<sup>th</sup> day of May, 2011.

WILLIAM A. JONES, III, Mayor

THE CITY OF TEMPLE, TEXAS

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger	Jonathan Graham	
City Secretary	City Attorney	